Land Development Code Rewrite

RICHLAND COUNTY

CLARION planning NEXT McBrideDALE CLARION

Adopted November 16th, 2021

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ARTICLE 26-1. GENERAL PROVISIONS

Commentary

Article 26-1: General Provisions contains important provisions that pertain to the regulations as a whole. The article contains 11 sections that:

- Establish the title, or official name, of the document;
- Establish the date when the LDC becomes effective;
- State the County Council's purpose and intent in adopting the LDC;
- Identify the statutory authority for the County Council to adopt the LDC;
- Set out activities to which the regulations in the LDC apply;
- State that the LDC is intended to implement objectives of the County's Comprehensive Plan and ensure that all development in the County's jurisdiction is in accordance with the Comprehensive Plan;
- Clarify that the stricter regulation applies in cases where there is a conflict between two LDC regulations or between LDC provisions and state or federal law;
- Adopt and incorporate by reference the County's Official Zoning Map, and establish requirements for maintaining, interpreting, and amending the map;
- Establish rules governing the rights of development approved under the previous regulations and pending development applications submitted before the effective date of the LDC;
- Provide a severability provision in the event a portion of the code is struck down by a court of law; and
- Repeal and replace the current LDC.

This version of the LDC was adopted on November 16th, 2021. The effective date is set for May 2nd, 2022, and may be subject to change.

Sec. 26-1.1. Title

This chapter shall be officially known as "The Land Development Code of Richland County, South Carolina," and may be referred to as "the LDC" or "this Ordinance."

Sec. 26-1.2. Effective Date

This Ordinance shall become effective on May 2nd, 2022.

Sec. 26-1.3. Purpose and Intent

The purpose and intent of the LDC is to guide development in accordance with the County's Comprehensive Plan and existing and future needs of the County in order to promote the public health, safety, morals, convenience, order, appearance, prosperity, and general welfare. The LDC is enacted and designed to exercise the full range of authority available to the County in accordance with State law to:

(a) Provide for adequate light, air, and open space;

(b) Prevent the overcrowding of land, avoid undue concentration of population, and lessen congestion in the roads;

(c) Facilitate the creation of a convenient, attractive, and harmonious community;

(d) Protect and preserve scenic, historic, cultural, and ecologically sensitive areas;

(e) Regulate the density and distribution of populations and the uses of buildings, structures, and land for trade, industry, residence, recreation, agriculture, forestry, conservation, airports and approaches thereto, water supply, sanitation, protection against floods, public activities, and other purposes;

(f) Facilitate the adequate provision or availability of transportation, police and fire protection, water, sewage, schools, parks and other recreational facilities, affordable housing, disaster evacuation, and other public services and requirements as are set forth in this Ordinance;

(g) Secure safety from fire, flood, and other dangers;

(h) Encourage development of land within the County that renders the County economically sound;

(i) Assure the timely provision of required streets, utilities, and other facilities and service to new land developments;

(j) Assure the adequate provision of safe and convenient traffic access and circulation, both vehicular and pedestrian, in and through new land developments;

(k) Assure the provision of needed public open spaces and building sites in new land developments through the dedication or reservation of land for recreational, educational, transportation, and other public purposes;

(l) Assure, in general, the timely development of new areas and redevelopment of previously developed areas in harmony with the Comprehensive Plans of Richland County and its municipalities;

(m) Support infill development and development that integrates a mix of residential and nonresidential uses in appropriate locations in accordance with the County's Comprehensive Plan;

(n) Facilitate the provision of a variety of housing options for County residents;

(o) Ensure the use of land is compatible with the use of neighboring lands and the desired character of the zoning district in which it is located and of adjacent zoning districts; and

(p) Further the public welfare in any other regard specifically cited in the LDC or specified by the Richland County Council.

Sec. 26-1.4. Authority

(a) The County Council is authorized to adopt the LDC in accordance with the enabling authority in Title 6 of the Code of Laws of South Carolina (1976), as amended, including but not limited to Chapter 7, Chapter 29, and Chapter 31 of Title 6, and including all provisions located elsewhere in the Code of Laws of South Carolina citing any applicable authority.

(b) Whenever any provision of this Ordinance refers to or cites a section of the Code of Laws of South Carolina or of a federal law and that section is later amended, this Ordinance shall be deemed amended to refer to the amended section.

Sec. 26-1.5. Applicability

(a) General Applicability

(1) Unless stated otherwise in this Ordinance, the standards and regulations set forth in this Ordinance shall apply to any use or development of land within the unincorporated portion of Richland County, South Carolina.

(2) Development shall not occur except in accordance with the requirements of this Ordinance and all other applicable County, State, and federal ordinances, laws, statutes, and regulations.

(3) Unless stated otherwise, the standards and requirements of this Ordinance are minimum requirements.

(b) Applicability to Government Entities

(1) The provisions of this Ordinance shall apply to development by the County or its agencies and departments, or on land owned or otherwise controlled by the County.

(2) To the extent allowed by law, the provisions of this Ordinance shall apply to development by the County, State, or federal government or its agencies, departments, or corporate services, or on land owned or otherwise controlled by the County, State, or federal government.

(c) Homes for the Handicapped

A home providing 24-hour care to nine or fewer mentally or physically handicapped persons may be located in the County in accordance with S.C. Code § 6-29-770(E).

Sec. 26-1.6. In Accordance with Comprehensive Plan

This Ordinance is intended to implement objectives of the County's Comprehensive Plan and ensure that all development in the County's jurisdiction is in accordance with the Comprehensive Plan.

Sec. 26-1.7. Relationship with Other Laws, Covenants, or Deeds

(a) Conflicts with Provisions of Adopted Codes or Ordinances

(1) If a provision of this Ordinance is inconsistent or conflicts with another provision of this Ordinance or with a provision found in other adopted ordinances or codes of the County, the more restrictive provision shall govern unless the terms of the more restrictive provision specify otherwise. The more restrictive provision is the one that imposes greater restrictions or burdens, or more stringent controls.

(2) When there is a conflict between an overlay zoning district and an underlying base zoning district, the provisions of the overlay district shall control. When there is a conflict between provisions of two or more applicable overlay zoning districts, unless otherwise stated in this Ordinance, the more restrictive provision controls.

(3) When it is possible to implement, administer, or construe a particular provision of this Ordinance in more than one way, it shall be implemented, administered, or construed in a way that eliminates or minimizes conflicts with other provisions of the LDC.

(b) Conflicts with State or Federal Law

If the provisions of this Ordinance are inconsistent or conflict with the laws or regulations of the State or federal government, the more restrictive provision shall control, to the extent permitted by law. The more restrictive provision is the one that imposes greater restrictions or burdens, or more stringent controls.

(c) Relationship to Restrictive Covenants and Deed Restrictions

(1) The County shall not be responsible for monitoring or enforcing easements, covenants, deed restrictions, or other agreements between private parties. Private easements, covenants, and restrictions notwithstanding, all development, unless expressly exempted by this Ordinance, shall comply with the minimum requirements of this Ordinance.

(2) In accordance with State law, application forms and/or instructions for land development permits or approvals other than those authorizing the building or placement of a structure on a tract or parcel of land shall inquire whether the subject tract or parcel of land is restricted by any recorded covenant that is contrary to, conflicts with, or prohibits the proposed activity. If the County has actual notice of such a restrictive covenant, whether from the application or from any other source, the County shall not issue approval of the permit in violation the covenant unless the County receives written confirmation and proof from the applicant that the restrictive covenant has been released for the tract or parcel of land by action of the appropriate authority or property holders, or by court order. The issuance of a development approval or permit does not affect the applicant's obligations under any recorded covenants.

Sec. 26-1.8. Official Zoning Map

(a) Establishment

Land subject to this Ordinance is divided into the various base, planned development, and overlay zoning districts established in Article 26-3: Zoning Districts. The location and boundaries of the zoning districts shall be shown on a series of maps entitled, “Zoning Map of Unincorporated Richland County, South Carolina,” which may also be referred to as the “Official Zoning Map.” The Official Zoning Map, including all its notations, is incorporated herein by reference and made part of the LDC. The Official Zoning Map shall be the final authority as to the status of the zoning district classification of land in the County.

(b) Maintenance and Distribution

The Richland County Planning and Development Services Department shall keep on file the original and all revised versions of the Official Zoning Map in digital form. A copy of the Official Zoning Map shall be available for inspection by the general public on the County’s website. A copy of the Official Zoning Map, prior maps, and information about prior map amendments shall be made available for inspection by the general public in the Department’s office at any time during the County’s normal business operating hours.

(c) Interpretation of District Boundaries

The Zoning Administrator is authorized to determine the location of zoning district boundaries as shown on the Official Zoning Map in accordance with Sec. 26-2.5(q), Interpretation, except

the Flood Coordinator shall determine the location of the FP-O District boundaries in accordance with Sec. 26-2.5(q), Interpretation.

(d) Amendment of District Boundaries

(1) Amendments to zoning district boundaries or other matters portrayed on the Official Zoning Map shall be made in accordance with Sec. 26-2.5(b), Zoning Map Amendment, or Sec. 26-2.5(c), Planned Development.

Sec. 26-1.9. Transitional Provisions

(a) Violations Continue

Any violation of any provision repealed and replaced by this Ordinance (see Sec. 26-1.11, Repeal of Preexisting Regulations) shall continue to be a violation under this Ordinance unless the development complies with the express terms of this Ordinance.

(b) Completed Applications upon Which No Final Action Taken

(1) Any development application submitted and accepted as complete before May 2nd, 2022, but still pending final action as of that date, shall be reviewed and decided in accordance with the regulations in effect when the application was accepted as complete. To the extent such an application is approved and proposes development that does not comply with this Ordinance, the subsequent development, although permitted, shall be nonconforming and subject to the provisions of Article 26-7: Nonconformities.

(2) Completed applications shall be processed in good faith and shall comply with any time frames for review, approval, and completion as established in the regulations in effect at the time of application acceptance. If the application fails to comply with the required time frames or if final action has not been taken on the application May 2nd, 2024, the application shall expire, and future development shall be subject to the requirements of this Ordinance.

(3) An applicant with a pending application accepted before May 2nd, 2022 may opt to have the proposed development reviewed and decided under the standards of this Ordinance by withdrawing the pending application and submitting a new application in accordance with the standards of this Ordinance.

(c) Approved Applications

(1) Any development approval granted before May 2nd, 2022 shall remain valid until its expiration date. Developments with valid approvals or permits may be carried out in accordance with the terms and conditions of their approval and the development standards in effect at the time of approval, provided the permit or approval is valid and has not expired. If the prior approval expires or is revoked (e.g., for failure to comply with the terms and conditions of approval), any subsequent development of the site shall not occur until all required development approvals and permits are obtained in accordance with the procedures and standards of this Ordinance.

(2) To the extent a prior-approved application proposes development that does not comply with this Ordinance, the subsequent development, although permitted, shall be nonconforming and subject to the provisions of Article 26-7: Nonconformities.

(d) New Applications

Any application that is submitted or accepted as complete after May 2nd, 2022 is subject to the requirements and standards in this Ordinance.

(e) Zoning Districts

Table 26-1.9(e): Zoning District Equivalencies provides equivalencies between the 2005 Land Development Code Zoning Districts and those within this code. The equivalent zoning districts are the districts that are the most similar between the codes in relation to intent, development type, and overall character. The table is for reference purposes only and should not be relied up upon after the effective date of this Ordinance.

TABLE 26-1.9(e): Zoning District Equivalencies

Former Zoning District	New Zoning District
PR: Parks & Recreation	OS: Open Space
TROS: Traditional Recreation Open Space	OS: Open Space
RU: Rural	AG: Agricultural
	HM: Homestead
RR: Rural Residential	HM: Homestead
	RT: Residential Transition
RS-E: Residential Single-family Estate	R1: Residential 1
RS-LD: Residential Single-family Low-Density	R2: Residential 2
RS-MD: Residential Single-family Medium-Density	R3: Residential 3
RS-HD: Residential Single-family High-Density	R4: Residential 4
MH: Manufactured Home	N/A
RM-MD: Residential Multi-family Medium-Density	R5: Residential 5
RM-HD: Residential Multi-family High-Density	R6: Residential 6
OI: Office & Institutional	EMP: Employment
	INS: Institutional
NC: Neighborhood Commercial	MU1: Neighborhood Mixed-Use
RC: Rural Commercial	RC: Rural Crossroads
GC: General Commercial	GC: General Commercial
M-1: Light Industrial	EMP: Employment
LI: Light Industrial	LI: Light Industrial
HI: Heavy Industrial	HI: Heavy Industrial
CC: Crane Creek	CC: Crane Creek
PDD: Planned Development	PD: Planned Development
TC: Town & Country	N/A
AP: Airport Height Restrictive Overlay	AHR-O: Airport Heigh Restrictive Overlay
C: Conservation	WR-O: Water Resources Overlay
EP: Environmental Protection Overlay	WR-O: Water Resources Overlay
FP: Floodplain Overlay	FP-O: Floodplain Overlay
RD: Redevelopment Overlay	N/A

TABLE 26-1.9(e): Zoning District Equivalencies	
Former Zoning District	**New Zoning District**
CRD: Corridor Redevelopment Overlay	NC-O: Neighborhood Character Overlay
DBWP: Decker Boulevard/Woodfield Park Neighborhood Redevelopment Overlay	NC-O: Neighborhood Character Overlay
New Zoning District	**Former Zoning District**
OS: Open Space	PR: Parks & Recreation
	TROS: Traditional Recreation Open Space
AG: Agricultural	RU: Rural
HM: Homestead	RU: Rural
	RR: Rural Residential
RT: Residential Transition	RR: Rural Residential
R1: Residential 1	RS-E: Residential Single-family Estate
R2: Residential 2	RS-LD: Residential Single-family Low-Density
R3: Residential 3	RS-MD: Residential Single-family Medium-Density
R4: Residential 4	RS-HD: Residential Single-family High-Density
R5: Residential 5	RM-MD: Residential Multi-family Medium-Density
R6: Residential 6	RM-HD: Residential Multi-family High-Density
RC: Rural Crossroads	RC: Rural Commercial
MU1: Neighborhood Mixed-Use	NC: Neighborhood Commercial
MU2: Corridor Mixed-Use	N/A
MU3: Community Mixed-Use	N/A
GC: General Commercial	GC: General Commercial
EMP: Employment	OI: Office & Institutional
	M-1: Light Industrial
INS: Institutional	OI: Office & Institutional
LI: Light Industrial	LI: Light Industrial
HI: Heavy Industrial	HI: Heavy Industrial
CC: Crane Creek	CC: Crane Creek
PD: Planned Development	PDD: Planned Development
PD-EC: Planned Development Employment Campus	N/A
PD-TND: Planned Development Traditional Neighborhood Design	N/A
AHR-O: Airport Heigh Restrictive Overlay	AP: Airport Height Restrictive Overlay
FP-O: Floodplain Overlay	FP: Floodplain Overlay
WR-O: Water Resources Overlay	C: Conservation Overlay
	EP: Environmental Protection Overlay
NC-O: Neighborhood Character Overlay	CRD: Corridor Redevelopment Overlay
	DBWP: Decker Boulevard/Woodfield Park Neighborhood Redevelopment Overlay
MI-O: Military Installation Overlay	N/A

NOTES:

[1] The equivalencies noted in this table are for reference purposes only and are not binding. Where a district is noted as equivalent between the previous code and this code, constitutes they are the most similar not the same.

Sec. 26-1.10. Severability

It is the legislative intent of the County Council in adopting this Ordinance that all provisions shall be liberally construed to be in accordance with the County's Comprehensive Plan and guide development in accordance with the existing and future needs of the County as established in the Comprehensive Plan and this Ordinance, and to promote the public health, safety, morals, convenience, order, appearance, prosperity, and general welfare of the land owners and residents of the County. If any section, subsection, sentence, clause, or phrase of this Ordinance is for any reason held by a court of competent jurisdiction to be invalid, such decision shall not affect the validity and continued enforcement of any other section, subsection, sentence, clause, or phrase of this Ordinance. The County Council hereby declares that it would have passed this Ordinance and any section, subsection, sentence, clause, and phrase, thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases be declared invalid by a court of competent jurisdiction.

Sec. 26-1.11. Repeal of Preexisting Regulations

This Ordinance repeals and replaces Articles I through XII of Chapter 26 of the Code of Ordinances.

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ARTICLE 26-2. ADMINISTRATION

Commentary

Article 26-2: Administration, establishes the development review procedures and creates a set of standard procedures that generally apply to development applications. It also streamlines and simplifies to the development review procedures as part of the review process. The article is organized into five sections.

Section 26-2.1, Purpose and Organization of this Article, provides an overview of the organization of the article.

Section 26-2.2, Summary Table of Development Review Responsibilities, consists of a summary table of development review procedures that provides an overview of the development approvals and permits required under the Ordinance, and the staff and review and decision-making bodies responsible for reviewing, making recommendations on, and making decisions on each application.

Section 26-2.3, Review and Decision-making Bodies, identifies and clarifies the roles of the different bodies and staff responsible for review, recommendations, and decision-making on development applications. The section identifies what responsibilities staff and each of the advising and decision-making bodies has in the development review process.

Section 26-2.4, Standard Review Procedures, establishes a standard set of review procedures that are generally applicable to the review of development applications. It provides the framework under which the County's basic development review procedures for applications are made uniform to the greatest degree possible.

Section 26-2.5, Application-Specific Review, supplements the standard review procedures. For each type of development application, it identifies the purpose of the application and/or review process; in what situations application approval is necessary (or available); any applicable modifications of or additions to the standard procedures; and the standards for making a decision on the application.

Sec. 26-2.1. Purpose and Organization of This Article

This article sets forth the review and approval procedures for development applications.

(a) Sec. 26-2.2, Summary Table of Development Review Responsibilities, provides a summary of the actions required of each advisory and decision-making body for each type of development application

(b) Sec. 26-2.3, Review and Decision Making Bodies, describes the powers and duties of the various bodies that review and make decisions on development applications.

(c) Sec. 26-2.4, Standard Review Procedures, describes procedures that generally apply to development applications.

(d) Sec. 26-2.5, Application-Specific Procedures, contains specific information for each type of application, including standards for making a decision on the application and applicable additions or modifications to the standard review procedures.

Sec. 26-2.2. Summary Table of Development Review Responsibilities

Table 26-2.2: Summary of Development Review Responsibilities, identifies the types of development applications authorized by this Ordinance. For each type of application, the table identifies any action required by each of the various review and decision-making bodies.

Table 26-2.2: Summary of Development Review Responsibilities

A=Appeal D= Decision R=Recommendation S=Staff Review C=Pre-application Conference
< > = Public Hearing * = Additional Appeal to Circuit Court

Application Type	County Engineer	Flood Coordinator	County Administrator	Development Review Team	Zoning Administrator	Planning Director	Board of Zoning Appeals	Planning Commission	County Council
Discretionary Approval									
Text Amendment						R		R	<D>
Zoning Map Amendment						C,R		R	<D>
Planned Development						C,R		R	<D>*
Minor Deviation						D			
Development Agreement	In compliance with S.C. Code §§ 6-31-10 et seq.								
Special Exception Permit					C,R		<D>*		
Land Development and Subdivision									
Minor Land Development					D			A*	
Major Land Development				D		S		A*	
Exempt Subdivision					D			A*	
Minor Subdivision					D			A*	
Major Subdivision									
Sketch Plan				D	S			A*	
Preliminary Plan					D			A*	
Bonded Plat					D			A*	
Final Plat					D			A*	
Street or Road Name Change					R			<D>	
Permits									
Permitted Uses with Special Requirements					D		<A>		
Tree Removal Permit					D		<A>*		
Sign Permit					D		<A>*		
Floodplain Development Permit		D	A						
Land Disturbance Permit (with approved SWPPP)	D	S					<A>*		
Temporary Use Permit					D		<A>*		
Certificate of Zoning Compliance					D		<A>*		
Relief									
Administrative Adjustment					D		<A>*		
Variance					C,R		<D>*		
Water Quality Buffer Waiver	D								
Appeal of Administrative Decision							<D>* [1]	<D>* [1]	
Interpretations									
Interpretation	D [2]	D [2]			D [2]		<A>*		

Table 26-2.2: Summary of Development Review Responsibilities

A=Appeal D= Decision R=Recommendation S=Staff Review C=Pre-application Conference
< > = Public Hearing * = Additional Appeal to Circuit Court

Application Type	County Engineer	Flood Coordinator	County Administrator	Development Review Team	Zoning Administrator	Planning Director	Board of Zoning Appeals	Planning Commission	County Council

NOTES:

[1] The Planning Commission hears appeals from administrative decisions pertaining land development permit and subdivision review. The Board of Zoning Appeals hears appeals from administrative decisions from all other administrative decisions, other than those pertaining to floodplain development permits and land disturbance permits.

[2] The County Engineer interprets all stormwater management and erosion and sediment control provisions in Sec. 26-5.12, Water Quality. The Flood Coordinator determines the exact location of boundaries of special flood hazard areas. The Zoning Administrator makes all other interpretations of provisions of this Ordinance.

Sec. 26-2.3. Review and Decision Making Bodies

(a) County Council

Without limiting any authority granted to the County Council in accordance with State law, the County Council shall have the following powers and duties under this Ordinance:

(1) To review and decide the following:

a. Text Amendments (Sec. 26-2.5(a));

b. Zoning Map Amendments (Sec. 26-2.5(a)(1)); and

c. Planned Developments (Sec. 26-2.5(c));

(2) To enter into development agreements in accordance with S.C. Code §§ 6-31-10 et seq.;

(3) To establish fees for permits and approvals related to the administration of this Ordinance; and

(4) Such additional powers and duties as may be set forth elsewhere in this Ordinance and in other related State law and regulations.

(b) Planning Commission

(1) Powers and Duties

The Planning Commission shall have the following powers and duties under this Ordinance:

a. To review and make recommendations to the County Council on the following:

1. Text Amendments (Sec. 26-2.5(a));

2. Zoning Map Amendments (Sec. 26-2.5(b)); and

3. Planned Developments (Sec. 26-2.5(c));

b. To hear and decide appeals from decisions of the Planning Director, Zoning Administrator, or Development Review Team, as applicable, on the following:

1. Minor Land Development (Sec. 26-2.5(e)(3));

2. Major Land Development (Sec. 26-2.5(e)(4));
3. Exempt Subdivisions (Sec. 26-2.5(e)(1));
4. Minor Subdivisions (Sec. 26-2.5(f)(1));
5. Major Subdivision Sketch Plans (Sec. 26-2.5(f)(5)b);
6. Major Subdivision Preliminary Plans (Sec. 26-2.5(f)(5)c);
7. Major Subdivision Bonded Plats (Sec. 26-2.5(f)(5)d); and
8. Major Subdivision Final Plats (Sec. 26-2.5(f)(5)e); and

c. To conduct public hearings on development agreements at the option of the County Council in accordance with S.C. Code §§ 6-31-10 et seq.

d. To review and decide and conduct public hearings on Street or Road Name Change (Sec. 26-2.5(g)) in accordance with S.C. Code §§ 6-29-1200 et seq.

(2) Membership and Terms, Officers, Bylaws, Rules, Regulations, and Meetings

The membership, officers, bylaws, rules, regulations, and meetings of the Planning Commission shall be in accordance with Article VII, Chapter 2 of the Richland County Code.

(c) Board of Zoning Appeals

(1) Powers and Duties

The Board of Zoning Appeals shall have the following powers and duties under this Ordinance:

a. To hear and decide appeals from a decision of the Zoning Administrator on any of the following:

1. Permitted Use with Special Requirements (Sec. 26-2.5(f)(1));
2. Tree Removal Permits (Sec. 26-2.5(h));
3. Sign Permits (Sec. 26-2.5(i));
4. Temporary Use Permits (Sec. 26-2.5(l));
5. Certificates of Zoning Compliance (Sec. 26-2.5(m)); and
6. Interpretations (Sec. 26-2.5(q)).

b. To review and decide applications for the following:

1. Special Exception Permits (Sec. 26-2.5(d)); and
2. Variances (Sec. 26-2.5(o)).

c. To hear and decide appeals from any other order, requirement, decision, or determination made by the Zoning Administrator or other authorized staff of the Community Planning and Development Department; and

(2) Membership and Terms

a. Number and Appointment

1. The Board of Zoning Appeals shall consist of seven members appointed by the County Council.
2. Members of the Board of Zoning Appeals must reside within the County.
3. Members shall not hold any other public office or position with the County.

b. Terms

1. Members of the Board of Zoning Appeals shall be appointed for staggered terms of three years, which may be extended until their respective successors are appointed and qualified.
2. Members may be removed for cause by County Council.
3. Vacancies shall be filled by County Council for the duration of the unexpired term of the member creating the vacancy.

(3) Officers, Rules of Procedure, Meetings

a. The Board of Zoning Appeals shall elect a chairperson, a vice-chairperson, and a secretary from its members.

b. The chairperson, vice-chairperson, and secretary shall each serve for a one-year term, which may be extended until a successor is elected and qualified. A member may serve as chairperson, vice-chairperson, or secretary for any number of consecutive terms.

c. The Board shall adopt rules of procedure necessary to conduct its affairs in accordance with the provisions of this Ordinance.

d. Meetings shall be held at the call of the chairperson and at other times as the Board may determine.

e. Public notice of meetings shall be provided in accordance with Sec. 26-2.4(h), Public Hearing Scheduling and Notification.

f. The chairperson or acting chairperson may administer oaths and compel the attendance of witnesses.

g. All meetings shall be open to the public. The Board shall keep minutes of its proceedings, showing the vote of each member upon each question, or if absent or failing to vote, indicating such fact. The Board shall keep records of its examinations and other official actions, all of which shall immediately be filed in the office of the Zoning Administrator, and shall be a public record.

(d) Development Review Team

(1) Powers and Duties

The Development Review Team (DRT) shall have the following powers and duties under this Ordinance:

a. To review the following where necessary to ensure compliance with the requirements of this Ordinance and other applicable provisions of the Richland County Code:

1. Minor Land Developments (Sec. 26-2.5(e)(3)); and
2. Minor Subdivisions (Sec. 26-2.5(f)(1));

b. To review and decide the following:

1. Major Land Developments (Sec. 26-2.5(e)(4)); and
2. Major Subdivision Sketch Plans (Sec. 26-2.5(f)(5)); and

c. To review and comment on other applications as requested by the Planning Director.

(2) Membership, Operating Procedures, Chair

a. The Planning Director shall appoint all members of the DRT and establish its operating procedures. Members shall consist of representatives of various departments within the County.

b. The Planning Director shall be a member of the DRT and shall serve as its chair.

(e) County Staff

This section sets forth the powers and duties of specific County staff members. The Planning Director, Zoning Administrator, Flood Coordinator, or County Engineer, as appropriate, may delegate any administrative, decision, or review authority under this Ordinance to any subordinate professional-level County staff.

(1) Planning Director

The Planning Director shall have the following powers and duties under this Ordinance:

a. To review and make recommendations to the County Council on the following:

1. Text Amendments (Sec. 26-2.5(a));

2. Zoning Map Amendments (Sec. 26-2.5(a)(1)); and

3. Planned Developments (Sec. 26-2.5(c));

b. To review and decide the following:

1. Planned Development Minor Deviations (Sec. 26-2.5(c)(3)g); and

2. Minor Land Developments (Sec. 26-2.5(e)(3));

c. To appoint members of the DRT, establish its operating procedures, and serve as its chair;

d. To provide County Council, the Planning Commission, and the Board of Zoning Appeals with reports and recommendations regarding matters before these bodies, either as required by this Ordinance or other laws or regulations, or upon the request of the body;

e. To facilitate matters to be brought before the Board of Zoning Appeals; and

f. Any additional powers and duties set forth for the Planning Director in the Richland County Code.

(2) Zoning Administrator

The Zoning Administrator shall serve as the Zoning Administrator for the County. The Zoning Administrator shall have the following powers and duties under this Ordinance:

a. To review and make recommendations to the Board of Zoning Appeals on Variances (Sec. 26-2.5(o));

b. To review Major Subdivision Sketch Plans (Sec. 26-2.5(f)(5));

c. To review and decide the following:

1. Exempt Subdivisions (Sec. 26-2.5(e)(1));

2. Minor Subdivisions (Sec. 26-2.5(f)(1));

3. Major Subdivision Preliminary Plans (Sec. 26-2.5(f)(5));

4. Major Subdivision Bonded Plats (Sec. 26-2.5(f)(5)); and

5. Major Subdivision Final Plats (Sec. 26-2.5(f)(5)).

6. Permitted Uses with Special Requirements (Sec. 26-2.5(f)(1));
7. Tree Removal Permits (Sec. 26-2.5(h));
8. Sign Permits (Sec. 26-2.5(i));
9. Temporary Use Permits (Sec. 26-2.5(m));
10. Certificates of Zoning Compliance (Sec. 26-2.5(n));
11. Administrative Adjustments (Sec. 26-2.5(o)); and
12. Interpretations of all provisions in this Ordinance, except where interpretation by another officer or entity is specifically authorized in accordance with Sec. 26-2.5(s), Interpretation;

d. To enforce all provisions of this Ordinance in accordance with Article 26-8: Enforcement, except where enforcement by another officer or entity is explicitly authorized in this Ordinance;

e. To maintain a uniform system of naming roads and numbering properties and principal buildings; and

f. To compile and amend as necessary a Land Development Manual containing information and standards pertaining to stormwater management, floodplain development, roadway design, and other land development considerations. The Land Development Manual may contain information on the submittal and review of land development applications, the provision of financial surety for required improvements, and inspections and enforcement.

(3) Flood Coordinator

The Flood Coordinator shall have the following powers and duties under this Ordinance:

a. To provide staff review of applications for development approvals or permits for land within the FP-O District;

b. To review and decide Floodplain Development Permits (Sec. 26-2.5(k));

c. To inform applicants for development approvals or permits for land within the FP-O District that additional federal or state permits may be required, and to require copies of any permits or permit applications for activities on the proposed development site be provided to the Flood Coordinator for maintenance in the Flood Coordinator's office;

d. To maintain all records pertaining to the administration of the Flood Coordinator's powers and duties under this Ordinance;

e. To notify adjacent communities and the State Coordinator for the National Flood Insurance Program of the Land, Water, and Conservation Division of the South Carolina Department of Natural Resources prior to any alteration or relocation of a watercourse, and to submit evidence of such notification to the Federal Emergency Management Agency;

f. To determine the exact location of boundaries of special flood hazard areas in accordance with Sec. 26-2.5(s), Interpretation;

g. To obtain, review, and reasonably utilize the best available base flood elevation data and floodway data available when base flood elevation data or floodway data have not been provided;

h. To annually mail a notice to owners or occupants of structures within or touched by the regulatory floodplain areas, to provide information as to the status of the flood hazard for each property; and

i. To serve notices of violation, issue stop work orders, revoke or suspend permits, and take corrective actions for violations of Sec. 26-2.5(k), Floodplain Development Permit.

(4) County Engineer

The County Engineer shall have the following powers and duties under this Ordinance:

a. To review and decide the following:

1. Land Disturbance Permits and plans for stormwater management (Sec. 26-2.5(l)); and

2. Water Quality Buffer Waivers (Sec. 26-2.5(q));

b. To interpret and enforce all stormwater management and erosion and sediment control provisions in Sec. 26-5.12, Water Quality; and

c. To review and decide road design and development.

Sec. 26-2.4. Standard Review Procedures

(a) General

The provisions in this section apply generally to all application types. Sec. 26-2.2, Summary Table of Development Review Responsibilities, indicates in some cases whether specific provisions in this section apply to specific application types, such as when a public hearing is identified as required. Sec. 26-2.5, Application-Specific Procedures, identifies any modifications of or additions to the provisions in this section that apply to each application type.

(b) Pre-Application Neighborhood Meeting

(1) Purpose

The purpose of this section is to establish a procedure for optional pre-application neighborhood meetings. Pre-application neighborhood meetings are intended to educate owners and residents of nearby lands about a proposed application that is reviewed under this Ordinance, and to provide the applicant an opportunity to hear comments and concerns about the proposal and resolve conflicts and outstanding issues where possible, before an application is submitted.

(2) Applicability

a. A pre-application neighborhood meeting may be held at the applicant's option before the submission of any development application. Pre-application neighborhood meetings are particularly encouraged as opportunities for informal communication before the submission of any application requiring a public hearing in accordance with Sec. 26-2.2, Summary Table of Development Review Responsibilities.

(3) Procedure

a. Meeting Time and Location

The meeting shall be held after 6:00 P.M. on a weekday at a location that is convenient and generally accessible to neighbors residing in proximity to the land subject to the proposed application.

b. Notification

1. Mailed Notice

The applicant shall mail notice of the meeting a minimum of 10 days before the meeting to the Planning Director and all persons to whom mailed notice of a public hearing on the development application is required by Sec. 26-2.4(h), Public Hearing Scheduling and Notification. If the proposed development application is not subject to a public hearing, notice shall be mailed to all owners of land that is within 350 feet of the land subject to the application.

2. Posted Notice

The applicant shall post notification of the neighborhood meeting in a form established by the Planning Director on the land subject to the application a minimum of 10 days before the date fixed for the meeting.

3. Notice Content

The notification shall state the time and place of the meeting, the purpose of the meeting, the general nature of the development proposal, and the type of development approval or permit sought.

c. Conduct of Meeting

The meeting shall be open to the public. At the meeting, the applicant shall explain the development proposal and application, inform attendees about the application review process, respond to questions and concerns attendees raise about the proposed application, and discuss ways to resolve any conflicts or concerns.

d. Written Summary of Meeting

The applicant shall prepare a written summary of the meeting that includes a list of meeting attendees, a summary of issues related to the development proposal that were discussed, a compilation of attendee comments and responses by the applicant, and any other information the applicant deems appropriate. The meeting summary shall be included with the application materials and be made available to the public for inspection in the Community Planning and Development Department.

e. Response to Summary

Any person attending the pre-application neighborhood meeting may submit a written response to the applicant's meeting summary to the Planning Director after the application is determined complete. The response may state that person's understanding of attendee comments, discuss issues related to the development proposal, and include any other information deemed appropriate. All written responses to the applicant's summary of the pre-application neighborhood meeting shall be included with the application materials, and made available for public inspection in the Community Planning and Development Department.

(c) Pre-Application Conference

(1) Purpose

The purpose of a pre-application conference is to provide an opportunity for the applicant to review the submission requirements and the procedures and standards applicable to an anticipated application. A pre-application conference is also intended to provide an opportunity for County staff to become familiar with, and offer the applicant preliminary comments about, the scope, features, and impacts of the proposed development as it relates to the standards in this Ordinance.

(2) Applicability

a. A pre-application conference is required before the submission of an application for any of the following:

1. Zoning Map Amendment (Sec. 26-2.5(a)(1));

2. Planned Development (Sec. 26-2.5(c));

3. Special Exception Permit (Sec. 26-2.5(d));

4. Variance (Sec. 26-2.5(o)); and

5. Any application requiring a Traffic Impact Analysis.

b. A pre-application conference is optional before the submission of any other application not listed in subsection a above.

(3) Procedure

a. Scheduling

Upon receipt of the request for a pre-application conference, the Planning Director shall schedule the pre-application conference and notify the applicant of the conference time and location.

b. Submission of Materials Prior to Conference

Before a pre-application conference is held, the applicant shall submit to the Planning Director a narrative describing the scope of the proposed application.

c. Conference Proceedings

The Planning Director and relevant staff shall review the materials submitted by the applicant prior to the conference, and at the conference, seek any needed clarification from the applicant regarding the proposed application and identify any concerns, problems, or other factors the applicant should consider regarding the proposed application.

(4) Effect of Conference

The pre-application conference is intended as a means of facilitating the application review process. Discussions held in accordance with this section are not binding on the County. Processing times for review of development applications do not begin until an application is submitted and determined to be complete in accordance with Sec. 26-2.4(e) Completeness Determination

(d) Application Submission

(1) Applications Submitted to Planning Director

All applications shall be submitted to the Planning Director.

(2) Authority to Submit Applications

a. General

Except as provided in subsection b and c below, all applications for development approvals and permits shall be submitted by the owner(s) of the land upon which the development is proposed, or their authorized agent.

b. Text Amendments

Amendments to the text of this Ordinance may only be initiated by:

1. The County Council;
2. The Planning Commission;
3. The County Administrator; or
4. The Planning Director.

c. Zoning Map Amendments

Amendments to the Zoning Map may additionally be initiated by:

1. The County Council;
2. The Planning Commission;
3. The County Administrator; or
4. The Planning Director.

(3) Required Application Contents and Form

The application contents and form shall be in accordance with requirements established by the Planning Director for the specific type of application. Development applications shall include, at a minimum, the information necessary for the review and decision-making bodies reviewing the application in accordance with this Ordinance to make a determination as to whether or not the proposed development complies with all applicable standards in this Ordinance.

(4) Required Application Fees

Required application fees shall be those established for the specific application by the County Council.

(5) Schedule

The schedule for application submission and review, including time frames for review, shall be established for the specific application type by the Planning Director.

(6) Simultaneous Processing of Applications

Whenever two or more forms of review and approval are required under this Ordinance, the applications for those development approvals or permits may, at the discretion of the Planning Director, be processed simultaneously, so long as all applicable County and State requirements are satisfied. Simultaneous processing of applications may result in additional fees to the applicant.

(e) Completeness Determination

(1) General

Upon receipt of an application, the Planning Director shall determine if the application is complete. A complete application is one that:

a. Contains all content required for the particular type of application in accordance with Sec. 26-2.4(d)(3), Required Application Contents.

b. Is in the form required for the particular type of application in accordance with Sec. 26-2.4(d)(3), Required Application Contents.

c. Includes information in sufficient detail to allow an evaluation of the application to determine whether it complies with the appropriate review standards of this Ordinance.

d. Is accompanied by the fee established for the particular type of application in accordance with Sec. 26-2.4(d)(4), Required Application Fees.

(2) Application Incomplete

If the Planning Director determines that the application is incomplete, the Planning Director shall send notice to the applicant of the application's deficiencies electronically or by mail within 10 business days of receipt of the application, and review of the application shall not proceed. The applicant may correct the deficiencies and resubmit the application for completeness determination.

(3) Application Complete

If the application is determined to be complete, it shall be reviewed in accordance with the applicable procedures and standards in this Ordinance. Any established time frame for review of the application shall start on the date the application is determined to be complete.

(f) Staff Review and Action

(1) Applicability

This section applies to any review of, recommendation on, or decision on an application by the Planning Director, the Zoning Administrator, the Flood Coordinator, the County Engineer, or the Development Review Team after the application is determined to be complete.

(2) Staff Review and Opportunity to Revise Application

a. When the application is determined to be complete, the Planning Director shall distribute the application to all appropriate County staff, County departments, and other review agencies for review and comment.

b. If the application involves land that is located within 3,000 feet of a federal military installation, or within the 3,000-foot Clear Zone and Accident Potential Zones Numbers I and II as prescribed in 32 C.F.R. Section 256, defining Air Installation Compatible Use Zones of a federal military airfield, the Planning Director shall, at

least 30 days prior to a hearing on the application, request a written recommendation from the commander of the installation in accordance with S.C. Code § 6-29-1630.

c. The Planning Director, Zoning Administrator, Flood Coordinator, or County Engineer, whichever is authorized to decide or provide staff review on the application in accordance with Sec. 26-2.2, Summary Table of Development Review Responsibilities, shall review the application, any relevant support material, and any comments or recommendations from the appropriate county staff, county departments, and other review agencies. If deficiencies in complying with the applicable standards of this Ordinance are identified, the Planning Director, Zoning Administrator, Flood Coordinator, or County Engineer, as applicable, shall notify the applicant of such deficiencies and provide the applicant a reasonable opportunity to discuss the deficiencies and revise the application to address them.

(3) Application Subject to Review or Recommendation by Staff

a. Staff Report

If an application is subject to staff review or recommendation by the Planning Director or Zoning Administrator in accordance with Sec. 26-2.2, Summary Table of Development Review Responsibilities, the Planning Director or Zoning Administrator, as applicable, shall, following completion of staff review, prepare a written staff report that addresses the application's compliance with applicable review standards and recommends action on the application, including any recommended conditions of approval.

b. Distribution and Availability of Application and Staff Report

After completion of the staff report, the Planning Director or Zoning Administrator, as applicable, shall transmit the application and staff report to the appropriate advisory or decision-making body in accordance with Sec. 26-2.2, Summary Table of Development Review Responsibilities, provide the applicant a copy of the staff report, and make a copy of the staff report available for examination by the public in the Community Planning and Development Department.

(4) Application Subject to Decision by Staff

If an application is subject to a final decision by the Planning Director, Zoning Administrator, Flood Coordinator, County Engineer, or the Development Review Team in accordance with Sec. 26-2.2, Summary Table of Development Review Responsibilities, the Planning Director, Zoning Administrator, Flood Coordinator, County Engineer, or Development Review Team, as applicable, shall, following completion of staff review, make a decision authorized for the particular type of application, based on the decision standards applicable for the application type, as set forth in Sec. 26-2.5, Application-Specific Procedures.

(g) Public Hearing Scheduling and Notification

(1) Public Hearing Scheduling

a. The scheduling of public hearings for applications subject to a public hearing in accordance with Sec. 26-2.2, Summary Table of Development Review Responsibilities, shall be as follows:

1. Hearings before County Council shall follow Council's adopted schedule.

2. The Planning Director shall schedule hearings before the Board of Zoning Appeals.

3. The hearing on the application shall be scheduled for a regularly scheduled meeting of the body conducting the hearing or a meeting specially called for that purpose by such body.

4. The hearing on the application shall be scheduled so there is sufficient time for any required staff report to be prepared and distributed in accordance with Sec. 26-2.4(g)(3)a, Staff Report, and for public notification in accordance with subsection (2) below.

5. An application for a Zoning Map Amendment (see Sec. Sec. 26-2.5(b)) or Planned Development (see Sec. Sec. 26-2.5(c)) may be only be withdrawn or deferred by an applicant by written request prior to 15 days prior to the scheduled County Council Public Hearing or by appearing before County Council at the scheduled Public Hearing. A withdrawal shall be considered a termination of the application, and if the application is subsequently resubmitted, it shall be processed as a new application and be subject to all applicable fees.

6. For applications other than an application for a Zoning Map Amendment or a Planned Development, the applicant may request that a review body's consideration of the application at a public hearing be deferred at any time prior to the public hearing by submitting a written request for deferral to the Zoning Administrator. The Zoning Administrator, may grant such a request for good cause. If a deferral is granted, the date of the public hearing at which the application will be heard shall be set at the time the deferral is granted, and written notice of the deferral shall be provided to the body conducting the hearing and to parties of record. The date set for the deferred public hearing shall be the soonest practical, taking into consideration the reason for the deferral.

(2) Public Notification

The Planning Director shall provide public notification of public hearings for applications subject to a public hearing in accordance with Sec. 26-2.2, Summary Table of Development Review Responsibilities, as required by the South Carolina Code and in accordance with the requirements in this section, including the minimum timing shown in Table 26-2.4(j)(2): Type and Timing of Required Public Notification. Computation of the required time periods shall be according to Sec. 26-9.1(d), Computation of Time.

Table 26-2.4(j)(2): Type and Timing of Required Public Notification			
Application type	**Required Public Notification**		
	Mailed	**Posted**	**Published**
Text Amendment (Sec. 26-2.5(a))			Published at least 30 days before public hearing date
Zoning Map Amendment (Sec. 26-2.5(a)(1)), Planned Development (Sec. 26-2.5(c))	Mailed at least 15 days before hearing date	Posted at least 15 days before hearing date [1]	Published at least 15 days before public hearing date
Street or Road Name Change (Sec. 26-2.5(g))	Mailed to the owners of record of lands adjacent to or abutting the subject street or road		Published at least 15 days before public hearing date
Special Exception Permit (Sec. 26-2.5(d))		Posted before hearing date	Published at least 15 days before public hearing date
Variance (Sec. 26-2.5(o))		Posted before hearing date	Published at least 15 days before public hearing date
Appeal of Administrative Decision (Sec. 26-2.5(o)(4)a)			Published at least 15 days before public hearing date

NOTES:
[1] Posted sign notice is not required for a zoning map amendment of multiple parcels that is initiated by the County Council.

a. Mailed or Electronic Notice Requirements

1. Where mailed noticed is required in accordance with Table 26-2.4(j)(2) above, except as otherwise provided in Table 26-2.4(j)(2), the Planning Director shall mail, by first class mail, written notice of the hearing to:

(a) All owners of land within a radius of 100 feet from every property line of the subject parcel(s);

(b) Persons and organizations registered to receive notice in accordance with Sec. 26-2.4(h)(2)e, Registration to Receive Mailed or Electronic Notice; and

(c) Any neighborhood associations or other groups specified by the County Council.

2. Mailed notice required by this section shall be sent to each owner of land at the corresponding address appearing on the latest published tax listing.

3. The failure to deliver mailed notice in accordance with this section shall not invalidate any zoning map amendment nor delay the hearing.

b. Posted Notice Requirements

1. Where posted noticed is required in accordance with Table 26-2.4(j)(2) above, the Planning Director shall prepare and post notice of the hearing in a conspicuous location on or adjacent to the lot or lots that are the subject of the application. Posted notice for a Zoning Map amendment hearing shall be visible from each public thoroughfare abutting the area of the proposed Zoning Map amendment and shall include at least one notice for every 150 feet, or fraction thereof, of street frontage within the area of the proposed Zoning Map amendment.

2. Posted notice shall include the following information:

(a) The change proposed;

(b) The property affected and case number; and

(c) The time, date, and place of the public hearing.

3. It shall be a violation of this Ordinance for any person to remove, mar, scratch, obliterate, or in any manner deface, hide from view, or tamper with posted hearing notices. Such a violation shall not invalidate any zoning map amendment nor delay the hearing.

c. Published Notice Requirements

1. Where published notice is required in accordance with Table 26-2.4(j)(2) above, the body conducting the hearing (or its designee) shall publish notice of the public hearing on the matter in a newspaper of general circulation within the County.

2. Published notice shall include the following information:

(a) The nature and character of the proposed action;

(b) The property affected, including, whenever practical, the general location where property lines intersect the frontage road;

(c) The time, date, and place of the public hearing; and

(d) Where information may be examined and when and how written comment may be submitted on the proposed matter.

d. Copy of Notice Maintained

The Planning Director shall maintain in the Community Planning and Development Department a copy of any notification provided by the Planning Director in accordance with this section.

e. Registration to Receive Mailed or Electronic Notice

Any person, neighborhood organization, or other organization in the County may register with the Community Planning and Development Department to receive written mailed or electronic notice of all applications.

(h) Planning Commission Review and Recommendation

If an application requires a recommendation by the Planning Commission in accordance with Sec. 26-2.2, Summary Table of Development Review Responsibilities) the Planning Commission shall review and act on the application in accordance with the requirements in this section.

(1) General

The Planning Commission shall hold meetings to consider any application in accordance with Sec. 26-2.2, Summary Table of Development Review Responsibilities. At the Meeting, the advisory body shall consider the application, relevant support materials, the staff report, and any public comments and then recommend one of the decisions authorized for the particular type of application, based on the decision standards applicable for the application type, as set forth in Sec. 26-2.5, Application-Specific Procedures.

(2) Statement of Basis for Recommended Decision

The Planning Commission's recommendation shall state the basis or rationale for the recommended decision.

(3) Timing

The Planning Commission shall take action within any time period specified in Sec. 26-2.5, Application-Specific Procedures, for the type of application.

(i) Decision Making Body Review and Action

If an application is subject to a final decision by the County Council, Planning Commission, or Board of Zoning Appeals, in accordance with Sec. 26-2.2, Summary Table of Development Review Responsibilities, such decision-making body shall review and make a final decision on the application in accordance with the requirements in this section.

(1) General

a. Statement of Basis

The decision-making body shall clearly state the basis or rationale for the decision.

b. Timing

The decision-making body shall take action as promptly as reasonably possible in consideration of the interests of the applicant, affected parties, and citizens of the County.

(2) Remand

Before making its decision, the decision-making body may remand the application to the Planning Commission or specific County staff, as applicable, for further consideration of any issue.

(j) Conditions of Approval

If permitted for the particular type of application in accordance with Sec. 26-2.5, Application-Specific Procedures, approval of an application may be with conditions. Conditions of approval must relate in both type and extent to the anticipated impacts of the proposed development.

(k) Effect of Approval

Approval of a development application in accordance with this Ordinance authorizes only the particular use, plan, or other specific activity approved, and not any other development requiring separate application and approval. In the event that one development approval or permit is a prerequisite to another development approval or permit (e.g., variance approval prior to a land development permit approval), development may not take place until all required development approvals or permits are obtained. Approval of one development application does not necessarily guarantee approval of any subsequent development application.

(l) Lapse of Approval

(1)

Development approvals and permits shall expire as provided in Sec. 26-2.5, Application-Specific Procedures, for each type of development approval or permit. If no expiration period is provided for the specific type of development approval or permit, and if no expiration period is imposed as part of the approval by the decision-making body or

person, the development approval or permit shall expire if a building permit authorizing the approved development is not obtained within two years of the date of approval.

(2) A change in ownership of the land that is the subject of a development approval or permit shall not affect the established expiration time period for the development approval or permit.

(m) Amendment of Development Approval or Permit

Unless otherwise specified in the procedure for the particular type of development application in Sec. 26-2.5, Application-Specific Procedures, an amendment of a development approval or permit may only be reviewed in accordance with the procedures and standards established for its original approval.

(n) Limit on Subsequent Applications

(1) Prior Application Denial

a. If a development or zoning application requiring a public hearing is denied, an application proposing the same development or zoning designation on all or part of the same land shall not be submitted within one year after the date of decision denying the application unless the decision-making body waives this time limit in accordance with subsection b below. Only one request for a waiver of this time limit may be submitted during the one-year period.

b. The owner of land that is the subject of an application that was denied, or the owner's authorized agent, may submit a written request for waiver of the time limit established in subsection a above, along with a fee to defray the cost of processing the request, to the Community Planning and Development Department, who shall transmit the request to the decision-making body. The decision-making body may grant a waiver of the time limit only on a finding by at least two-thirds of its membership of one or more of the following:

1. There is a substantial change in circumstances relevant to the issues or facts considered during review of the application that might reasonably affect the application of the relevant review standards to the map amendment proposed in the application;

2. New or additional information is available that was not available at the time of review that might reasonably affect the application of the relevant review standards to the development proposed in the application;

3. The new application proposed to be submitted is not substantially the same as the prior application; or

4. The final decision on the application was based on a material mistake of fact.

(2) Prior Application Withdrawal

a. If an application requiring a public hearing is withdrawn after required notice of the public hearing is provided, no application proposing the same or similar development on all or part of the same land shall be submitted within six months after the date of withdrawal unless the decision-making body waives this time limit in accordance with subsection b below. Only one request for a waiver of this time limit may be

submitted during the six-month period. Any such application shall be considered a new application.

b. The owner of land that is the subject of an application that was withdrawn, or the owner's authorized agent, may submit a written request for waiver of the time limit established in subsection a above, along with a fee to defray the cost of processing the request, to the Community Planning and Development Department, who shall transmit the request to the decision-making body. The decision-making body may grant a waiver of the time limit only on a finding by at least two-thirds of its membership of one or more of the following:

1. There is a substantial change in circumstances relevant to the issues or facts considered during review of the application that might reasonably affect the application of the relevant review standards to the map amendment proposed in the application;

2. New or additional information is available that was not available at the time of review that might reasonably affect the application of the relevant review standards to the development proposed in the application; or

3. The new application proposed to be submitted is not substantially the same as the prior application.

Sec. 26-2.5. Application-Specific Procedures

(a) Text Amendment

(1) Purpose

The purpose of this section is to establish a uniform mechanism for amending the text of this Ordinance in accordance with State law.

(2) When Required

Approval of a text amendment in accordance with this section is required to amend the text of this Ordinance.

(3) Text Amendment Procedure

A text amendment shall be submitted, processed, reviewed, and decided on in accordance with Sec. 26-2.4, Standard Review Procedures, as modified in this section, and Sec. 26-2.2, Summary Table of Development Review Responsibilities. Figure 26-2.5(a): Basic Flowchart of Text Amendment Procedure, identifies key steps in the text amendment procedure.

Figure 26-2.5(a): Basic Flowchart of Text Amendment Procedure

a. Planning Commission Review and Recommendation

1. The Planning Commission shall submit its report and recommendation to the County Council on the proposed text amendment, which shall be advisory only and shall not be binding on the County Council. The Planning Commission's recommendation shall address:

(a) The extent to which the proposed amendment meets the factors identified in Sec. 26-2.5(a)(4), Decision Standards for Text Amendment;

(b) The need and justification for the change; and

(c) The relationship of the proposed amendment to the general planning program of the County, with appropriate consideration of whether the proposed change will further the purposes of this Ordinance and the Comprehensive Plan.

2. Unless otherwise agreed to by the Planning Commission and the County Council, the Planning Commission shall submit its report and recommendation on a proposed text amendment to the County Council within 30 days of first considering the text amendment. If the Planning Commission does not submit its report and recommendation within the prescribed time, the Planning Commission shall be deemed to have recommended adoption of the proposed amendment, and the County Council may proceed to act on the proposed amendment.

b. County Council Review and Action

1. The County Council shall review and make a decision on the proposed text amendment in accordance with Sec. 26-2.5(a)(4), Decision Standards for Text Amendment. The County Council's decision shall be one of the following:

(a) Adopt by ordinance the text amendment as proposed;

(b) Adopt by ordinance a revised text amendment, only if the revisions are first submitted to the Planning Commission for review and recommendation in accordance with State law; or

(c) Deny the proposed text amendment.

(4) Decision Standards for Text Amendment

a. In determining whether to adopt or deny the proposed text amendment, the County Council may consider many factors, including but not limited to whether, and the extent to which, the proposed amendment:

1. Is in accordance with the goals of the Comprehensive Plan and other applicable plans and planning documents adopted by the County;

2. Is required by changed conditions;

3. Addresses a demonstrated community need;

4. Is consistent with the purpose and intent of the zoning districts in this Ordinance, or would improve compatibility among uses and ensure efficient development within the County;

5. Is consistent with other related State and local laws and regulations;

6. Would result in a logical and orderly development pattern; and

7. Would avoid creating significantly adverse impacts on the natural environment, including but not limited to water, air, noise, stormwater management, wildlife, vegetation, wetlands, and the natural functioning of the environment.

(b) Zoning Map Amendment

(1) Purpose

The purpose of this section is to establish a uniform mechanism for amending the Zoning Map in accordance with State law.

(2) When Required

Approval of a Zoning Map amendment in accordance with this section is required to change the zoning district designation of any land within the County that is subject to this Ordinance.

(3) Zoning Map Amendment Procedure

A Zoning Map amendment shall be submitted, processed, reviewed, and decided on in accordance with Sec. 26-2.4, Standard Review Procedures, as modified in this section, and Sec. 26-2.2, Summary Table of Development Review Responsibilities. Figure 26-2.5(b): Basic Flowchart of Zoning Map Amendment Procedure identifies key steps in the Zoning Map amendment procedure.

Figure 26-2.5(b): Basic Flowchart of Zoning Map Amendment Procedure

a. Application Submission

A Zoning Map amendment requested by a property owner or the owner's authorized agent shall not be considered for an area less than two acres unless the requested change involves one of the following conditions:

1. An extension of the same existing district boundary;
2. An addition of an R5 district contiguous to an existing R4 district;
3. An addition of an MU1 district contiguous to an existing R2, R3, R4, R5, R6, or MU3 district;
4. An addition of a GC district contiguous to an existing LI district;
5. An addition of a GC or LI district contiguous to an existing HI district;
6. A change of district where property is contiguous to a compatible district lying within another county or jurisdiction;
7. A change of district for a nonconforming use created by this Ordinance that is contiguous to compatible land uses;
8. A change of district for a parcel located within an adopted neighborhood master plan area which has a compatible neighborhood master plan base or overlay zoning district; or

9. A change of district where property is contiguous to a Neighborhood Master Plan base or overlay Zoning District

b. Planning Commission Review and Recommendation

1. The Planning Commission shall submit its report and recommendation on the proposed Zoning Map amendment to the County Council, which shall be advisory only and shall not be binding on the County Council. The Planning Commission's recommendation shall address:

(a) The extent to which the proposed amendment meets the factors identified in Sec. 26-2.5(b)(4), Decision Standards for Zoning Map Amendment; and

(b) The justification for the change.

2. Unless otherwise agreed to by the Planning Commission and the County Council, the Planning Commission shall submit its report and recommendation within 30 days of first considering the Zoning Map amendment. If the Planning Commission does not submit its report and recommendation within the prescribed time, the Planning Commission shall be deemed to have recommended adoption of the proposed amendment, and the County Council may proceed to act on the proposed amendment.

c. County Council Review and Action

1. The County Council shall review and make a decision on the proposed Zoning Map Amendment in accordance with Sec. 26-2.5(b)(4), Decision Standards for Zoning Map Amendment. The County Council's decision shall be one of the following:

(a) Adopt by ordinance the proposed Zoning Map amendment;

(b) Adopt by ordinance a revised Zoning Map amendment, only if the revisions are first submitted to the Planning Commission for review and recommendation in accordance with State law; or

(c) Deny the proposed Zoning Map amendment.

2. If the County Council does not adopt or deny a proposed Zoning Map amendment within 180 days after the public hearing on the proposed amendment, the amendment is considered denied.

(4) Decision Standards for Zoning Map Amendment

a. In determining whether to adopt or deny a proposed zoning map amendment, the County Council may consider many factors, including but not limited to whether, and the extent to which, the proposed amendment:

1. Is in accordance with the goals and policies of the Comprehensive Plan and other applicable plans and planning documents adopted by the County;

2. Would allow a range of uses that are compatible with the uses allowed on other property in the immediate vicinity;

3. Would avoid creating an inappropriately isolated district unrelated to adjacent and surrounding districts;

4. Would allow the subject property to be put to a reasonably viable economic use;

5. Would result in development that can be served by available, adequate, and suitable public facilities (e.g., streets, potable water, sewerage, stormwater management);
6. Would avoid creating significantly adverse impacts on the natural environment, including but not limited to water, air, noise, stormwater management, wildlife, vegetation, wetlands, and the natural functioning of the environment; and
7. Is appropriate due to any changed or changing conditions in the affected area.

(c) Planned Development

(1) Purpose

Planned developments are developments having a mix of uses that are planned and developed under unified control and in accordance with more flexible standards and procedures in order to achieve innovative site design, improved appearance, greater compatibility of uses, increased preservation of natural and scenic features, improved service by community facilities, better functioning of vehicular access and circulation, and otherwise higher-quality development than could be achieved through base zoning district regulations. The purpose of this section is to provide a uniform mechanism for amending the Zoning Map to establish any of the planned development districts set forth in this Ordinance.

(2) When Required

Approval of a planned development district in accordance with this section is required to amend the Zoning Map to establish a planned development district.

(3) Procedure for Planned Development

A planned development shall be submitted, processed, reviewed, and decided on in accordance with Sec. 26-2.4, Standard Review Procedures, as modified in this section, and Sec. 26-2.2, Summary Table of Development Review Responsibilities. Figure 26-2.5(c)(4): Basic Flowchart of Planned Development Procedure, identifies key steps in the planned development procedure.

Figure 26-2.5(c)(4): Basic Flowchart of Planned Development Procedure

a. Application Submission

A complete application must include a proposed Planned Development Plan (PD Plan) and a proposed Planned Development Agreement (PD Agreement) addressing all requirements and standards of Sec. 26-2.5(c), Planned Development.

b. Completeness Determination

The provisions in Sec. 26-2.4(e), Completeness Determination, apply, except the Planning Director shall make the determination within 15 days from the date the application is submitted.

c. Public Hearing Scheduling and Notification

The provisions in Sec. 26-2.4(h), Public Hearing Scheduling and Notification, apply, except the Planning Director shall schedule the Planning Commission's public hearing on the application within 60 days of the date the complete application was submitted, or, if agreed to by the applicant, within 90 days of the date the complete application was submitted.

d. Planning Commission Review and Recommendation

1. The Planning Commission shall submit its report and recommendation on the proposed planned development to the County Council, which shall be advisory only and shall not be binding on the County Council. The Planning Commission's recommendation shall address:

(a) The extent to which the proposed amendment meets the factors identified in Sec. 26-2.5(c)(4), Decision Standards for Planned Development;

(b) Whether the application complies with Sec. 26-2.5(c), Planned Development; and

(c) The justification for the change.

2. Unless otherwise agreed to by the Planning Commission and the County Council, the Planning Commission shall submit its report and recommendation within 30 days of first considering the planned development application. If the Planning Commission does not submit its report and recommendation within the prescribed time, the Planning Commission shall be deemed to have recommended approval of the application, and the County Council may proceed to act on the application.

e. County Council Review and Action

The County Council shall review and make a decision on the planned development application in accordance with Sec. 26-2.5(c)(4), Decision Standards for Planned Development. The County Council's decision shall be one of the following:

1. Adopt by ordinance the proposed planned development district, including the PD Plan and the PD Agreement;

2. Adopt by ordinance a revised planned development district, including the PD Plan and PD Agreement, contingent on revisions first being submitted to the Planning Commission for review and recommendation in accordance with State law; or

3. Deny the application.

f. Effect of Approval

1. The approved PD Plan and PD Agreement shall be the zoning text for the planned development district, and any subsequent development approval or permit shall comply with the approved PD Plan and PD Agreement, except that minor deviations shall be allowed in accordance with subsection h below.

2. Before any land development permit or building permit is issued for land within the approved planned development, the property owner or authorized agent shall:

(a) Record the PD Plan and PD Agreement, and any deed restrictions or restrictive covenants required by the Agreement, in the office of the Register of Deeds;

(b) Submit copies of the recorded PD Plan and PD Agreement to the Planning Director; and

(c) Complete the posting of any bonds or other sureties as required by the Agreement.

g. Major Changes

It shall be the duty of the Planning Director to determine whether any specific request shall be considered a major change or a minor change. The applicant for any change shall have the right to have any request for change processed as a major change.

h. Minor Deviations

Subsequent applications for development approvals and permits within a planned development district that include minor deviations from the approved PD Plan or PD Agreement may be reviewed and decided upon, without the need to amend the planned development district, if the Planning Director, determines that such deviations consist of only the following:

1. Changes that result in a decrease in the density or intensity of development approved for a specific parcel;
2. An increase in residential density for any specific phase or section of ten percent or less, if the total allowed density with the planned development district does not increase;
3. A change in a land use designation from multi-family to single-family or a change from any use to open space/passive recreation;
4. A modification of design of facilities for amenities such as parks, gardens or open spaces; or
5. A deviation specifically listed in the approved PD Agreement as a minor deviation not materially affecting the planned development district's basic concept or the designated general use of parcels of land within the district.

(4) Decision Standards for Planned Development

In determining whether to adopt or disapprove a planned development district, the County Council may consider many factors, including those listed in Sec. 26-2.5(b)(4), Decision Standards for Zoning Map Amendment. The County Council shall not adopt a proposed planned development district unless it finds that the district complies with the standards for the proposed type of planned development district in Sec. 26-2.5(c), Planned Development, and the purposes of zoning ordinances as set forth in State law.

(d) Special Exception

(1) Purpose

The purpose of this section is to establish a uniform mechanism to ensure that uses designated as special exception uses are appropriate for the location and district where they are proposed. A use is designated as a special exception use in a zoning district where it may be appropriate in the district but, because of its unique characteristics and potential impacts on the surrounding neighborhood and the County as a whole, requires special individual consideration of its location, design, and methods of operation in particular instances where it is proposed, before it can be deemed appropriate in the district and compatible with its surroundings.

(2) When Required

Approval of a special exception permit in accordance with this section is required prior to the issuance of any development approval or permit for any use identified in Sec. 26-4.2, Principal Uses, as requiring a special exception permit.

(3) Procedure for Special Exception Permit

An application for a special exception permit shall be submitted, processed, reviewed, and decided on in accordance Sec. 26-2.4, Standard Review Procedures, as modified in

this section, and Sec. 26-2.2, Summary Table of Development Review Responsibilities. Figure 26-2.5(d): Basic Flowchart of Special Exception Permit Procedure, identifies key steps in the special exception permit procedure.

Figure 26-2.5(d): Basic Flowchart of Special Exception Permit Procedure

a. Completeness determination

The provisions in Sec. 26-2.4(e), Completeness Determination, apply, except the Planning Director shall make the determination within 15 days from the date the application is submitted.

b. Board of Zoning Appeals Review and Action

The Board of Zoning Appeals shall make a decision on the application in accordance with Sec. 26-2.5(d)(4), Special Exception Decision Standards. The Board's decision shall be one of the following:

1. Approve the application as submitted;
2. Approve the application subject to conditions of approval the Board determines are necessary for the proposed use to comply with Sec. 26-2.5(d)(4), Special Exception Decision Standards; or
3. Deny the application.

c. Appeal of Decision on Application

Any person having a substantial interest in the decision on the application by the Board of Zoning Appeals may appeal the decision to a court of competent jurisdiction in accordance with the requirements of State law. All such appeals must be filed

within 30 days after the date that notice of the decision is sent to the applicant and may be accompanied by a request for pre-litigation mediation in accordance with State law.

d. Effect of Approval

Any conditions of approval attached to the special exception permit shall be incorporated into subsequent development approvals and permits pertaining to the same use.

(4) Special Exception Decision Standards

The Board of Zoning Appeals shall not approve a special exception permit application unless the Board finds, for all of the following, the proposed use:

a. Complies with all applicable district-specific standards in Article 26-3: Zoning Districts;

b. Complies with all applicable use-specific standards in Article 26-4, Use Regulations;

c. Complies with all applicable standards in Article 26-5, General Development Standards;

d. Complies with all relevant standards in Article 26-6, Land Development (Subdivision) Standards;

e. Will not have a substantial adverse impact on vehicular traffic or vehicular and pedestrian safety;

f. Is compatible with the character of surrounding development and the neighborhood;

g. Will not have a substantial adverse impact on adjoining properties in terms of noise, lights, glare, vibrations, fumes, odors, litter, or obstruction of air or light;

h. Will not have a substantial adverse impact on the aesthetic character of the area where it is proposed to be located; and

i. Will not have a substantial adverse impact on public safety or create nuisance conditions detrimental to the public.

(e) Land Development Permit

(1) Purpose

The purpose of this section is to establish a uniform mechanism for land development review to ensure that any erection of, moving of, addition to, or alteration of a building or other structure, the establishment of a use, and any expansion of an existing use or change of use, complies with the requirements of this Ordinance.

(2) When Required

a. General

Approval of a land development permit in accordance with the procedures and standards in this section is required prior to:

1. Any erection of, moving of, addition to, or alteration of a building or other structure;

2. Establishment of a use; and

3. Any expansion of an existing use or change of use.

b. Types of Land Development Permits Distinguished

1. A major land development permit (see Sec. 26-2.5(e)(4)) is required for any development, other than a residential or commercial subdivision, that consists of:

(a) 100,000 or more square feet of nonresidential floor space;

(b) 150 or more dwelling units; or

(c) The dedication of land to the County for open space or other public purposes.

2. A minor land development permit (see Sec. 26-2.5(e)(3)) is required for all development that requires approval of a land development permit but does not require approval of a major land development permit. Individual phases of a phased project shall be considered cumulatively over a five- year period in determining whether a major or minor land development permit is required.

(3) Minor Land Development Permit Procedure

An application for a minor land development permit shall be submitted, processed, reviewed, and decided on in accordance with Sec. 26-2.4, Standard Review Procedures, as modified in this section, and Sec. 26-2.2, Summary Table of Development Review Responsibilities. Figure 26-2.5(e)(3): Basic Flowchart of Minor Land Development Permit Procedure, identifies key steps in the minor land development permit procedure.

Figure 26-2.5(e)(3): Basic Flowchart of Minor Land Development Permit Procedure

a. Decision on Application

1. The Planning Director shall make a decision on the application in accordance with Sec. 26-2.5(e)(5), Land Development Permit Decision Standards, within 17 business days of the application being determined complete, unless this time requirement is waived by the applicant. The Planning Director's decision shall be one of the following:

(a) Approve the application as submitted; or

(b) Deny the application.

2. If the Planning Director does not make a decision on the application within 60 days of the application being determined complete and the applicant does not waive the time requirement, the application shall be deemed approved.

b. Appeal of Decision on Application

Appeals of the Planning Director's decision on the application shall be to the Planning Commission in accordance with Sec. 26-2.5(p), Appeal of Administrative Decision, and must be submitted within 30 days after actual notice of the decision.

(4) Major Land Development Permit Procedure

An application for a major land development permit shall be submitted, processed, reviewed, and decided on in accordance with Sec. 26-2.4, Standard Review Procedures, as modified in this section, and Sec. 26-2.2, Summary Table of Development Review Responsibilities. Figure 26-2.5(e)(4): Basic Flowchart of Major Land Development Procedure, identifies key steps in the major land development permit procedure.

Figure 26-2.5(e)(4): Basic Flowchart of Major Land Development Procedure

a. Site Plan Included in Application

An application for a major land development permit shall include a site plan showing the layout and design of the proposed development that is prepared by a registered architect, registered engineer, registered landscape architect, or licensed surveyor and that meets all requirements for a site plan established in the Land Development Manual.

b. Decision on Application

The Development Review Team shall make a decision on the application in accordance with Sec. 26-2.5(e)(5), Land Development Permit Decision Standards, within 17 business days of the application being determined complete, unless this time requirement is waived by the applicant. The decision shall be one of the following:

1. Approve the application as submitted; or
2. Deny the application.

c. Revised Application Submittal and Decision

If the Development Review Team denies the application, the applicant may revise the site plan and resubmit the application and revised site plan to the Planning Director. The Planning Director may approve the resubmitted application upon making the following findings:

1. The site plan has been revised to adequately address the reasons for denial identified by the Development Review Team;
2. The site plan revisions do not include any major changes that materially affect the characteristics of the site plan, other than any necessary to address the reasons for denial identified by the Development Review Team; and
3. The site plan complies with the standards in Sec. 26-2.5(e)(5), Land Development Permit Decision Standards.

d. Post-Decision Notification

The Planning Director shall transmit the approved application, including the approved site plan, to the Planning Commission for the information of the commission only.

e. Appeal of Decision on Application

Appeals of the Development Review Team's decision on the application or of the Planning Director's decision on a revised site plan shall be to the Planning Commission in accordance with Sec. 26-2.5(p), Appeal of Administrative Decision.

(5) Land Development Permit Decision Standards

The Planning Director or the Development Review Team, as appropriate, shall approve an application for a land development permit (minor or major) only on finding the applicant demonstrates that the proposed development complies with all applicable requirements of this Ordinance.

(6) Vested Right Establishment and Period of Validity

a. Approval of a land development permit (minor or major) in accordance with this section shall establish a vested right for a period of two years from the date of approval in accordance with State law.

b. Land development permit approval shall become void after a two-year period beginning on the date of approval, or after the final extension approved in accordance with subsection (f)(5)b.5(c) below, unless all corresponding development is completed.

c. The Planning Director may approve up to five, one-year extensions of land development permit (minor or major) approval if the applicant submits a written request to the Planning Director no later than 30 days and no earlier than 60 days prior to the expiration of each period of validity. The Planning Director shall approve such requests for extension unless otherwise prohibited by an intervening amendment to this chapter.

(f) Subdivision

(1) Purpose

The purpose of this section is to establish a uniform mechanism to ensure that the subdivision of land within the County is consistent with the purposes and requirements of this Ordinance.

(2) When Required

a. General

1. Review and approval of a subdivision in accordance with this section is required prior to any division of a tract or parcel of land into two or more lots, building sites, or other divisions for the purpose, whether immediate or future, of sale, lease, or building development, including:

(a) A division of land;

(b) A re-subdivision involving a further division or relocation of lot lines within lands previously lawfully subdivided;

(c) An alteration of a road or the establishment of a new road within lands previously lawfully subdivided; and

(d) A combination of recorded lots.

2. The following shall not occur prior to final approval of a subdivision:

(a) Recordation of the subdivision plat in the office of the Richland County Register of Deeds;

(b) Acceptance or maintenance by the County of any road, right-of-way, easement, or other land;

(c) Extension of, or connection to, any public road or right-of-way; or

(d) Issuance of a building permit or certificate of occupancy for any building or other improvements, except as allowed following approval of a major subdivision preliminary plan (see Sec. 26-2.5(f)(5)c.3(b)) or bonded plat (see Sec. 26-2.5(f)(5)d.4(a)).

b. Types of Subdivisions Distinguished

1. An exempt subdivision (see Sec. 26-2.5(f)(3)) consists of any of the following:

(a) 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 comply with the dimensional standards of the zoning district in which they are located;

(b) Division of land into parcels of five or more acres that does not result in the creation of a new roadway or the widening of an existing roadway;

(c) Combination or recombination of entire lots of record where no new road or change in existing roads is involved;

(d) Division of a parcel into two lots that comply with the dimensional standards of the zoning district in which they are located which does not result in any of the following:

(1) Construction of a new road;

(2) Improvement (including, but not limited to, paving or widening) of an existing road;

(3) Construction of new water facilities, other than private on-site wells;

(4) Construction of new sewerage facilities, other than on-site septic tanks; or

(5) Construction of new storm drainage facilities, other than roadside swales and culverts.

2. A minor subdivision (see Sec. 26-2.5(f)(4)) is any subdivision that:

(a) Is not an exempt subdivision;

(b) Results in less than 50 lots; and

(c) Does not involve the dedication of land to the county for open space or other public purposes.

3. A major subdivision (see Sec. 26-2.5(f)(5)) is any subdivision that is not an exempt subdivision or a minor subdivision.

(3) Exempt Subdivision Procedure

An exempt subdivision shall be submitted and reviewed in accordance with Sec. 26-2.4, Standard Review Procedures, as modified in this section, and Sec. 26-2.2, Summary Table of Development Review Responsibilities. Figure 26-2.5(f)(3): Basic Flowchart of Exempt Subdivision Procedure, identifies key steps in the exempt subdivision procedure.

Figure 26-2.5(f)(3): Basic Flowchart of Exempt Subdivision Procedure

a. Zoning Administrator Determination, Notice, and Signing of Plat

1. The Zoning Administrator shall review the application and make a determination of whether the subdivision is an exempt subdivision within 17 business days of the application being determined complete, unless this time requirement is waived by the applicant. If the Zoning Administrator does not make a decision on the application and provide the applicant with notice of the decision within 30 days of the application being determined complete, and if the applicant does not waive the time requirement, the subdivision shall be deemed an exempt subdivision.

2. A subdivision that is determined an exempt subdivision in accordance with this section shall be signed by the Zoning Administrator for recordation.

b. Appeal of Decision on Application

Appeals of the Zoning Administrator's decision shall be to the Planning Commission in accordance with Sec. 26-2.5(r), Appeal of Administrative Decision.

c. Recordation of Signed Plat

A signed and sealed plat for an exempt subdivision shall be recorded by the applicant within 30 days of approval in the office of the Richland County Register of Deeds, otherwise the approval shall become void. The applicant shall provide the Zoning Administrator with at least one copy of the recorded plat.

(4) Minor Subdivision Procedure

An application for a minor subdivision shall be submitted, processed, reviewed, and decided on in accordance with Sec. 26-2.4, Standard Review Procedures, as modified in this section, and Sec. 26-2.2, Summary Table of Development Review Responsibilities. Figure 26-2.5(f)(4): Basic Flowchart of Minor Subdivision Procedure identifies key steps in the minor subdivision procedure.

Figure 26-2.5(f)(4): Basic Flowchart of Minor Subdivision Procedure

a. Zoning Administrator Decision and Signing of Plat

1. The Zoning Administrator shall make a decision on the application in accordance with Sec. 26-2.5(f)(6), Subdivision Decision Standards, within 17 business days of the application being determined complete, unless this time requirement is waived by the applicant. The Zoning Administrator's decision shall be one of the following:

(a) Approve the application; or

(b) Deny the application.

2. If the Zoning Administrator does not make a decision on the application within 17 business days days of the application being determined complete and the applicant does not waive the time requirement, the application shall be deemed approved.

3. If the minor subdivision application is approved, the Zoning Administrator shall sign the corresponding subdivision plat for recordation, which shall constitute final subdivision approval.

b. Appeal of Decision on Application

Appeals of the Zoning Administrator's decision on the application shall be to the Planning Commission in accordance with Sec. 26-2.5(r), Appeal of Administrative Decision.

c. Recordation of Signed Plat

A signed and sealed plat for a minor subdivision shall be recorded by the applicant within 180 days of approval in the office of the Richland County Register of Deeds, otherwise the approval shall become void. The applicant shall provide the Zoning Administrator with at least one copy of the recorded plat.

(5) Major Subdivision Procedure

a. General

The procedure for review and approval of a major subdivision includes the following steps in the order listed:

1. Review and approval of a sketch plan by the Development Review Team (see Sec. 26-2.5(f)(5)b);
2. Review and approval of a preliminary plan by the Zoning Administrator (see Sec. 26-2.5(f)(5)c);
3. Review and approval of a bonded plat (see Sec. 26-2.5(f)(5)d) by the Zoning Administrator, if the applicant desires to proceed with development activity in addition to what is allowed after approval and recordation of a preliminary plan but prior to completion of all required improvements; and
4. Review and approval of a final plat (see Sec. 26-2.5(f)(5)e) by the Zoning Administrator.

b. Sketch Plan Procedure

An application for sketch plan approval shall be submitted, processed, reviewed, and decided on in accordance with Sec. 26-2.4, Standard Review Procedures, as modified in this section, and Sec. 26-2.2, Summary Table of Development Review Responsibilities. Figure 26-2.5(f)(5)(b): Basic Flowchart of Major Subdivision Sketch Plan Procedure, identifies key steps in the sketch plan procedure.

Figure 26-2.5(f)(5)(b): Basic Flowchart of Major Subdivision Sketch Plan Procedure

1. Development Review Team Decision

(a) The Development Review Team shall make a decision on the application in accordance with Sec. 26-2.5(f)(6), Subdivision Decision Standards, within 17 business days of the application being determined complete, unless this time requirement is waived by the applicant. The decision shall be one of the following:

(1) Approve the application; or

(2) Deny the application.

(b) If the Development Review Team does not make a decision on the application within 17 business days of the application being determined complete and the applicant does not waive the time requirement, the application shall be deemed approved.

2. Revised Application Submittal and Decision

If the Development Review Team denies the application, the applicant may revise the sketch plan and resubmit the application and revised sketch plan to the Zoning Administrator. The Zoning Administrator may approve the resubmitted application upon making the following findings:

(a) The sketch plan has been revised to adequately address the reasons for denial identified by the Development Review Team;

(b) The sketch plan revisions do not include any major changes that materially affect the characteristics of the sketch plan, other than any necessary to address the reasons for denial identified by the Development Review Team; and

(c) The sketch plan complies with the standards in Sec. 26-2.5(f)(6), Subdivision Decision Standards.

3. Post-Decision Notification

If the application is approved, the Zoning Administrator shall transmit the results of the Development Review Team decision to the Planning Commission for the information of the commission only.

4. Appeal of Decision on Application

Appeals of the Development Review Team's decision on the application or of the Zoning Administrator's decision on a revised sketch plan shall be to the Planning Commission in accordance with Sec. 26-2.5(r), Appeal of Administrative Decision.

5. Effect and Validity of Approval

(a) Approval of a sketch plan in accordance with this section allows for the subsequent submission and review of preliminary plan applications for land that is within the boundaries of the sketch plan and establishes a vested right for a period of two years from the date of approval in accordance with State law.

(b) Sketch plan approval shall become void after a two-year period beginning on the date of approval, or after the final extension approved in accordance with subsection (c) below, unless an application for a preliminary plan for all or a portion of the lands subject to the sketch plan is submitted.

(c) The Zoning Administrator may approve up to five, one-year extensions of sketch plan approval if the applicant submits a written request to the Zoning Administrator no later than 30 days and no earlier than 60 days prior to the expiration of each period of validity. The Zoning Administrator shall approve such requests for extension unless otherwise prohibited by an intervening amendment to this chapter.

c. Preliminary Plan Procedure

An application for preliminary plan approval shall be submitted, processed, reviewed, and decided on in accordance with Sec. 26-2.4, Standard Review Procedures, as modified in this section, and Sec. 26-2.2, Summary Table of Development Review Responsibilities. Figure 26-2.5(f)(5)(c), Basic Flowchart of Major Subdivision Preliminary Plan Procedure, identifies key steps in the preliminary plan procedure.

Figure 26-2.5(f)(5)(c): Basic Flowchart of Major Subdivision Preliminary Plan Procedure

1. Zoning Administrator Decision

(a) The Zoning Administrator shall make a decision on the application in accordance with Sec. 26-2.5(f)(6), Subdivision Decision Standards, within 17 business days of the application being determined complete, unless this time requirement is waived by the applicant. The Zoning Administrator's decision shall be one of the following:

(1) Approve application; or

(2) Deny the application.

(b) If the Zoning Administrator does not make a decision on the application within 17 business days of the application being determined complete and the applicant does not waive the time requirement, the application shall be deemed approved.

2. Appeal of Decision on Application

Appeals of the Zoning Administrator's decision on the application shall be to the Planning Commission in accordance with Sec. 26-2.5(r), Appeal of Administrative Decision.

3. Effect and Validity of Approval

(a) Approval and recordation of a preliminary plan allows for the subsequent submission and review of bonded plat applications and final plat applications for land that is within the boundaries of the preliminary plan, and establishes a vested right for a period of two years from the date of approval in accordance with State law.

(b) Upon approval and recordation of a preliminary plan in accordance with this section, building permits may be issued in the name of the subdivision developer for:

(1) A maximum of one model dwelling unit for each phase of the preliminary plan; and

(2) A temporary on-site construction office, storage structure, and security office/quarters.

(c) Preliminary plan approval shall become void after a two-year period beginning on the date of approval, or after the final extension approved in accordance with subsection (d) below, unless an application for a bonded plat or final plat for all or a portion of the lands subject to the preliminary plan is submitted.

(d) The Zoning Administrator may approve up to five, one-year extensions of preliminary plan approval if the applicant submits a written request to the Zoning Administrator no later than 30 days and no earlier than 60 days prior to the expiration of each period of validity. The Zoning Administrator shall approve such requests for extension unless otherwise prohibited by an intervening amendment to this chapter.

d. Bonded Plat Procedure

An application for bonded plat approval shall be submitted, processed, reviewed, and decided on in accordance with Sec. 26-2.4, Standard Review Procedures, as modified in this section, and Sec. 26-2.2, Summary Table of Development Review

Responsibilities. Figure 26-2.5(f)(5)(d): Basic Flowchart of Major Subdivision Bonded Plat Procedure identifies key steps in the bonded plat procedure.

Figure 26-2.5(f)(5)(d): Basic Flowchart of Major Subdivision Bonded Plat Procedure

1. Zoning Administrator Decision and Signing of Plat

(a) The Zoning Administrator shall make a decision on the bonded plat application in accordance with Sec. 26-2.5(f)(6), Subdivision Decision Standards, within 17 business days of the application being determined complete, unless this time requirement is waived by the applicant. The Zoning Administrator's decision shall be one of the following:

(1) Approve the application; or

(2) Deny the application.

(b) If the Zoning Administrator does not make a decision on the application within 17 business days of the application being determined complete and the applicant does not waive the time requirement, the application shall be deemed approved.

(c) If the bonded plat application is approved, the Zoning Administrator shall sign the corresponding bonded plat for recordation. Approval of a bonded plat shall not constitute final subdivision approval.

2. Appeal of Decision on Application

Appeals of the Zoning Administrator's decision on the application shall be to the Planning Commission in accordance with Sec. 26-2.5(r), Appeal of Administrative Decision.

3. Recordation of Signed Plat

A signed bonded plat must be recorded by the applicant within 30 days of approval in the office of the Richland County Register of Deeds. The applicant shall provide the Zoning Administrator with at least five copies of the recorded plat.

4. Effect and Validity of Approval

(a) Upon approval and recordation of a bonded plat in accordance with this section, building permits may be issued for development of lands within boundaries of the bonded plat.

(b) The approval of a bonded plat application shall not automatically constitute or effect an acceptance by the County of the dedication of any road, easement, or lands shown upon the plat. Public acceptance of dedicated lands shall be by action of the County Council.

(c) The period of validity of bonded plat approval shall be as specified on the plat.

e. Final Plat Procedure

An application for final plat approval shall be submitted, processed, reviewed, and decided on in accordance with Sec. 26-2.4, Standard Review Procedures, as modified in this section, and Sec. 26-2.2, Summary Table of Development Review Responsibilities. Figure 26-2.5(f)(5)(e): Basic Flowchart of Major Subdivision Final Plat Procedure, identifies key steps in the final plat procedure.

Figure 26-2.5(f)(5)(e): Basic Flowchart of Major Subdivision Final Plat Procedure

1. Zoning Administrator Decision and Signing of Plat

(a) The Zoning Administrator shall make a decision on the application in accordance with Sec. 26-2.5(f)(6), Subdivision Decision Standards, within 17 business days of the application being determined complete, unless this time requirement is waived by the applicant. The Zoning Administrator's decision shall be one of the following:

(1) Approve the application; or

(2) Deny the application.

(b) If the Zoning Administrator does not make a decision on the application within 17 business days of the application being determined complete and the applicant does not waive the time requirement, the application shall be deemed approved.

(c) If the final plat application is approved, the Zoning Administrator shall sign the corresponding final plat for recordation, which shall constitute final subdivision approval.

(d) The approval of a final plat application shall not automatically constitute or effect an acceptance by the County of the dedication of any road, easement, or lands shown upon the plat. Public acceptance of dedicated lands shall be by action of the County Council.

2. Appeal of Decision on Application

Appeals of the Zoning Administrator's decision on the application shall be to the Planning Commission in accordance with Sec. 26-2.5(r), Appeal of Administrative Decision.

3. Recordation of Signed Plat

A signed final plat shall be recorded by the applicant within 30 days of approval in the office of the Richland County Register of Deeds, otherwise the approval shall become void. The applicant shall provide the Zoning Administrator with at least five copies of the recorded plat.

4. Effect and Period of Validity of Approval

(a) Upon approval and recordation of a final plat in accordance with this section, building permits may be issued for development of lands within the boundaries of the final plat.

(b) The approval of a final plat application shall not automatically constitute or effect an acceptance by the County of the dedication of any road, easement, or lands shown upon the plat. Public acceptance of dedicated lands shall be by action of the County Council.

(c) There is no expiration of final plat approval.

(6) Subdivision Decision Standards

a. Exempt Subdivision

The Zoning Administrator shall determine a subdivision is an exempt subdivision if it meets the definition of an exempt subdivision in Sec. 26-2.5(f)(2)b.1.

b. Minor Subdivision

The Zoning Administrator shall approve a minor subdivision application only on finding the minor subdivision complies with the standards in Article 26-6, Land Development (Subdivision) Standards, and all other applicable requirements in this Ordinance.

c. Major Subdivision

1. Sketch Plan

The Development Review Team shall approve a sketch plan application only on finding that the sketch plan complies with the standards in Article 26-6, Land Development (Subdivision) Standards, and all other applicable requirements in this Ordinance.

2. Preliminary Plan

The Zoning Administrator shall approve a preliminary plan application only on finding that the preliminary plan:

(a) Is in substantial conformity with an approved sketch plan; and

(b) Complies with the standards in Article 26-6, Land Development (Subdivision) Standards, the Land Development Manual, and all other applicable requirements in this Ordinance.

3. Bonded Plat

The Zoning Administrator shall approve a bonded plat only on finding that the bonded plat:

(a) Is in substantial conformity with an approved sketch plan and an approved preliminary plan; and

(b) Complies with the standards in Article 26-6, Land Development (Subdivision) Standards, including required financial surety, the Land Development Manual, and all other applicable requirements in this Ordinance.

4. Final Plat

The Zoning Administrator shall approve a final plat only on finding that all required improvements have been completed and that the final plat:

(a) Is in substantial conformity with an approved preliminary plan or bonded plat; and

(b) Complies with the standards in Article 26-6, Land Development (Subdivision) Standards, including required financial surety, the Land Development Manual, and all other applicable requirements in this Ordinance.

(g) Street or Road Name Change

(1) Purpose

The purpose of this section is to provide a uniform mechanism for changing the name of an existing street or road.

(2) When Required

Approval of a street or road name change by the Planning Commission is required to change the name of any public or private street or road in the unincorporated County or in incorporated areas in the County where the County is authorized by intergovernmental agreement to change street or road names.

(3) Procedure for Street or Road Name Change

An application for a street or road name change shall be submitted, processed, reviewed, and decided on in accordance Sec. 26-2.4, Standard Review Procedures, as modified in this section, and Sec. 26-2.2, Summary Table of Development Review Responsibilities. Figure 26-2.5(g): Basic Flowchart of Street or Road Name Change Procedure, identifies key steps in the street or road name procedure.

Figure 26-2.5(g): Basic Flowchart of Street or Road Name Change Procedure

a. Planning Commission Review and Action

The Planning Commission shall make a decision on the application in accordance with Sec. 26-2.5(g)(4), Decision Standards for Street or Road Name Change. The Commission's decision shall be one of the following:

1. Approve the application as submitted;
2. Select an alternative name for the subject street or road; or
3. Deny the application.

b. Written Notice

Written notice of the Planning Commission's decision shall be mailed to the affected property owners.

(4) Decision Standards for Street or Road Name Change

The Planning Commission shall change the name of an existing street or road in accordance with S.C. Code § 6-29-1200, on determining any of the following conditions are met, or on any other good and just reason that may appear to the Commission:

a. The street or road name duplicates or is similar to another street or road name, either phonetically or by spelling, within a 9-1-1 community or an emergency service district;

b. Current conditions result in confusion for emergency services delivery;

c. The United States Postal Service presents a request in writing stating that a particular street or road name is causing service delivery confusion;

d. The street or road is currently, or will be, split into two or more non-continuous sections; or

e. A change may simplify markings or giving directions to persons looking for an address.

(h) Permitted Use with Special Requirements

(1) Purpose

The purpose of this section is to establish a uniform mechanism to ensure a proposed principal use that is permitted by right and subject to special requirements in Sec. 26-4.2(d), Principal Uses with Special Requirements (or Principal Conditional Uses), complies with the special requirements. Special requirements are standards that apply to specific uses to ensure that the use is consistent with the desired character of, and compatible with other allowed uses within, the zoning district in which the use is proposed to be located.

(2) When Required

a. Approval of a permitted use with special requirements application is required prior to the establishment of a permitted use that is subject to special requirements in accordance with Sec. 26-4.2(b), Principal Use Table.

b. A permitted use with special requirements application is processed simultaneously with a corresponding land development permit application (see Sec. 26-2.5(e)).

(3) Procedure for Permitted Use with Special Requirements

A permitted use with special requirements application shall be submitted, processed, reviewed, and decided on in accordance with Sec. 26-2.4, Standard Review Procedures, as modified in this section, and Sec. 26-2.2, Summary Table of Development Review Responsibilities. Figure 26-2.5(h): Basic Flowchart of Permitted Uses with Special Requirements Procedure, identifies key steps in the permitted use with special requirements procedure.

Figure 26-2.5(h): Basic Flowchart of Permitted Uses with Special Requirements Procedure

a. Zoning Administrator Decision

The Zoning Administrator shall make a decision on the application in accordance with Sec. 26-2.5(h)(4), Decision Standards for Permitted Use with Special Requirements,

within the time frame set forth for the review of the corresponding land development permit application. The Zoning Administrator's decision shall be one of the following:

1. Approve the application as submitted; or
2. Deny the application.

b. Appeal of Decision on Application

Appeals of the Zoning Administrator's decision on the application shall be to the Board of Zoning Appeals in accordance with Sec. 26-2.5(r), Appeal of Administrative Decision.

c. No Variance

Unless otherwise specified, variances from the special requirements are not permitted. Other variances shall be reviewed as set forth for the applicable land development permit process.

(4) Decision Standards for Permitted Use with Special Requirements

The Zoning Administrator shall approve a permitted use with special requirements application only on finding the proposed use complies with all applicable standards in Sec. 26-4.2(d), Principal Uses with Special Requirements (or Principal Conditional Uses).

(i) Tree Removal Permit

(1) Purpose

The purpose of this section is to provide a uniform mechanism to ensure that any removal, relocation, pruning, or other alteration of a protected tree complies with the requirements in Sec. 26-5.3(i), Tree Protection.

(2) When Required

Approval of a tree removal permit is required prior to any removal, relocation, pruning, or other alteration of a protected tree, as defined in Sec. 26-5.3(i)(3)a, Protected Trees.

(3) Procedure for Tree Removal Permit

A tree removal permit application shall be submitted, processed, reviewed, and decided on in accordance with Sec. 26-2.4, Standard Review Procedures, as modified in this section, and Sec. 26-2.2, Summary Table of Development Review Responsibilities. Figure 26-2.5(i): Basic Flowchart of Tree Removal Permit Procedure, identifies key steps in the tree removal permit procedure.

Figure 26-2.5(i): Basic Flowchart of Tree Removal Permit Procedure

a. Zoning Administrator Decision

The Zoning Administrator shall make a decision on the application in accordance with Sec. 26-2.5(i)(4), Decision Standards for Tree Removal Permit. The Zoning Administrator's decision shall be one of the following:

1. Approve the application as submitted;
2. Approve the application subject to conditions of approval that the Zoning Administrator determines are necessary for the proposed use to comply with Sec. 26-2.5(i)(4), Decision Standards for Tree Removal Permit; or
3. Deny the application.

b. Appeal of Decision on Application

Appeals of the Zoning Administrator's decision on the application shall be to the Board of Zoning Appeals in accordance with Sec. 26-2.5(r), Appeal of Administrative Decision.

(4) Decision Standards for Tree Removal Permit

The Zoning Administrator shall approve a tree removal permit application only on finding the proposed activity complies with all applicable standards in Sec. 26-5.3(i), Tree Protection.

(j) Sign Permit

(1) Purpose

The purpose of this section is to establish a uniform mechanism for ensuring that the erection and maintenance of signs complies with the standards in Sec. 26-5.9, Signs.

(2) When Required

Approval of a sign permit in accordance with this section is required prior to any erection, installation, or structural alteration of a sign, unless the sign is exempted in accordance with Sec. 26-5.10(b)(2), Exempt Signs, or Sec. 26-5.10(e), Signs that Do Not Require a Sign Permit.

(3) Procedure for Sign Permit

A sign permit application shall be submitted, processed, reviewed, and decided on in accordance with Sec. 26-2.4, Standard Review Procedures, as modified in this section, and Sec. 26-2.2, Summary Table of Development Review Responsibilities. Figure 26-2.5(j): Basic Flowchart of Sign Permit Procedure, identifies key steps in the sign permit procedure.

Figure 26-2.5(j): Basic Flowchart of Sign Permit Procedure

a. Zoning Administrator Decision

The Zoning Administrator shall make a decision on the application in accordance with Sec. 26-2.5(j)(4), Decision Standards for Sign Permit. The Zoning Administrator's decision shall be one of the following:

1. Approve the application as submitted; or
2. Deny the application.

b. Appeal of Decision on Application

Appeals of the Zoning Administrator's decision on the application shall be to the Board of Zoning Appeals in accordance with Sec. 26-2.5(r), Appeal of Administrative Decision.

(4) Decision Standards for Sign Permit

The Zoning Administrator shall approve a sign permit application only on finding the proposed activity complies with all applicable standards in Sec. 26-5.9, Signs.

(k) Floodplain Development Permit

(1) Purpose

The purpose of this section is to establish a uniform mechanism for ensuring that development within the FP-O District complies with the standards in Sec. 26-3.7(d), FP-O: Floodplain Overlay District.

(2) When Required

Approval of a floodplain development permit in accordance with this section is required prior to any development within the FP-O District.

(3) Procedure for Floodplain Development Permit

A floodplain development permit application shall be submitted, processed, reviewed, and decided on in accordance with Sec. 26-2.4, Standard Review Procedures, as modified in this section, and Sec. 26-2.2, Summary Table of Development Review Responsibilities. Figure 26-2.5(k): Basic Flowchart of Floodplain Development Permit Procedure, identifies key steps in the floodplain development permit procedure.

Figure 26-2.5(k): Basic Flowchart of Floodplain Development Permit Procedure

a. Site Plan Included in Application

An application for a floodplain development permit shall include a site plan showing the layout and design of the current, as applicable, and proposed development that is prepared by a registered architect, registered engineer, registered landscape architect, or licensed surveyor and that meets the requirements for a site plan in the Land Development Manual. In addition, the following shall be provided, as applicable:

1. 100-year floodplain contour and/or floodway as mapped by FEMA;
2. A statement noting that the entire lot or a portion of the lot is within the 100-year floodplain or floodway as mapped by FEMA; or
3. Demonstrates that the development complies with the standards in Sec. 26-3.7(d), FP-O: Floodplain Overlay District.

b. Flood Coordinator Decision

The Flood Coordinator shall make a decision on the application in accordance with Sec. 26-2.5(k)(4), Decision Standards for Floodplain Development Permit. The Flood Coordinator's decision shall be one of the following:

1. Approve the application; or
2. Deny the application.

c. Appeal of Decision on Application

The County Administrator shall hear and decide appeals from determinations made by the Flood Coordinator. Any owner who has received a decision from the Flood Coordinator may appeal this decision to the County Administrator by giving notice of appeal in writing to the Flood Coordinator within 20 days following issuance of a decision. In the absence of an appeal, the order of the Flood Coordinator shall be final. The County Administrator shall hear an appeal within a reasonable time and may affirm, modify and affirm, or reverse the decision of the Flood Coordinator. Written record of the appeal decision shall be provided by the Richland County Administrator to the Flood Coordinator.

d. Permit Validity

1. The effective date of a floodplain development permit shall be stamped on the permit.
2. Permits shall not be valid until signed by the Flood Coordinator.
3. Unless an extension is granted in writing by the Flood Coordinator, a floodplain development permit shall automatically become void if:
   - **(a)** The authorized work is not commenced within six months after the issuance of the permit; or
   - **(b)** The authorized work is suspended or abandoned for a period of six months after the time of commencing the work.

(4) Decision Standards for Floodplain Development Permit

The Flood Coordinator shall approve a floodplain development permit application only on finding the proposed development complies with the standards in Sec. 26-3.7(d), FP-O: Floodplain Overlay District. In reviewing the application, the Flood Coordinator shall consider the following factors:

a. The danger to life and property due to flooding or erosion damage;

b. The susceptibility of proposed facilities and their contents to flood damage and the effect of such damage on the individual owner;

c. The danger that material may be swept onto other lands to the injury of others;

d. The compatibility of the proposed development with existing and anticipated development;

e. The safety of access to the property in times of flood for ordinary and emergency vehicles;

f. The costs of providing governmental services during and after flood conditions, including maintenance and repair of roads and bridges and public utilities and facilities such as sewer, gas, electrical, and water systems; and

g. The relationship of the proposed development to any Comprehensive Planning document for that area.

(l) Land Disturbance Permit (with approved SWPPP)

(1) Purpose

The purpose of this section is to establish a uniform mechanism for ensuring that grading, construction, and other land disturbances are consistent with a plan to control erosion and sedimentation and to provide for stormwater management, in order to provide proper management of the quality and quantity of stormwater runoff in Richland County.

(2) When Required

a. General

1. Land Disturbance Permit

Issuance of a land disturbance permit in accordance with this section is required prior to any grading, construction, or land disturbance of any nature, unless exempted in accordance with Sec. 26-2.5(l)(2)a.3, Exemptions.

2. Storm Water Pollution Prevention Plan (SWPPP)

Approval of a Storm Water Pollution Prevention Plan (SWPPP) in accordance with this section is required prior to the issuance of any of the following permits, unless the proposed land disturbing activity is exempted in accordance with Sec. 26-2.5(l)(2)a.3, Exemptions:

(a) A land disturbance permit;

(b) A land development permit;

(c) A floodplain development permit; and

(d) A building permit.

3. Exemptions

(a) Except for the construction of agricultural structures in accordance with subsection (b) below, the following are exempt from the requirements of this section:

(1) Land disturbing activity on agricultural land for production of plants and animals useful to man, including but not limited to: forages and sod crops, grains and feed crops, poultry and poultry products; livestock, including beef cattle, sheep, swine, horses, ponies, mules, or goats, including the breeding and grazing of these animals; bees; fur animals and aquaculture; and

(2) Land disturbing activity on forest land for the production and harvesting of timber and timber products.

(b) Approval of a SWPPP is required prior to the start of any land disturbing activity associated with the construction of an agricultural structure or structures, such as broiler houses, machine sheds, repair shops, and other major buildings, if:

(1) The proposed construction requires the issuance of a building permit; and

(2) The proposed structure or structures cover an area of one or more acres.

(c) Review of any of the following by the County may be conducted in lieu of review and approval of an SWPPP in accordance with this section:

(1) Industrial SWPPP(s), as required under a facility's NPDES storm water discharge permit, when outfall monitoring indicates a suspected violation;

(2) Reclamation plan(s), as required under a mining and mineral resource extraction operation's operating permit, when outfall monitoring indicates a suspected violation; or

(3) Certificate(s) of environmental compatibility, as required by the South Carolina Public Service Commission, when outfall monitoring indicates a suspected violation of a utility.

b. Level I SWPPP and Level II SWPPP Distinguished

1. Level I SWPPP approval is required for all land disturbing activities that have a cumulative disturbed area of less than one acre and that are not part of a larger common plan of development or sale. A Level I SWPPP shall be prepared in accordance with the requirements in Appendix 26-1: Required SWPPP Application Materials.

2. Level II SWPPP approval is required for all land disturbing activities having a disturbed areas of one acre or greater. However, the use of measures other than ponds to achieve water quality improvements is recommended on sites containing less than ten disturbed acres. A Level II Plan SWPPP shall be prepared in accordance with the requirements in Appendix 26-1: Required SWPPP Application Materials.

(3) Procedure for Land Disturbance Permit (with approved SWPPP)

An application for a land disturbance permit and SWPPP approval shall be submitted, processed, reviewed, and decided on in accordance with Sec. 26-2.4, Standard Review Procedures, as modified in this section, and Sec. 26-2.2, Summary Table of Development Review Responsibilities. Figure 26-2.5(l): Application for Land Disturbance Permit and SWPPP Approval Procedure, identifies key steps in the land disturbance permit and SWPPP approval procedure.

Figure 26-2.5(l): Application for Land Disturbance Permit and SWPPP Approval Procedure

a. Application Submission

The provisions in Sec. 26-2.4(d), Application Submission, apply. A SWPPP application shall contain all required materials identified in Appendix 26-A: Required SWPPP Application Materials.

b. County Engineer Decision and Department of Health and Environmental Control (DHEC) Review

1. The County Engineer shall approve or deny a SWPPP application in accordance with Sec. 26-2.5(l)(4), Decision Standards for Land Disturbance Permit and SWPPP, within 17 business days days of the date the complete application is submitted, unless the County Engineer determines that the size and scope of the proposed plan requires additional time for adequate review. If the County Engineer determines additional time is required for adequate review, the County Engineer may extend the review period by up to 30 days. If the County Engineer has not made a decision at the end of the 30-day period, the application shall be deemed approved, unless the applicant waives this requirement in writing.
2. If the SWPPP is approved, the County Engineer shall issue an approval letter for a land disturbance permit and send the approval letter, the Notice of Intent (NOI), and the required fee to the South Carolina Department of Health and Environmental Control (DHEC).
3. Within seven day of receiving an approval letter to issue a land disturbance permit and the corresponding NOI and fee, DHEC shall review the completed application and issue a letter either granting or denying coverage under the NPDES General Permit for Storm Water Discharges from Large and Small Construction Activities (SCR100000), or requesting additional information. If DHEC does not send a letter either granting or denying such coverage or requesting additional information within the designated time period, then such coverage shall be automatically deemed granted.
4. Upon receipt of a letter issued by DHEC either granting or denying coverage in accordance with subsection 3 above, or, upon passage of the designated time period if DHEC does not issue a letter granting or denying coverage or requesting additional information, the County Engineer shall issue or not issue a land disturbance permit in accordance with Sec. 26-2.5(l)(4), Decision Standards for Land Disturbance Permit and SWPPP.

c. Appeal of Decision on Application

Appeals of the County Engineer's decision on the application shall be to the Board of Zoning Appeals in accordance with Sec. 26-2.5(r), Appeal of Administrative Decision.

d. Validity of Permit

1. A SWPPP shall become effective on the date the County Engineer approves the plan.
2. An SWPPP shall not be valid until signed by the County Engineer.

3. Unless an extension is granted in writing by the County Engineer in accordance with subsection 4 below, approval of a SWPPP shall automatically become void if:

(a) The authorized work is not completed within two years of the date of approval; or

(b) The authorized work is suspended or abandoned for a period of six months after the time of commencing the work.

4. An applicant may request and the County Engineer may approve up to four, 1-year extensions of the period of validity of an SWPPP approval. Any such request for an extension by the applicant must be submitted prior to the expiration of the period of validity and shall set forth reasons for the requested extension and include all required fees.

e. Effect of Approval

Approval of a SWPPP by the County Engineer does not relieve the applicant's technical representative of responsibility for the correctness of plans or the accuracy of calculations, nor does it relieve the land owner or the applicant of the obligation to comply with any applicable laws.

f. Post-Decision Requirements

1. Responsibility for Carrying Out Work, Notifying County Engineer

The applicant shall be responsible with carrying out the proposed work in accordance with the approved SWPPP and for notifying the County Engineer within 24 hours after the start of construction.

2. No Building Permit until Drainage Improvements Installed

No building permit shall be issued until the required drainage improvements, as set forth in an approved design plan, are installed, unless an acceptable bond is posted in lieu of completion of the improvements.

3. SWPPP, NOI, NPDES Permit, and DHEC Letter Maintained at Site

The approved SWPPP must be maintained at the active construction site until a Notice of Termination (NOT) is issued. In addition, a copy of the Notice of Intent (NOI), NPDES General Permit for Large and Small Construction Activities, and letter from DHEC granting coverage under the NPDES General Permit for Large and Small Construction activities must be maintained at the site at all times until a NOT is issued.

4. Inspections

(a) The SWPPP shall specify the inspection frequency for the land disturbance activity which must be done in accordance with the NPDES General Permit for Large and Small Construction Activities. Inspections must be conducted by an inspector meeting the licensure requirements in subsection (b) a minimum of:

(1) Once every seven calendar days; or

(2) Once every 14 calendar days and within 24 hours of the end of a storm event of 0.5 inches or greater.

(b) All required inspections must be conducted by an inspector who is at least one of the following:

(1) A registered professional engineer as described in Title 40, Chapter 22;

(2) A registered landscape architect as described in Title 40, Chapter 28, Section 10, item (b);

(3) A Tier B land surveyor as described in Title 40, Chapter 22;

(4) A federal government employee as described by Title 40, Chapter 22, Section 280(A)(3); or

(5) An inspector certified in accordance with the state Certified Erosion and Sediment Control Inspector (CEPSCI) program.

(c) The County Engineer shall periodically inspect the work done under an approved SWPPP. Any violations will be enforceable in accordance with Article 26-8: Enforcement.

(d) For each inspection conducted, an inspection report must be completed. A record of each inspection and any actions taken must be retained as part of the SWPPP for at least three years.

5. Preconstruction Conference

(a) For non-linear projects that disturb ten acres or more, the permittee must conduct a pre-construction conference with each co-permittee, and contractor who is not a co-permittee, in person prior to the co-permittee or contractor performing construction-related work intended to disturb soils at the site that may affect the implementation of the SWPPP. The permittee shall conduct the pre-construction conference at the construction site unless it is justified in the SWPPP and approved by the county to conduct the conference off-site. The permittee may conduct the pre-construction conference with all contractors at the same time or separately with one or more contractors present. The purpose of the pre-construction conference(s) is to ensure that all contractors who perform land disturbing activity are aware of the requirements of the SWPPP before they start construction.

(b) For linear construction of roads or utilities (such as roads built by SCDOT, utility construction including electrical power lines, gas lines, sewer lines, and water lines that are not part of a subdivision) that are not part of a subdivision or other type of development, the pre-construction conference may be conducted off-site unless specifically required by the County to be conducted on site. The purpose of the pre-construction conference is to explain the whole SWPPP to the co-permittees and contractors, and to specifically review areas of the SWPPP that are related to the work to be performed by the co- permittees and contractors.

6. Monthly Reporting

For land disturbance activities impacting ten or more acres, monthly reports required by the NPDES General Permit for Large and Small Construction Activities shall be submitted to DHEC and the County Engineer.

7. Notice of Termination (NOT)

The owner/operator of a site may apply for a NOT when seventy percent (70%) of the site is stabilized. The County has the authority to grant or deny the request for a NOT at its discretion. Any recurring fees will continue to be applicable until the NOT is submitted to Richland County and approved by DHEC. Richland County will forward the request for NOT to DHEC.

(4) Decision Standards for Land Disturbance Permit and SWPPP Approval

a. The County Engineer shall approve a proposed SWPPP on finding that it complies with the standards in Sec. 26-5.12(b), Stormwater Management.

b. The County Engineer shall issue a land disturbance permit only after DHEC issues a letter granting, or is deemed to have granted, a NPDES General Permit for Large and Small Construction Activities in accordance with Sec. 26-2.5(l)(3)b, County Engineer Decision and Department of Health and Environmental Control (DHEC) Review.

(m) Temporary Use Permit

(1) Purpose

The purpose of this section is to establish a uniform mechanism for ensuring that specified temporary uses comply with the standards in Sec. 26-4.4, Temporary Uses and Structures.

(2) When Required

Approval of a temporary use permit in accordance with this section is required prior to the establishment of any temporary use identified as requiring a temporary use permit in Sec. 26-4.4, Temporary Uses and Structures.

(3) Procedure for Temporary Use Permit

A temporary use permit application shall be submitted, processed, reviewed, and decided on in accordance with Sec. 26-2.4, Standard Review Procedures, as modified in this section, and Sec. 26-2.2, Summary Table of Development Review Responsibilities. Figure 26-2.5(m): Basic Flowchart of Temporary Use Permit Procedure, identifies key steps in the temporary use permit procedure.

Figure 26-2.5(m): Basic Flowchart of Temporary Use Permit Procedure

a. Zoning Administrator Decision

1. The Zoning Administrator shall make a decision on the application in accordance with Sec. 26-2.5(m)(4), Decision Standards for Temporary Use Permit, within 17 business days of the date the application is determined complete, unless this time requirement is waived by the applicant. The Zoning Administrator's decision shall be one of the following:

(a) Approve the application as submitted; or

(b) Deny the application.

2. If the Zoning Administrator does not make a decision on the application within 30 days of the application being determined complete and the applicant does not waive the time requirement, the application shall be deemed approved.

b. Appeal of Decision on Application

Appeals of the Zoning Administrator's decision on the application shall be to the Board of Zoning Appeals in accordance with Sec. 26-2.5(r), Appeal of Administrative Decision.

c. Validity of Permit

An approved temporary use permit shall be valid only for the period of time stated on the permit, in accordance with time limitations established for temporary uses in Sec. 26-4.4, Temporary Uses and Structures.

(4) Decision Standards for Temporary Use Permit

The Zoning Administrator shall approve a temporary use permit application on finding that the proposed temporary use complies with the applicable standards in Sec. 26-4.4, Temporary Uses and Structures.

(n) Certificate of Zoning Compliance

(1) Purpose

The purpose of this section is to establish a uniform mechanism to ensure that all buildings and premises that are created, erected, changed, converted, altered, or enlarged comply with the requirements of this Ordinance before they are used or occupied.

(2) When Required

Approval of a certificate of zoning compliance in accordance with this section is required prior to the occupancy or use of any building or premises that is created, erected, changed, converted, altered, or enlarged after May 2nd, 2022.

(3) Procedure for Certificate of Zoning Compliance

An application for a certificate of zoning compliance shall be submitted, processed, reviewed, and decided on in accordance with Sec. 26-2.4, Standard Review Procedures, as modified in this section, and Sec. 26-2.2, Summary Table of Development Review Responsibilities. Figure 26-2.5(n): Basic Flowchart of Certificate of Zoning Compliance Procedure, identifies key steps in the certificate of zoning compliance procedure.

Figure 26-2.5(n): Basic Flowchart of Certificate of Zoning Compliance Procedure

a. Zoning Administrator Inspection and Decision

The Zoning Administrator shall inspect the project building(s) and site and make a decision on the application in accordance with Sec. 26-2.5(n)(4), Decision Standards for Certificate of Zoning Compliance. The Zoning Administrator's decision shall be one of the following:

1. Approve the application; or
2. Deny the application.

b. Appeal of Decision on Application

Appeals of the Zoning Administrator's decision on a certificate of zoning compliance application shall be to the Board of Zoning Appeals in accordance with Sec. 26-2.5(r), Appeal of Administrative Decision.

(4) Decision Standards for Certificate of Zoning Compliance

The Zoning Administrator shall issue a certificate of zoning compliance only upon finding that the building(s) and site comply with all applicable requirements of this Ordinance, including any additional conditions of approval imposed by other development approvals and permits.

(o) Administrative Adjustment

(1) Purpose

The purpose of this section is to establish a uniform mechanism for the Zoning Administrator to approve minor deviations from the dimensional or design standards of this Ordinance in specific circumstances in order to better accomplish the purposes of this Ordinance.

(2) Allowed Administrative Adjustments

An administrative adjustment may be requested and granted in accordance with the procedures and standards in this section for deviations up to ten percent from numerical

standards identified in Table 26-2.5(o)(2): Standards for which Administrative Adjustments Allowed.

Table 26-2.5(o)(2): Standards for which Administrative Adjustments Allowed	
Standard	
Minimum lot width	Sec. 26-5.2(h), Vehicle Stacking Spaces and Lanes
Minimum front yard setback	Sec. 26-5.2(i), Bicycle Parking Standards
Minimum side yard setback	Transitional buffer yard width in Sec. 26-5.3(d)(3), Dimensional and Planting Requirements
Minimum rear yard setback	Street protective yard width in Sec. 26-5.3(e)(4), Dimensional Requirements
Sec. 26-5.1(c)(2)d, Driveway Standards	Vehicular surface area screening width in Sec. 26-5.3(f)(3), Screening
Sec. 26-5.2(c)(8), Large Vehicular Surface Areas (300 or More Spaces)	Sec. 26-5.6(c)(3), Building Size
	Sec. 26-5.8(c)(1)a, Buffer Width
Sec. 26-5.2(f)(6), Valet and Tandem Parking	

(3) Procedure for Administrative Adjustment

An application for an administrative adjustment shall be submitted, processed, reviewed, and decided on in accordance with Sec. 26-2.4, Standard Review Procedures, as modified in this section, and Sec. 26-2.2, Summary Table of Development Review Responsibilities. Figure 26-2.5(o)(3): Basic Flowchart of Administrative Adjustment Procedure, identifies key steps in the administrative adjustment procedure.

Figure 26-2.5(o)(3): Basic Flowchart of Administrative Adjustment Procedure

a. Zoning Administrator Decision

The Zoning Administrator shall make a decision on the application in accordance with Sec. 26-2.5(o)(4), Decision Standards for Administrative Adjustment, within 17 business days of the application being determined complete, unless this time requirement is waived by the applicant. The Zoning Administrator's decision shall be one of the following:

1. Approve the application as submitted;

2. Approve the application subject to conditions of approval the Zoning Administrator determines are necessary for the administrative adjustment to comply with the Sec. 26-2.5(o)(4), Decision Standards for Administrative Adjustment; or
3. Deny the application.

b. Appeal of Decision on Application

Appeals of the Zoning Administrator's decision on an administrative adjustment application shall be to the Board of Zoning Appeals in accordance with Sec. 26-2.5(r), Appeal of Administrative Decision.

c. Effect of Approval

Approval of an administrative adjustment authorizes only the particular administrative adjustment that is approved. It does not exempt the applicant from the responsibility to obtain all other development approvals and permits required by this Ordinance and any other applicable laws, and does not indicate that the development for which the administrative adjustment is granted should receive other development approvals or permits under this Ordinance unless the relevant and applicable portions of this Ordinance or any other applicable laws are met. Unless it expires, an administrative adjustment, including any conditions of approval, shall run with the land, shall be binding on the landowners and their successors and assigns, and shall not be affected by a change in ownership.

d. Lapse of Approval

1. If a maximum time frame for development to begin and/or be completed is established as a condition of approval, approval of an administrative adjustment shall expire and be void upon the lapse of the specified time frame if the development is not begun and/or completed as required.
2. If a maximum time frame for development to begin and/or be completed is not established as a condition of approval, approval of an administrative adjustment shall automatically expire and be void six months from the date of approval if the corresponding development is not commenced and a building permit, if required, is not issued for the development.
3. An applicant may request, and the Zoning Administrator may grant up to one six-month extension of the period of validity of the administrative adjustment upon a showing of good cause by the applicant. The applicant's request must be in writing and submitted at least 30 days prior to the expiration of approval of the administrative adjustment.

(4) Decision Standards for Administrative Adjustment

The Zoning Administrator shall approve an application for an administrative adjustment on finding the administrative adjustment:

a. Complies with the requirements of Table 26-2.5(o)(2): Standards for which Administrative Adjustments Allowed;

b. Is consistent with the character of development on surrounding land, and is compatible with surrounding land uses;

c. Either:

1. Is required to compensate for some unusual aspect of the site or the proposed development that is not shared by landowners in general;
2. Supports an objective or goal from the purpose and intent statements of the zoning district where it is located; or
3. Is proposed to save healthy existing trees;

d. Will not pose a danger to the public health or safety;

e. Includes measures to mitigate any adverse impacts, to the maximum extent practicable; and

f. Is not part of a series of multiple, incremental administrative adjustments on the same site that result in a reduction in development standards by the maximum allowed.

(p) Variance

(1) Purpose

The purpose of this section is to establish a uniform mechanism for the Board of Zoning Appeals to allow deviations from specific dimensional standards in this Ordinance when the strict application of the standards would result in unnecessary hardship.

(2) When Allowed

a. The Board of Zoning Appeals may grant variances in accordance with this section to allow deviations from the following standards:

1. The dimensional standards in Article 26-3: Zoning Districts; and
2. Numerical use-specific standards in Article 26-4: Use Regulations, to the extent they do not result in allowing a variance for a use that is prohibited in the zoning district; and
3. Numerical standards in Article 26-5: General Development Standards.

(3) Procedure for Variance

An application for a variance shall be submitted, processed, reviewed, and decided on in accordance with Sec. 26-2.4, Standard Review Procedures, as modified in this section, and Sec. 26-2.2, Summary Table of Development Review Responsibilities. Figure 26-2.5(p): Basic Flowchart of Variance Procedure, identifies key steps in the variance procedure.

Figure 26-2.5(p): Basic Flowchart of Variance Procedure

a. Completeness determination

The provisions in Sec. 26-2.4(e), Completeness Determination, apply, except the Planning Director shall make the determination within 15 days from the date the application is submitted.

b. Board of Zoning Appeals Review and Action

1. The Board of Zoning Appeals shall review the application materials, the Planning Director's recommendation, the standards set forth in this Ordinance, and all testimony and evidence received at the public hearing and shall make a decision on the application in accordance with Sec. 26-2.5(p)(4), Decision Standards for Variance. The Board's decision shall be one of the following:

(a) Approve the application as submitted;

(b) Approve the application subject to conditions of approval regarding the location, character, or other features of the proposed building, structure, or use that the Board deems appropriate to comply with the standards in Sec. 26-2.5(p)(4), Decision Standards for Variance; or

(c) Deny the application.

2. The Board's decision on the application shall be by a concurring vote of a majority of those members of the Board both present and voting, and shall be accompanied by written findings on whether the requested variance meets each of the standards in Sec. 26-2.5(p)(4), Decision Standards for Variance. The

Board's decision and written findings shall be permanently filed in the office of the Planning Director as a public record.

c. Appeal of Decision on Application

Any person having a substantial interest in the decision on the application by the Board of Zoning Appeals may appeal the decision to a court of competent jurisdiction in accordance with the requirements of State law. All such appeals shall be filed within 30 days after the date that notice of the decision is sent to the applicant and may be accompanied by a request for pre-litigation mediation in accordance with State law.

d. Effect of Approval

Approval of a variance authorizes only the particular relief approved. It does not exempt the applicant from the responsibility to obtain all other approvals required by this Ordinance and any other applicable laws, and does not indicate that the development for which the variance is granted should receive other development approvals or permits under this Ordinance unless the relevant and applicable portions of this Ordinance or any other applicable laws are met. Unless it expires, a variance, including any conditions of approval, shall run with the land, shall be binding on the landowners and their successors and assigns, and shall not be affected by a change in ownership.

e. Lapse of Approval

As a condition of approval, the Board of Zoning Appeals may establish a time frame within which the development for which the variance requested shall begin and/or be completed. The variance shall automatically expire and be void upon the lapse of the established time frame if the development for which the variance is granted is not begun and/or completed as required. If a vested right is already established for the same development at the time the variance is approved, the time frame established as a condition of approval shall not be less than the effective period for the vested right.

(4) Decision Standards for Variance

a. The Board of Zoning Appeals shall approve a variance application only on finding the applicant demonstrates all of the following:

1. There are extraordinary and exceptional conditions pertaining to the particular piece of property;

2. These conditions do not generally apply to other property in the vicinity;

3. These conditions are not the result of the applicant's own actions;

4. Because of these conditions, the application of the standards in this Ordinance to the particular piece of property would effectively prohibit or unreasonably restrict the utilization of the property; and

5. The authorization of a variance will not be of substantial detriment to adjacent property or to the public good, and the granting of the variance will not harm the character of the district.

b. The fact that property could be utilized more profitably if a variance were granted shall not be considered grounds for approval of a variance application.

c. The Board of Zoning Appeals shall not approve a variance application if the approval would have the effect of:

1. Allowing the establishment of a use not otherwise permitted in a zoning district;
2. Extending physically a nonconforming use of land;
3. Changing the zoning district boundaries shown on the official zoning map;
4. Decreasing the allowed minimum lot size or the minimum lot width, or in any other manner creating a nonconforming lot; or
5. Permitting an increase in density allowing more units on a lot than permitted under this Ordinance.

(q) Water Quality Buffer Waiver

(1) Purpose

The purpose of this section is to establish a uniform mechanism for granting waivers from the water quality buffer requirements in Sec. 26-5.12(a), Water Quality Buffers, when specific standards are met.

(2) Applicability

An applicant may request and the County Engineer may grant a waiver to alter a buffer required by Sec. 26-5.12(a), Water Quality Buffers, in accordance with the procedure and standards set forth in this section.

(3) Procedure for Water Quality Buffer Waiver

An application for a water quality buffer waiver shall be submitted, processed, reviewed, and decided on in accordance with Sec. 26-2.4, Standard Review Procedures, as modified in this section, and Sec. 26-2.2, Summary Table of Development Review Responsibilities. Figure 26-2.5(q): Water Quality Buffer Waiver Procedure, identifies key steps in the water quality buffer waiver procedure.

Figure 26-2.5(q): Water Quality Buffer Waiver Procedure

a. Application Submission

The provisions in Sec. 26-2.4(d), Application Submission, apply, except a water quality buffer waiver application shall be submitted to the County Engineer instead of the Planning Director. The application shall include specific reasons justifying the waiver. The County Engineer may require an alternative analysis that clearly demonstrates that no other feasible alternative exists and that minimal impact will occur as a result of the project or development.

b. Completeness Determination

The provisions in Sec. 26-2.4(e), Completeness Determination, apply, except the County Engineer shall determine if the application is complete instead of the Planning Director.

c. County Engineer Decision

1. The County Engineer shall make a decision on the application in accordance with Sec. 26-2.5(q)(4), Decision Standards for Water Quality Buffer Waiver. The County Engineer's decision shall be one of the following:

(a) Approve the application as submitted;

(b) Approve the application subject to conditions of approval; or

(c) Deny the application.

2. Conditions of approval may address site design, landscape planting, fencing, the placement of signs, and the establishment of water quality best management practices in order to reduce adverse impacts on water quality, streams, wetlands, and floodplains.

d. Appeal to Planning Commission

Any person having a substantial interest in the County Engineer's decision on the application may appeal the decision to the Planning Commission within 30 days after the decision. Such appeal shall be in writing and shall state the basis or reason for the appeal. The Planning Commission shall make all final determinations and decisions on the application.

(4) Decision Standards for Water Quality Buffer Waiver

A waiver from the requirements in Sec. 26-5.12(a), Water Quality Buffers, shall be granted only on determining the applicant demonstrates all of the following:

a. A hardship exists and the requested relief meets the general purpose and intent of this section;

b. If the buffer is located in a Water Quality Protection Area, alternative protection measures can be provided that exceed the protection afforded by the established buffer;

c. The waiver will not result in a buffer required by Sec. 26-5.12(a), Water Quality Buffers, being reduced to less than 25 feet from the jurisdictional line;

d. The project will not add to an already established TMDL; and

e. The requested waiver meets any of the following criteria:

1. The project involves construction of one single-family home for residential use by the owner of the property, and the property has an unusual shape or

topography and there is no opportunity to develop under any reasonable design configuration that protects the entire buffer; or

2. The project involves the construction or repair of a structure which, by its nature, must be located within the buffer, including:

(a) Dams;

(b) Public water supply intakes;

(c) Waste water discharges;

(d) Docks, and boat launches;

(e) Stabilization areas of public access to water; or

(f) Buffer intrusion is necessary to provide access to the property.

3. The project meets the following requirements:

(a) Requires a Wetland Permit from USACE for impacts to jurisdictional wetlands;

(b) The USACE has approved a mitigation plan; and

(c) Implementation of the plan in a 404 permit condition.

(r) Appeal of Administrative Decision

(1) Purpose

The purpose of this section is to set forth a uniform mechanism for appeals to either the Board of Zoning Appeals or the Planning Commission from a decision, including any order, requirement, decision, or determination, by the Zoning Administrator, the Planning Director, the Development Review Team, or the County Engineer authorized by this Ordinance, or from an interpretation determining the exact location of boundaries of special flood hazard areas by the Flood Coordinator.

(2) When Allowed

a. Except as provided in subsection b below, any decision by the Zoning Administrator, the Planning Director, or the Development Review Team that is authorized by this Ordinance, and any interpretation determining the exact location of boundaries of special flood hazard areas by the Flood Coordinator, may be appealed in accordance with this section by any person having a substantial interest in the decision.

b. A decision by the Zoning Administrator on a major subdivision bonded plat (see Sec. 26-2.5(f)(5)d) or final plat (see Sec. 26-2.5(f)(5)e) may be appealed in accordance with this section only by the applicant, a contiguous landowner, or an adjacent landowner.

(3) Procedure for Appeal of Administrative Decision

An appeal under this section shall be submitted, processed, reviewed, and decided on in accordance with Sec. 26-2.4, Standard Review Procedures, as modified in this section, and Sec. 26-2.2, Summary Table of Development Review Responsibilities. Figure 26-2.5(r): Basic Flowchart of Appeal of Administrative Decision Procedure, identifies key steps in the appeal of administrative decision procedure.

Figure 26-2.5(r): Basic Flowchart of Appeal of Administrative Decision Procedure

a. Application Submission

1. The provisions in Sec. 26-2.4(d), Application Submission, apply. In addition, the appeal must state the specific section of this Ordinance (or the specific design detail) from which the appeal is taken and the basis or reason for the appeal. An appeal must be filed no later than 30 days after the date of the decision that is alleged to be in error.

2. Submission of a complete appeal application stays all proceedings in furtherance of the action appealed from, unless the person or body who made the decision that is being appealed certifies to the Board of Zoning Appeals or the Planning Commission, as appropriate, that by reason of facts stated in the certificate, a stay would, in their opinion, cause imminent peril to life or property. Where such a certification has been provided, proceedings may be stayed only by a restraining order granted by the Board of Zoning Appeals or the Planning Commission, as applicable, or by a court of competent jurisdiction on due cause shown and following notice to the person or body providing the certification.

b. Staff Review and Action

The person or body who made the decision that is being appealed shall transmit to the Board of Zoning Appeals or the Planning Commission, as appropriate, the appeal application, all papers, documents, and other materials related to the decision being appealed, and a report detailing the regulations and interpretation pertaining to the decision being appealed.

c. Review and Decision by the Board of Zoning Appeals or Planning Commission

1. The Board of Zoning Appeals or the Planning Commission, as appropriate, shall conduct a public hearing on the appeal. Any party to the appeal may appear in person or be represented by an agent. The Board or Commission, as appropriate, may subpoena witnesses and in case of contempt may certify this fact to the circuit court having jurisdiction.

2. After conducting the public hearing, the Board of Zoning Appeals or the Planning Commission, as appropriate, shall adopt, in accordance with Sec. 26-2.5(p)(4), Decision Standards for Appeal of Administrative Decision, an order reversing or affirming, wholly or in part, or modifying the decision being appealed. The Board or Commission, as appropriate, shall have all the powers of the person or body that made the decision being appealed and may issue or direct the issuance of a permit. The decision of the Board or Commission, as appropriate, shall be in writing and shall include separately stated findings of fact and conclusions of law. The decision of the Board or Commission, as appropriate, shall be delivered to parties of interest by certified mail and permanently filed in the office of the Planning Director as a public record.

d. Appeal of Decision of Appellate Body

Appeals from the final decision of the appellate body made in accordance with this section are governed by S.C. Code § 6-29-820 et seq.

(4) Decision Standards for Appeal of Administrative Decision

a. The Board of Zoning Appeals or the Planning Commission, as appropriate, may modify or reverse the decision being appealed only based on clear and substantial evidence in the record that the Zoning Administrator, the Planning Director, the Development Review Team, the County Engineer, or the Flood Coordinator, as applicable:

(a) Made an error in determining whether a standard was met. The record must indicate that an error in judgment occurred or facts, plans, or regulations were misread in determining whether the particular standard was or was not met; or

(b) Made the decision based on a standard not contained in this Ordinance or other appropriate County ordinances, regulations, or State law; or

(c) Made an error in applying a standard.

b. Unless the Board of Zoning Appeals or the Planning Commission, as appropriate makes one of the determinations in subparagraph a above, it shall affirm the decision being appealed.

(s) Interpretation

(1) Purpose

The purpose of this section is to establish a uniform mechanism for rendering a formal written interpretation of any provision of this Ordinance.

(2) Authority to Render Interpretation

a. Except as provided in subsections b and c below, the Zoning Administrator is responsible for rendering interpretations, in accordance with the procedures and standards in this section, of all provisions of this Ordinance, including, but not limited to:

1. Interpretations of the text, including standards;

2. Interpretations of the zoning district boundaries;

3. Interpretations of whether an unlisted use in the use tables in Article 26-4: Use Regulations, is comparable to a listed use or not, and should be allowed in a zoning district or prohibited in that district; and

4. Interpretations of compliance with a condition of approval.

b. The County Engineer is responsible for rendering interpretations, in accordance with the procedures and standards in this section, of all stormwater management and erosion and sediment control provisions in Sec. 26-5.12, Water Quality.

c. The Flood Coordinator is responsible for rendering interpretations, in accordance with the procedures and standards in this section, determining the exact location of boundaries of special flood hazard areas.

(3) Procedure for Interpretation

A request for an interpretation shall be submitted, processed, reviewed, and decided on in accordance with Sec. 26-2.4, Standard Review Procedures, as modified in this section, and Sec. 26-2.2, Summary Table of Development Review Responsibilities. Figure 26-2.5(s): Basic Flowchart of Interpretation Procedure, identifies key steps in the interpretation procedure.

Figure 26-2.5(s): Basic Flowchart of Interpretation Procedure

a. Decision on Interpretation Request

The Zoning Administrator, the County Engineer, or the Flood Coordinator, as appropriate, shall review the application, and render a formal written interpretation in accordance with Sec. 26-2.5(s)(4), Standards for Interpretation. The interpretation shall be in a form approved by the County Attorney and shall constitute the decision on the application.

b. Appeal of Interpretation

Appeals of an interpretation rendered in accordance with this section shall be to the Board of Zoning Appeals in accordance with Sec. 26-2.5(r), Appeal of Administrative Decision.

c. Official Record of Interpretation

The Zoning Administrator shall maintain in the Community Planning and Development office a record of formal written interpretations rendered in accordance with this section, which shall be available at any time, upon reasonable request and during normal business hours.

d. Effect of Allowing Unlisted Principal Uses as Permitted Use or Special Exception Use

On interpreting an unlisted principal use as allowed in a zoning district, and finding that the use is likely to be common or would lead to confusion if it remains unlisted, the Zoning Administrator may initiate an application for a text amendment to this Ordinance in accordance with Sec. 26-2.5(a), Text Amendment, to list the use in Article 26-4: Use Regulations, as a principal use permitted by right, permitted by right subject to special requirements, or subject to approval of a special exception permit. Until final action is taken on the text amendment application, the interpretation of the Zoning Administrator shall be binding and shall be maintained in the record of interpretations in accordance with subsection c above.

(4) Standards for Interpretation

a. Text Provisions

Interpretation of the provision's text and its application shall be based Sec. 26-9.1, Rules of Construction, Sec. 26-1.7, Relationship with Other Laws, Covenants, or Deeds, and considerations including, but not limited to, the following:

1. The plain meaning of the provision's wording, considering any terms specifically defined in Sec. 26-9.4, Definitions, and the common and accepted usage of terms; and
2. The purpose of the provision, as indicated by:
   - (a) Any purpose statement in the section(s) where the text is located;
   - (b) The provision's context and consistency with surrounding and related provisions;
   - (c) Any legislative history related to the provision's adoption;
   - (d) The general purposes served by this Ordinance, as set forth in Sec. 26-1.3, Purpose and Intent; and
   - (e) The Comprehensive Plan.

b. Unspecified Principal Uses

The Zoning Administrator shall interpret a particular principal use not expressly listed in Table 26-4.2(b): Principal Use Table, in Article 26-4: Use Regulations, as permitted by right, permitted by right subject to special requirements, or permitted subject to approval of a special exception permit in a particular zoning district only after finding that the nature, function, and duration of the use and the impact of allowing it in the zoning district are so similar to those of a use type or use category that is allowed in the zoning district that the unlisted use should be deemed allowed in the same

manner (i.e., as permitted by right, permitted by right subject to special requirements, or permitted subject to approval of a special exception permit) as the similar use type or use category and subject to the same use-specific standards. In making such interpretation, the Zoning Administrator shall consider the relevant characteristics of the unlisted use relevant to the those of listed and defined use types in Sec. 26-9.4, Definitions, and/or of the use categories described in Sec. 26-4.2(c), Classification of Principal Uses, the purpose and intent statements in this Ordinance concerning the zoning district (see Article 26-3: Zoning Districts), and the character of use types allowable in the zoning district. The relevant characteristics of the unlisted use that should be considered in making this interpretation include, but are not limited to, the following:

1. Actual or projected characteristics of each activity likely to occur as part of the unlisted use;

2. The type, size, orientation, and nature of buildings, and structures devoted to each activity;

3. Vehicles used and their parking requirements, including the ratio of the number of spaces required per unit area or activity;

4. Relative amounts of sales from each activity;

5. The nature and location of storage and outdoor display of merchandise, whether enclosed, open, inside or outside the principal building, and the predominant types of items stored;

6. Customer type for each activity;

7. How the use is advertised, including signage;

8. The amount and nature of any nuisances generated on the premises, including but not limited to noise, smoke, odor, glare, vibration, radiation, and fumes;

9. Any special public utility requirements for serving the use, including but not limited to water supply, wastewater output, pre-treatment of wastes and emissions required or recommended, and any significant power structures and communications towers or facilities; and

10. The impact on adjacent lands created by the use, which should not be greater than that of other use types allowed in the zoning district

c. Official Zoning Map Boundaries

1. When determining the location of zoning district boundaries as shown on the Official Zoning Map, other than the FP-O District boundaries, the Zoning Administrator shall use the following general rules of interpretation:

(a) District boundaries indicated as approximately following the centerlines of streets, highways, alleys, or other public access ways shall be construed to follow those centerlines.

(b) District boundaries indicated as approximately following property lines shall be construed as following those property lines. If a subsequent minor adjustment (such as from a court ordered settlement of a boundary dispute or overlap) results in a property line moving ten feet or less, the zoning district boundary shall be interpreted as moving with the property line.

(c) District boundaries indicated as approximately following county limits shall be construed as following county limits.

(d) District boundaries indicated as following railroad lines shall be construed to be midway between the main tracks.

(e) District boundaries indicated as following centerlines of rivers, streams, or other watercourses shall be construed to follow those centerlines.

(f) District boundaries indicated as approximately parallel to or extensions of features identified in subsections a through e above shall be construed to be parallel to or extensions of such features.

(g) If the specific location of a depicted boundary cannot be determined from notations on the Official Zoning Map or in accordance with subsections (a) through (f) above, it shall be determined by using the map's scale to determine the boundary's distance from other features shown on the map.

(h) Where the actual locations of existing physical or natural features vary from those shown on the Official Zoning Map, or in other circumstances not covered by this section, the Zoning Administrator shall have the authority to interpret the district boundaries in accordance with this section.

2. When determining the location of the boundaries of the FP-O District, the Flood Coordinator shall utilize the Federal Emergency Management Agency's most recent Flood Insurance Study and accompanying Flood Insurance Rate Maps. In addition, the Flood Coordinator may utilize, at the Flood Coordinator's discretion, any other data available from a federal, state, or other source.

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ARTICLE 26-3. ZONING DISTRICTS

Commentary

Article 26-3: Zoning Districts, establishes the basic standards for the various base, planned development, and overlay zoning districts. The structure includes a total of 28 zoning districts and reflects the policies for different types of development established in *Plan Richland County, the 2015 Comprehensive Plan*.

Section 26-3.1, Purpose and Organization of this Article, lays out the purpose of this article, states that compliance with district standards is required for all development, provides an overview of the organization of the zoning districts, and establishes the different zoning districts.

Section 26-3.2, Special Purpose Base Districts, establishes three special purpose base districts for preserving lands for conservation, recreation, and open space and for supporting agriculture.

Section 26-3.3, Residential Base Districts, establishes seven residential base districts for single-family and multi-family residential development.

Section 26-3.4, Nonresidential and Mixed-Use Base Districts, establishes nine districts for commercial, mixed-use, institutional, and industrial development.

Section 26-3.5, Neighborhood Master Plan Base Districts, establishes one neighborhood master plan base district: the Crane Creek Neighborhood District.

Section 26-3.6, Planned Development Districts, establishes three planned development districts and lays out requirements for plans and agreements that must be approved as part of a planned development approval.

Section 26-3.7, Overlay Districts, establishes five overlay districts, which modify underlying base and planned development district standards.

Sec. 26-3.1. General Provisions

(a) Purpose

For the purpose of guiding development in accordance with existing and future needs and promoting the public health, safety, morals, convenience, order, appearance, prosperity and general welfare of the County, land within the County is hereby divided into districts as enumerated in this article.

(b) Boundaries of Zoning Districts

The boundaries of the zoning districts established by this article shall be shown on the Official Zoning Map in accordance with Sec. 26-1.8, Official Zoning Map.

(c) Compliance with Zoning District Standards

Land within the County shall not be developed except in accordance with the zoning district regulations of this article, and all other relevant provisions of this Ordinance.

(d) Organization of Zoning Districts

(1) Base Zoning Districts

a. Base zoning districts include Special Purpose, Residential, Nonresidential and Mixed-Use, and Neighborhood Master Plan districts, as shown in Table 26-3.1(c): Establishment of Zoning Districts. Base districts are established initially by the County's adoption of this Ordinance, and subsequently by a Zoning Map Amendment (see Sec. 26-2.5(b), Zoning Map Amendment).

b. The general purpose and standards of each base zoning district is set forth in Sec. 26-3.2, Residential Base Districts, through Sec. 26-3.5, Neighborhood Master Plan Base Districts.

c. For each base zoning district, the regulations set out the district's purpose, the intensity and dimensional standards applicable in the district, and reference other Ordinance standards generally applicable to development in the district. Each base zoning district also includes photographs depicting a building form typical in the district and an illustration depicting how the district's dimensional standards apply to lots and typical building forms. Graphics are included for illustrative purposes and show the application of the dimensional and intensity standards to some of the uses allowed in the district.

(2) Planned Development Districts

a. The general purpose of planned development districts, as shown in Table 26-3.1(c): Establishment of Zoning Districts, is set forth in Sec. 26-3.6, Planned Development Districts.

b. Planned development districts are adopted by the County Council in accordance with Sec. 26-2.6(c) Planned Development. The name and location of the specific planned development district is shown on the Official Zoning Map and recorded, as appropriate.

c. Planned development districts are subject to an approved PD Plan and PD Agreement, which establishes a plan for development parameters, and specific rules for individual PD Districts. As provided in Sec. 26-2.6(c) Planned Development, the PD Plan and PD Agreement is included with the adopting ordinance, and recorded as appropriate.

d. Lands may be reclassified from a base district to a planned development district in accordance with Sec. 26-2.6(c) Planned Development. Generally, planned development districts require unified control of a parcel and allow for greater flexibility and a wider range of allowed uses than traditional base zoning districts allow, in return for innovative design and higher quality development. It is the intent of this Ordinance that planned development districts should be used sparingly.

(3) Overlay Districts

a. Overlay zoning districts (see Table 26-3.1(c): Establishment of Zoning Districts), are established initially by the County's adoption of this Ordinance, and subsequently by approval of a zoning map amendment (see Sec. 26-2.5(b), Zoning Map Amendment).

b. Standards governing development in an overlay zoning district shall apply in addition to, or instead of, the standards governing development in the underlying base zoning district or planned development district, and may also provide a more flexible

alternative to base zoning district standards. If the regulations governing an overlay district expressly conflict with those governing an underlying base or planned development zoning district, the regulations governing the overlay district shall control, unless expressly stated to the contrary. If land is classified into multiple overlay districts and the regulations governing one overlay district expressly conflict with those governing another overlay district, the more restrictive regulations shall control.

(e) Establishment of Zoning Districts

This Ordinance establishes the base, planned development and overlay zoning districts identified in Table 26-3.1(c): Establishment of Zoning Districts. The boundaries of each of the zoning districts are identified on the Official Zoning Map.

Table 26-3.1(c): Establishment of Zoning Districts
Base Zoning Districts
Special Purpose Districts
OS: Open Space District
AG: Agricultural District
HM: Homestead District
Residential Districts
RT: Residential Transition District
R1: Residential 1District
R2: Residential 2 District
R3: Residential 3 District
R4: Residential 4 District
R5: Residential 5 District
R6: Residential 6 District
Nonresidential and Mixed-Use Districts
RC: Rural Crossroads District
MU1: Neighborhood Mixed-Use District
MU2: Corridor Mixed-Use District
MU3: Community Mixed-Use District
GC: General Commercial District
EMP: Employment District
INS: Institutional District
LI: Light Industrial District
HI: Heavy Industrial District
Neighborhood Master Plan Base Districts
CC: Crane Creek Neighborhood District
Planned Development Districts
PD: Planned Development District
PD-EC: Planned Development - Employment Campus District
PD-TND: Planned Development - Traditional Neighborhood Design District
Overlay Districts
AHR-O: Airport Height Restrictive Overlay District
FP-O: Floodplain Overlay District
WR-O: Water Resources Overlay District
NC-O Neighborhood Character Overlay District
MI-O: Military Installation Overlay District

(f) Superseding Dimensional Standards

Dimensional standards for each zoning district are in tabular format in this article. Notes within each table provide additional details where necessary, and rules for measuring dimensional standards are in Sec. 26-9.2, Rules of Measurement. The dimensional standards in the article apply generally, but may be superseded by other standards in this Ordinance (see Sec. 26-1.7(a), Conflicts with Provisions of Adopted Codes or Ordinances), including but not limited to the standards identified in this section below. Terms abbreviated in this article are defined in Sec. 26-9.4, Definitions.

(1) Neighborhood Compatibility Standards

Sec. 26-5.7, Neighborhood Compatibility, establishes height and setback requirements that apply to specific types of uses within a certain proximity to specific zoning districts and uses.

(2) Use-Specific Standards

Dimensional standards are established for some uses in Article 26-4: Use Regulations.

(3) DHEC Regulations

The South Carolina Department of Health and Environmental Control (DHEC) may require larger lot sizes than the minimum established in this article. In such cases, the minimum lot size shall be that required by DHEC.

(4) Zero Lot Line Development

Where indicated in this article, the dimensional standards for single-family detached dwellings may be modified for zero lot line development in accordance with the standards in this section.

a. The lot proposed for zero lot line development must be under the same ownership as the adjacent lot at the time of initial construction, or the owner of adjacent properties must record an agreement or deed restriction, in writing, consenting to the development of zero setback. The maintenance and drainage easement required in subsection c below must be provided as part of this agreement and deed restriction.

b. The wall of a dwelling located on the lot line shall have no windows, doors, air conditioning units, or any other type of openings. An atrium or court shall be permitted on the zero lot line side if:

1. The atrium or court is enclosed by two walls of the dwelling unit; and

2. A solid wall that is a minimum of six feet in height and is constructed of the same materials as the dwelling unit is provided on the zero lot line extending to the front and/or rear of the dwelling unit.

c. A perpetual maintenance easement having a minimum width of five feet shall be provided on the lot adjacent to the zero lot line property, which shall be kept clear of structures. This easement shall be shown on the plat and incorporated into each deed transferring title to the property. Roof overhangs and footings may penetrate the easement on the adjacent lot a maximum of 24 inches if the roof is designed to control water runoff from the dwelling placed on the lot line by gutters or other approved methods.

(5) Cluster Development

Sec. 26-5.5, Cluster Development, establishes the need to group lots together within a development into one or more groupings surrounded by open space. Where indidcated in this article, the dimensional standards for residential development may be modified for cluster development in accordance with the standards in this section.

a. In the AG, HM, RT, and R1 districts:

Residential lots created as part of a cluster development are eligible for a reduction of 75% of the dimensional standards of that district, whereas no lot width shall be less than 30 feet, front setback no less than 20 feet, side setback no less than 7 feet, and rear setback no less than 15 feet.

b. In the R2, R3, R4, R5, and R6 districts:

Residential lots created as part of a cluster development are eligible for the removal of the lot width standard.

Sec. 26-3.2. Special Purpose Base Districts

(a) General Purpose of Special Purpose Base Districts

The purpose and intent of the Special Purpose base districts is to ensure that open areas within the County are preserved and to protect the rural and agricultural character of lands within the County in accordance with the comprehensive plan.

(b) Established Special Purpose Base Districts

The Special Purpose base zoning districts established by this Ordinance are identified in Table 26-3.2(b): Established Special Purpose Base Districts.

Table 26-3.2(b): Established Special Purpose Base Districts
OS: Open Space District (Sec. 26-3.2(c))
AG: Agricultural District (Sec. 26-3.2(d))
HM: Homestead District (Sec. 26-3.2(e))

(c) OS: Open Space District

General Description

The OS: Open Space District ensures the preservation of lands for conservation, recreation, and open space, including lands that have significant environmental features or functions, lands that provide substantial open areas within developments, and lands within community-wide open space networks or parks. Development allowed includes limited community service, recreation and entertainment, lodging, and supporting public facilities, consistent with the district's intent of preserving significant environmental features and maintaining the natural and/or open character of the land.

Concept

Use Standards

Allowed uses and use-specific standards for principal, accessory, and temporary uses are established in Article 26-4: Use Regulations.

Density and Dimensional Standards

	Standard	All Uses
	Density, max. (du/acre)	None
	Lot Width, min. (ft)	None
1	Front Yard Setback, min. (ft)	25
2	Side Yard Setback, min. (ft)	20
3	Rear Yard Setback, min. (ft)	20
4	Building Height, max. (ft)	45

Reference to Other Standards

Article 26-4	Use Regulations	Sec. 26-5.8	Agricultural Compatibility
Sec. 26-5.1	Access, Mobility, and Connectivity	Sec. 26-5.9	Fences and Walls
Sec. 26-5.2	Off-Street Parking and Loading	Sec. 26-5.10	Signs
Sec. 26-5.3	Landscaping	Sec. 26-5.11	Exterior Lighting
Sec. 26-5.4	Open Space Set-Asides	Sec. 26-5.13	Green Development Incentives
Sec. 26-5.5	Cluster Development	Sec. 26-5.14	General Performance Standards
Sec. 26-5.6	Design and Form Standards	Article 26-6	Land Development (Subdivision) Standards
Sec. 26-5.7	Neighborhood Compatibility		

(d) AG: Agricultural District

General Description

The AG: Agricultural District provides lands for agriculture and forestry, agriculture-supporting uses, and other working lands operations that enable the continuation and preservation of large-scale agricultural practices within the County. This district is intended for active working lands on large tracts of land that preserve a rural character. Residential development includes single-family detached homes and manufactured homes often as large single lots or family subdivisions with significant acreage in conjunction with an active agricultural operation.

Concept

Use Standards

Allowed uses and use-specific standards for principal, accessory, and temporary uses are established in Article 26-4: Use Regulations.

Density and Dimensional Standards

	Standard [1]	All Uses
	Contiguous Area, min. (ac) [2]	35
	Density, max. (du/acre)	0.15
1	Lot Width, min. (ft)	240
2	Front Yard Setback, min. (ft)	50
3	Side Yard Setback, min. (ft)	20
4	Rear Yard Setback, min. (ft)	50
5	Building Height, max. (ft)	45 [3]

NOTES:
[1] Unless modified in accordance with Sec. 26-3.1(f)(5), Cluster Development.
[2] Lands rezoned to the AG district must, together with any contiguous lands zoned AG or HM, total 35 acres.
[3] Does not apply to silos, barns, windmills, or other similar structures used for agricultural purpose.

Reference to Other Standards			
Article 26-4	Use Regulations	Sec. 26-5.8	Agricultural Compatibility
Sec. 26-5.1	Access, Mobility, and Connectivity	Sec. 26-5.9	Fences and Walls
Sec. 26-5.2	Off-Street Parking and Loading	Sec. 26-5.10	Signs
Sec. 26-5.3	Landscaping	Sec. 26-5.11	Exterior Lighting
Sec. 26-5.4	Open Space Set-Asides	Sec. 26-5.13	Green Development Incentives
Sec. 26-5.5	Cluster Development	Sec. 26-5.14	General Performance Standards
Sec. 26-5.6	Design and Form Standards	Article 26-6	Land Development (Subdivision) Standards
Sec. 26-5.7	Neighborhood Compatibility		

(e) HM: Homestead District

Purpose

The HM: Homestead District provides lands for low-intensity agricultural and agricultural-supporting uses, such as hobby farms, along with very low-intensity residential development that preserves the rural and natural character of the district. Residential development includes single-family detached and manufactured home dwellings on large single lots or family subdivisions with significant acreage.

Concept

Use Standards

Allowed uses and use-specific standards for principal, accessory, and temporary uses are established in Article 26-4: Use Regulations.

Density and Dimensional Standards

	Standard [1]	All Uses
	Density, max. (du/acre)	0.33
1	Lot Width, min. (ft)	150
2	Front Yard Setback, min. (ft)	50
3	Side Yard Setback, min. (ft)	20
4	Rear Yard Setback, min. (ft)	50
5	Building Height, max. (ft)	45 [2]

NOTES:
[1] Unless modified in accordance with Sec. 26-3.1(f)(5), Cluster Development.
[2] Does not apply to silos, barns, windmills, or other similar structures used for agricultural purpose.

Reference to Other Standards

Article 26-4	Use Regulations	Sec. 26-5.8	Agricultural Compatibility
Sec. 26-5.1	Access, Mobility, and Connectivity	Sec. 26-5.9	Fences and Walls
Sec. 26-5.2	Off-Street Parking and Loading	Sec. 26-5.10	Signs
Sec. 26-5.3	Landscaping	Sec. 26-5.11	Exterior Lighting
Sec. 26-5.4	Open Space Set-Asides	Sec. 26-5.13	Green Development Incentives
Sec. 26-5.5	Cluster Development	Sec. 26-5.14	General Performance Standards
Sec. 26-5.6	Design and Form Standards	Article 26-6	Land Development (Subdivision) Standards
Sec. 26-5.7	Neighborhood Compatibility		

Sec. 26-3.3. Residential Base Districts

(a) General Purpose of Residential Base Districts

The purpose and intent of the Residential base zoning districts established in this section is to:

(1) Protect the character of residential neighborhoods from incompatible nonresidential development;

(2) Provide a variety of housing options to meet a range of housing demands;

(3) Ensure that residential development occurs at appropriate densities;

(4) Provide for safe and efficient movement of vehicles and pedestrians in residential areas; and

(5) Ensure that residential development is consistent with the goals and policies in the County's comprehensive plan.

(b) Established Residential Base Districts

The Residential base zoning districts established by this Ordinance are identified in Table 26-3.3(b): Established Residential Base Districts.

Table 26-3.3(b): Established Residential Base Districts
RT: Residential Transition District (Sec. 26-3.3(c))
R1: Residential 1 District (Sec. 26-3.3(d))
R2: Residential 2 District (Sec. 26-3.3(e))
R3: Residential 3 District (Sec. 26-3.3(f))
R4: Residential 4 District) (Sec. 26-3.3(g))
R5: Residential 5 District (Sec. 26-3.3(h))
R6: Residential 6 District (Sec. 26-3.3(i))

(c) RT: Residential Transition District

General Description

The RT: Residential Transition District provides lands for low-intensity residential development outside urban and suburban settings. The district is intended to serve as a transition between very low intensity rural areas and suburban residential areas. Residential development is limited to manufactured homes and detached single-family dwellings, which may be located on large lots or on family subdivisions that respect the natural features of the land and are designed to conform to the suburban/rural fringe character of the district. Development in the district includes natural buffers between adjacent uses and roadway buffers to support road corridors that have a natural appearance and limit visibility into developed areas.

Concept

Use Standards

Allowed uses and use-specific standards for principal, accessory, and temporary uses are established in Article 26-4: Use Regulations.

Density and Dimensional Standards

	Standard [1]	All Uses
	Density, max. (du/acre)	0.67
1	Lot Width, min. (ft)	120
2	Front Yard Setback, min. (ft)	40
3	Side Yard Setback, min. (ft)	20
4	Rear Yard Setback, min. (ft)	50
5	Building Height, max. (ft)	45 [2]

NOTES:
[1] Unless modified in accordance with Sec. 26-3.1(f)(5), Cluster Development.
[2] Does not apply to silos, barns, windmills, or other similar structures used for agricultural purpose.

Reference to Other Standards

Article 26-4	Use Regulations	Sec. 26-5.8	Agricultural Compatibility
Sec. 26-5.1	Access, Mobility, and Connectivity	Sec. 26-5.9	Fences and Walls
Sec. 26-5.2	Off-Street Parking and Loading	Sec. 26-5.10	Signs
Sec. 26-5.3	Landscaping	Sec. 26-5.11	Exterior Lighting
Sec. 26-5.4	Open Space Set-Asides	Sec. 26-5.13	Green Development Incentives
Sec. 26-5.5	Cluster Development	Sec. 26-5.14	General Performance Standards
Sec. 26-5.6	Design and Form Standards	Sec. 26-5.15	Road Naming and Addressing
Sec. 26-5.7	Neighborhood Compatibility	Article 26-6	Land Development (Subdivision) Standards

(d) R1: Residential 1 District

General Description

The R1: Residential 1 District provides lands primarily for low-intensity single-family residential development. Development allowed in this district includes single-family detached dwellings and manufactured homes, limited agricultural uses, and limited public, civic, and institutional uses that are consistent with the low-intensity residential character of the district.

Concept

Use Standards

Allowed uses and use-specific standards for principal, accessory, and temporary uses are established in Article 26-4: Use Regulations.

Density and Dimensional Standards

	Standard [1]	All Uses
	Density, max. (du/acre)	1.33
1	Lot Width, min. (ft)	50 [2]
2	Front Yard Setback, min. (ft)	40
3	Side Yard Setback, min. (ft)	20
4	Rear Yard Setback, min. (ft)	50
5	Building Height, max. (ft)	45 [3]

NOTES:
[1] Unless modified in accordance with Sec. 26-3.1(f)(5), Cluster Development.
[2] There is no minimum lot width if vehicular access is provided to the rear of the lot from an abutting alley.
[3] Does not apply to silos, barns, windmills, or other similar structures used for agricultural purpose.

Reference to Other Standards

Article 26-4	Use Regulations	Sec. 26-5.8	Agricultural Compatibility
Sec. 26-5.1	Access, Mobility, and Connectivity	Sec. 26-5.9	Fences and Walls
Sec. 26-5.2	Off-Street Parking and Loading	Sec. 26-5.10	Signs
Sec. 26-5.3	Landscaping	Sec. 26-5.11	Exterior Lighting
Sec. 26-5.4	Open Space Set-Asides	Sec. 26-5.13	Green Development Incentives
Sec. 26-5.5	Cluster Development	Sec. 26-5.14	General Performance Standards
Sec. 26-5.6	Design and Form Standards	Sec. 26-5.15	Road Naming and Addressing
Sec. 26-5.7	Neighborhood Compatibility	Article 26-6	Land Development (Subdivision) Standards

(e) R2: Residential 2 District

General Description

The R2: Residential 2 District provides lands primarily for low- to moderate-intensity residential development. Development allowed in this district includes residential dwellings, manufactured homes, and limited public, civic, and institutional uses that support residential development.

Concept

Use Standards

Allowed uses and use-specific standards for principal, accessory, and temporary uses are established in Article 26-4: Use Regulations.

Density and Dimensional Standards

	Standard	All Uses
	Density, max. (du/acre)	3
1	Lot Width, min. (ft)	50 [1]
2	Front Yard Setback, min. (ft)	35
3	Side Yard Setback, min. (ft)	10 [2]
4	Rear Yard Setback, min. (ft)	30
5	Building Height, max. (ft)	45

NOTES:

[1] There is no minimum lot width if vehicular access is provided to the rear of the lot from an abutting alley; or if modified in accordance with Sec. 26-3.1(f)(5), Cluster Development.

[2] Unless modified in accordance with Sec. 26-3.1(f)(4), Zero Lot Line Development.

Reference to Other Standards

Article 26-4	Use Regulations	Sec. 26-5.8	Agricultural Compatibility
Sec. 26-5.1	Access, Mobility, and Connectivity	Sec. 26-5.9	Fences and Walls
Sec. 26-5.2	Off-Street Parking and Loading	Sec. 26-5.10	Signs
Sec. 26-5.3	Landscaping	Sec. 26-5.11	Exterior Lighting
Sec. 26-5.4	Open Space Set-Asides	Sec. 26-5.13	Green Development Incentives
Sec. 26-5.5	Cluster Development	Sec. 26-5.14	General Performance Standards
Sec. 26-5.6	Design and Form Standards	Sec. 26-5.15	Road Naming and Addressing
Sec. 26-5.7	Neighborhood Compatibility	Article 26-6	Land Development (Subdivision) Standards

(f) R3: Residential 3 District

General Description

The R3: Residential 3 District provides lands primarily for moderate-intensity residential development, located within walkable neighborhoods that are well-connected by a mostly gridded street system. Development allowed in this district includes residential dwellings and public, civic, and institutional uses that support various residential development types.

Concept

Use Standards

Allowed uses and use-specific standards for principal, accessory, and temporary uses are established in Article 26-4: Use Regulations.

Density and Dimensional Standards

	Standard	All Uses
	Density, max. (du/acre)	6
1	Lot Width, min. (ft)	50 [1]
2	Front Yard Setback, min. (ft)	20
3	Side Yard Setback, per side | combined, min. (ft)	4 | 13 [2]
4	Rear Yard Setback, min. (ft)	20
5	Building Height, max. (ft)	45

NOTES:

[1] There is no minimum lot width if vehicular access is provided to the rear of the lot from an abutting alley; or if modified in accordance with Sec. 26-3.1(f)(5), Cluster Development

[2] Unless modified in accordance with Sec. 26-3.1(f)(4), Zero Lot Line Development.

Reference to Other Standards

Article 26-4	Use Regulations	Sec. 26-5.8	Agricultural Compatibility
Sec. 26-5.1	Access, Mobility, and Connectivity	Sec. 26-5.9	Fences and Walls
Sec. 26-5.2	Off-Street Parking and Loading	Sec. 26-5.10	Signs
Sec. 26-5.3	Landscaping	Sec. 26-5.11	Exterior Lighting
Sec. 26-5.4	Open Space Set-Asides	Sec. 26-5.13	Green Development Incentives
Sec. 26-5.5	Cluster Development	Sec. 26-5.14	General Performance Standards
Sec. 26-5.6	Design and Form Standards	Sec. 26-5.15	Road Naming and Addressing
Sec. 26-5.7	Neighborhood Compatibility	Article 26-6	Land Development (Subdivision) Standards

(g) R4: Residential 4 District

General Description

The R4: Residential 4 District provides lands primarily for moderate- to high-intensity single-family residential development, located within walkable, well connected neighborhoods. Development allowed in this district includes residential dwellings and public, civic, and institutional uses that support various residential development types.

Concept

Use Standards

Allowed uses and use-specific standards for principal, accessory, and temporary uses are established in Article 26-4: Use Regulations.

Density and Dimensional Standards

	Standard	All Uses
	Density, max. (du/acre)	9
1	Lot Width, min. (ft)	50 [1]
2	Front Yard Setback, min. (ft)	20
3	Side Yard Setback, per side | combined, min. (ft)	4 | 13 [2]
4	Rear Yard Setback, min. (ft)	15
5	Building Height, max. (ft)	45

NOTES:

[1] There is no minimum lot width if vehicular access is provided to the rear of the lot from an abutting alley; or if modified in accordance with Sec. 26-3.1(f)(5), Cluster Development

[2] Unless modified in accordance with Sec. 26-3.1(f)(4), Zero Lot Line Development.

Reference to Other Standards

Article 26-4	Use Regulations	Sec. 26-5.8	Agricultural Compatibility
Sec. 26-5.1	Access, Mobility, and Connectivity	Sec. 26-5.9	Fences and Walls
Sec. 26-5.2	Off-Street Parking and Loading	Sec. 26-5.10	Signs
Sec. 26-5.3	Landscaping	Sec. 26-5.11	Exterior Lighting
Sec. 26-5.4	Open Space Set-Asides	Sec. 26-5.13	Green Development Incentives
Sec. 26-5.5	Cluster Development	Sec. 26-5.14	General Performance Standards
Sec. 26-5.6	Design and Form Standards	Sec. 26-5.15	Road Naming and Addressing
Sec. 26-5.7	Neighborhood Compatibility	Article 26-6	Land Development (Subdivision) Standards

(h) R5: Residential 5 District

General Description

The R5: Residential 5 District provides lands for a broad range of high-intensity residential housing options, with good access and connectivity for vehicles, bicycles, and pedestrians. Development allowed in this district includes multi-family and attached dwellings, such as apartments, condos, and townhouse dwellings, as well as public, civic, and institutional uses that support surrounding residential development.

Concept

Use Standards

Allowed uses and use-specific standards for principal, accessory, and temporary uses are established in Article 26-4: Use Regulations.

Density and Dimensional Standards

	Standard	All Uses
	Density, max. (du/acre)	12
1	Lot Width, min. (ft)	50 [1]
2	Front Yard Setback, min. (ft)	25
3	Side Yard Setback, per side | combined, min. (ft)	7 | 14 [2]
4	Rear Yard Setback, min. (ft)	20
5	Building Height, max. (ft)	45

NOTES:

[1] There is no minimum lot width if vehicular access is provided to the rear of the lot from an abutting alley; or if modified in accordance with Sec. 26-3.1(f)(5), Cluster Development

[2] Unless modified in accordance with Sec. 26-3.1(f)(4), Zero Lot Line Development.

Reference to Other Standards

Article 26-4	Use Regulations	Sec. 26-5.8	Agricultural Compatibility
Sec. 26-5.1	Access, Mobility, and Connectivity	Sec. 26-5.9	Fences and Walls
Sec. 26-5.2	Off-Street Parking and Loading	Sec. 26-5.10	Signs
Sec. 26-5.3	Landscaping	Sec. 26-5.11	Exterior Lighting
Sec. 26-5.4	Open Space Set-Asides	Sec. 26-5.13	Green Development Incentives
Sec. 26-5.5	Cluster Development	Sec. 26-5.14	General Performance Standards
Sec. 26-5.6	Design and Form Standards	Sec. 26-5.15	Road Naming and Addressing
Sec. 26-5.7	Neighborhood Compatibility	Article 26-6	Land Development (Subdivision) Standards

(i) R6: Residential 6 District

General Description

The R6: Residential 6 District provides lands for a broad range of high-intensity housing options in locations where adequate supporting public facilities are available. This district is intended to provide good access and connectivity for vehicles, bicycles, and pedestrians. Development allowed includes multi-family dwellingsas well as limited public, civic, and institutional uses that support surrounding residential development and servicing commercial.

Concept

Use Standards

Allowed uses and use-specific standards for principal, accessory, and temporary uses are established in Article 26-4: Use Regulations.

Density and Dimensional Standards

	Standard	All Uses
	Density, max. (du/acre)	18
1	Lot Width, min. (ft)	50 [1]
2	Front Yard Setback, min. (ft)	25
3	Side Yard Setback, per side | combined, min. (ft)	7 | 14 [2]
4	Rear Yard Setback, min. (ft)	20
5	Building Height, max. (ft)	Taller of 3 stories or 45 feet / 5 stories / 6 stories [3]

NOTES:

[1] There is no minimum lot width if vehicular access is provided to the rear of the lot from an abutting alley; or if modified in accordance with Sec. 26-3.1(f)(5), Cluster Development

[2] Unless modified in accordance with Sec. 26-3.1(f)(4), Zero Lot Line Development.

[3] A building height of up five stories is allowed as a permitted use with special requirements, and a building height of six stories is allowed upon approval of a special exception permit, if 1) the building is located on a lot having a minimum area of one acre and a minimum width of 150 feet, 2) the building is set back at least 25 feet from all property lines, 3) the building does not project through imaginary planes leaning inward over the lot from the exterior lot lines of the parcel at angles at a slope of two feet vertical for each one foot horizontal, and 4) the building does not occupy more than 35 percent of the area of the lot upon which it is located, except the building may occupy up to 45 percent of the lot area if equivalent area over 35 percent is provided in the form of landscaped roof gardens, solariums, recreational spaces, and similar spaces.

Reference to Other Standards			
Article 26-4	Use Regulations	Sec. 26-5.8	Agricultural Compatibility
Sec. 26-5.1	Access, Mobility, and Connectivity	Sec. 26-5.9	Fences and Walls
Sec. 26-5.2	Off-Street Parking and Loading	Sec. 26-5.10	Signs
Sec. 26-5.3	Landscaping	Sec. 26-5.11	Exterior Lighting
Sec. 26-5.4	Open Space Set-Asides	Sec. 26-5.13	Green Development Incentives
Sec. 26-5.5	Cluster Development	Sec. 26-5.14	General Performance Standards
Sec. 26-5.6	Design and Form Standards	Sec. 26-5.15	Road Naming and Addressing
Sec. 26-5.7	Neighborhood Compatibility	Article 26-6	Land Development (Subdivision) Standards

Sec. 26-3.4. Nonresidential and Mixed-Use Base Districts

(a) General Purpose of Nonresidential and Mixed-Use Districts

The purpose and intent of the Nonresidential and Mixed-Use base zoning districts established in this section is to:

(1) Provide appropriately-located lands for the full range of business uses needed by the residents, businesses, and workers of the County, consistent with the policies of the comprehensive plan;

(2) Strengthen the County's economic base;

(3) Support development that is scaled to neighborhood and community needs;

(4) Accommodate new infill development and redevelopment that is consistent with the policies of the comprehensive plan and appropriate for the context and the character of the district in which it is located;

(5) Support mixed-use development and walkable urbanism at appropriate locations and densities; and

(6) Ensure that new nonresidential and mixed-use development is designed to minimize potential negative impacts on surrounding residential areas.

(b) Established Nonresidential and Mixed-Use Districts

The Nonresidential and Mixed-Use base districts established by this Ordinance are identified in Table 26-3.4(b): Established Nonresidential and Mixed-Use Base Districts.

Table 26-3.4(b): Established Nonresidential and Mixed-Use Base Districts
RC: Rural Crossroads District (Sec. 26-3.4(c))
MU1: Neighborhood Mixed-Use District (Sec. 26-3.4(d))
MU2: Corridor Mixed-Use District (Sec. 26-3.4(e))
MU3: Community Mixed-Use District (Sec. 26-3.4(e))
GC: General Commercial District (Sec. 26-3.4(g))
EMP: Employment District (Sec. 26-3.4(h))
INS: Institutional District (Sec. 26-3.4(i))
LI: Light Industrial District (Sec. 26-3.4(j))
HI: Heavy Industrial District (Sec. 26-3.4(k))

(c) RC: Rural Crossroads District

General Description

The RC: Rural Crossroads District provides rural lands of the County a limited range of commercial uses, such as small-scale food stores, gasoline stations, produce stands, small feed stores, restaurants, and limited personal services, in order to meet the needs of residents in the surrounding rural community. This district is designed to be located at major intersections so as to prevent the spreading of commercial uses along the major corridors or into the surrounding countryside.

Concept

Use Standards

Allowed uses and use-specific standards for principal, accessory, and temporary uses are established in Article 26-4: Use Regulations.

Density and Dimensional Standards

	Standard	All Uses
	Lot Area, min. (sf)	18,000
1	Lot Width, min. (ft)	50
	Lot Coverage, max. (percent)	50
	Gross Floor Area, max. (sf)	15,000
2	Front Yard Setback, min. (ft)	25
	Side Yard Setback, min. (ft)	None
3	Rear Yard Setback, min. (ft)	20
4	Building Height, max. (ft)	45

Reference to Other Standards			
Article 26-4	Use Regulations	Sec. 26-5.8	Agricultural Compatibility
Sec. 26-5.1	Access, Mobility, and Connectivity	Sec. 26-5.9	Fences and Walls
Sec. 26-5.2	Off-Street Parking and Loading	Sec. 26-5.10	Signs
Sec. 26-5.3	Landscaping	Sec. 26-5.11	Exterior Lighting
Sec. 26-5.4	Open Space Set-Asides	Sec. 26-5.13	Green Development Incentives
Sec. 26-5.5	Cluster Development	Sec. 26-5.14	General Performance Standards
Sec. 26-5.6	Design and Form Standards	Sec. 26-5.15	Road Naming and Addressing
Sec. 26-5.7	Neighborhood Compatibility	Article 26-6	Land Development (Subdivision) Standards

(d) MU1: Neighborhood Mixed-Use District

General Description

The the MU1: Neighborhood Mixed-Use District provides lands for moderate-intensity, neighborhood-scale commercial that supports the common day-to-day demands of the surrounding neighborhood for goods and services. This district allows a mix of commercial uses such as grocery stores, restaurants and bars, personal services, small-scale retail, and offices, as well as moderate-intensity multi-family residential development in close proximity to and with convenient access to shopping and employment within the district. District standards are intended to ensure uses, development intensities, and development forms supports development that:

- Is oriented toward and provides enhanced visual character on the major streets within the district;
- Provides safe and convenient vehicular, bicycle, and pedestrian access from surrounding neighborhoods; and
- Is well-integrated in terms of access and circulation, complementary uses, and compatible design.

Concept

Use Standards

Allowed uses and use-specific standards for principal, accessory, and temporary uses are established in Article 26-4: Use Regulations.

Density and Dimensional Standards

	Standard	All Uses
	Density, max. (du/ac)	10
	Lot Area, min. (sf)	None
	Lot Width, min. (ft)	50
	Building Footprint, max (sf)	6,000
	Gross Floor Area, max. (sf)	12,000
1	Front Yard Setback, min. (ft)	10[1]
	Side Yard Setback, min. (ft)	None
2	Rear Yard Setback, min. (ft)	10[1]
3	Building Height, max. (ft)	50[1]

NOTES:

[1] A building height of up 50 feet is allowed provided, for each additional three feet, or fraction thereof, of building height above 35 feet, the minimum yard setbacks shall be increased above the minimum listed in this table by one foot.

Form and Design Standards

a. Building Orientation

Each building shall have at least one usable public entrance oriented toward the adjoining street.

b. Off-street Parking

All proposed new or additional accessory parking areas along any street frontage shall be located to the rear or side of the development's principal building(s), except a single row of parking spaces may be located between the principal building and the street if an enhanced landscaping strip is provided between the parking spaces and the street in accordance with Sec. 26-5.3(e), Street Protective Yards.

c. Sidewalks

Along any street frontage, a sidewalk having a minimum width of five feet shall be provided. A street protective yard (see Sec. 26-5.3(e)) having a minimum width of five feet shall be located between the street and the sidewalk and shall contain street trees planted between every 40 to 50 feet on center. In the alternative, in high-traffic pedestrian areas, 5-foot by 8-foot street tree planting areas shall be provided for location of the street trees.

d. Connectivity

1. The internal vehicular, bicycle, and pedestrian circulation systems shall be designed to allow vehicular, bicycle, and pedestrian cross-access between the internal system and any internal vehicular, bicycle, and pedestrian circulation systems of existing or allowable future development on adjoining lots.
2. Easements allowing vehicular, bicycle, or pedestrian cross-access between adjoining lots, along with agreements defining maintenance responsibilities of the property owners, shall be recorded in the office of the Register of Deeds.

3. The Zoning Administrator may waive or modify the requirement for cross-access on determining that such cross–access is impractical or infeasible due to safety concerns about through traffic or the presence of any of the following at the point(s) where through connections would otherwise be required: topographic conditions, natural features, visual obstructions or parking space locations that create traffic hazards, or the existence of mature or protected landscaping or protected trees.

e. Building Façades

1. At least 20 percent of each pedestrian level building façade adjoining a street frontage, pedestrian way, or open space set-aside shall be transparent.

Reference to Other Standards

Article 26-4	Use Regulations	Sec. 26-5.8	Agricultural Compatibility
Sec. 26-5.1	Access, Mobility, and Connectivity	Sec. 26-5.9	Fences and Walls
Sec. 26-5.2	Off-Street Parking and Loading	Sec. 26-5.10	Signs
Sec. 26-5.3	Landscaping	Sec. 26-5.11	Exterior Lighting
Sec. 26-5.4	Open Space Set-Asides	Sec. 26-5.13	Green Development Incentives
Sec. 26-5.5	Cluster Development	Sec. 26-5.14	General Performance Standards
Sec. 26-5.6	Design and Form Standards	Sec. 26-5.15	Road Naming and Addressing
Sec. 26-5.7	Neighborhood Compatibility	Article 26-6	Land Development (Subdivision) Standards

(e) MU2: Corridor Mixed-Use District

General Description

The MU2: Corridor Mixed-Use District provides lands for walkable, mixed-use development along major corridors in the County. This district allows a mix of retail sales, personal and business services, recreation/entertainment, office, high-intensity multi-family residential, and institutional land uses. District standards are intended to ensure uses, development intensities, and development forms support development that is:

- Multi-story, mixed-use, and pedestrian-friendly;
- Oriented toward the major road corridor or otherwise laid out to establish a traditional main street character;
- Provides enhanced visual character along the corridor; and
- Is well-integrated in terms of access and circulation, complementary uses, and compatible design.

Concept

Use Standards

Allowed uses and use-specific standards for principal, accessory, and temporary uses are established in Article 26-4: Use Regulations.

Density and Dimensional Standards

	Standard	Multi-family (not mixed-use)	All Other Uses
	Density, max. (du/ac) [1]	20	20
1	Lot Area, min. (sf)	10,000	5,000
	Lot Width, min.	None	None
	Floor Area Ratio (FAR), max. [2]	None	2.0
2	Build-to Line, min. | max. (ft) [3][4]	None | 20	None | 20
	Building width in build-to zone, min. (% of lot width) [5]	50	50
	Side Yard Setback, min.	None	None
3	Rear Yard Setback, min. (ft)	10	10
4	Building Height, max. (ft)	50	50

NOTES:

[1] Applicable to residential development and the residential component of mixed-use development.

[2] Applicable to nonresidential development and the nonresidential component of mixed-use development.

[3] The maximum build-to line may be increased by up to 15 feet for up to 50 percent of its length to accommodate outdoor dining areas, plazas, or civic spaces.

[4] Where an existing building along a street frontage is located behind a required build-to zone, the building may not be extended to the rear or side by more than 30 percent of the building's existing gross floor area unless the building is first

extended frontwards to comply with the maximum build-to line standard and the minimum building width in the build-to zone standard.

[5] The build-to zone is the area between the minimum and maximum build-to lines that extends the width of the lot. Buildings shall be located such that the minimum percentage of the lot width in the build-to zone is occupied by building façades. The remaining build-to zone width may be occupied by building façades, outdoor gathering spaces, walkways, landscaped areas, stormwater management facilities, driveways, or surface parking.

Form and Design Standards

a. Off-street Parking

1. Along any street frontage, all proposed new or additional accessory parking area shall be located to the rear or side of the development's principal building(s).

2. Where the façade of a parking structure abuts or faces a street frontage, the façade shall be articulated through use of at least three of the following features:

(a) Windows;

(b) Masonry columns;

(c) Decorative wall insets or projections;

(d) Awnings;

(e) Changes in color or texture of exterior materials;

(f) Integrated vegetation (hanging or along trellises); or

(g) Similar features.

b. Sidewalks

Along any street frontage, a sidewalk having a minimum width of seven feet shall be provided. A street protective yard (see Sec. 26-5.3(e)) having a minimum width of 5 feet shall be located between the street and the sidewalk and shall contain street trees planted between every 40 to 50 feet on center. In the alternative, in high-traffic pedestrian areas, 5-foot by 8-foot street tree planting areas may be provided for location of the street trees.

c. Connectivity

1. The internal vehicular, bicycle, and pedestrian circulation systems of development shall be designed to allow vehicular, bicycle, and pedestrian cross-access between the internal system and any internal vehicular, bicycle, and pedestrian circulation systems of existing or allowable future development on adjoining lots.
2. Easements allowing vehicular, bicycle, or pedestrian cross-access between adjoining lots, along with agreements defining maintenance responsibilities of the property owners, shall be recorded with the Register of Deeds.
3. The Zoning Administrator may waive or modify the requirement for cross-access on determining that such cross–access is impractical or infeasible due to safety concerns about through traffic routes complicating law enforcement or the presence any of the following at the point(s) where through connections would otherwise be required: topographic conditions, natural features, visual obstructions or parking space locations that create traffic hazards, or the existence of mature or protected landscaping.

Reference to Other Standards

Article 26-4	Use Regulations	Sec. 26-5.8	Agricultural Compatibility
Sec. 26-5.1	Access, Mobility, and Connectivity	Sec. 26-5.9	Fences and Walls
Sec. 26-5.2	Off-Street Parking and Loading	Sec. 26-5.10	Signs
Sec. 26-5.3	Landscaping	Sec. 26-5.11	Exterior Lighting
Sec. 26-5.4	Open Space Set-Asides	Sec. 26-5.13	Green Development Incentives
Sec. 26-5.5	Cluster Development	Sec. 26-5.14	General Performance Standards
Sec. 26-5.6	Design and Form Standards	Sec. 26-5.15	Road Naming and Addressing
Sec. 26-5.7	Neighborhood Compatibility	Article 26-6	Land Development (Subdivision) Standards

(f) MU3: Community Mixed-Use District

General Description

The MU3: Community Mixed-Use District provides lands for walkable mixed-use centers that include a mix of commercial and institutional uses serving residents of the community generally, and neighborhoods surrounding the district, as well as high-intensity residential uses. Development allowed in this district includes a broad range of uses at different scales, such as large and small format retail uses, grocery stores, restaurants and bars, personal service uses, professional offices, stand-alone multi-family residential development, and multi-family residential development in buildings containing nonresidential uses on the ground floor. District standards are intended to ensure uses, development intensities, and development forms that supports developmentthat:

- Is oriented toward the major road corridor or otherwise establishes a traditional main street character;
- Provides enhanced visual character on the major streets within the center;
- Includes public open space accessible to those who live in, work in, and visit the center; and
- Is well-integrated in terms of access and circulation, complementary uses, and compatible design.

Concept

Use Standards

Allowed uses and use-specific standards for principal, accessory, and temporary uses are established in Article 26-4: Use Regulations.

Density and Dimensional Standards

	Standard	Multi-family (not mixed-use)	All Other Uses
	Density, max. (du/ac)	None	None
	Lot Area, min. (sf)	5,000	3,000
1	Lot Width, min. (ft)	50	30
2	Build-to Line, min. | max. (ft) [1]	None | 30	None | 30
	Building width in build-to zone, min. (% of lot width) [3]	60	60
	Side Yard Setback, min. (ft)	None	None
3	Rear Yard Setback, min. (ft)	15	15
4	Building Height, max. (ft)	70	70

Notes:

[1] The maximum build-to line may be increased by up to 15 feet for up to 50 percent of its length to accommodate outdoor dining areas, plazas, or civic spaces.

[2] Where an existing building along a street frontage is located behind a required build-to zone, the building may not be extended to the rear or side by more than 25 percent of the building's existing gross floor area unless the building is first extended frontwards to comply with the maximum build-to line standard and the minimum building width in the build-to zone standard.

[3] The build-to zone is the area between the minimum and maximum build-to lines that extends the width of the lot. Buildings shall be located such that the minimum percentage of the lot width in the build-to zone is occupied by building façades. The remaining build-to zone width may be occupied by building façades, outdoor gathering spaces, walkways, landscaped areas, stormwater management facilities, driveways, or surface parking.

Form and Design Standards

a. Building Configuration and Orientation

1. The primary entrances of buildings shall be oriented towards a street along the perimeter of a development, towards streets or driveways interior to the development, or towards open space areas, courtyards, or plazas.

2. Developments composed of multiple buildings totaling 120,000 or more square feet of gross floor area shall be configured to:

(a) Break up the site into a series of smaller blocks or block-like units of land defined by on-site streets, vehicle accessways, pedestrian walkways, or other circulation routes, as appropriate;

(b) Frame the corner of an adjacent street intersection or entry point to the development;

(c) Frame and enclose a "Main Street" pedestrian or vehicle access corridor within the development site, if appropriate; and

(d) Frame and enclose plazas, pocket parks, squares, outdoor dining areas, or other outdoor gathering spaces for pedestrians between buildings.

b. Off-street Parking

1. Along any street frontage, all proposed new or additional accessory parking areas shall be located to the rear or side of the development's principal building(s).
2. Where the façade of a parking structure abuts or faces a street frontage, the façade shall be articulated through use of at least three of the following features:
   - (a) Windows;
   - (b) Masonry columns;
   - (c) Decorative wall insets or projections;
   - (d) Awnings;
   - (e) Changes in color or texture of exterior materials;
   - (f) Integrated vegetation (hanging or along trellises); or
   - (g) Similar features.

c. Sidewalks

Along any street frontage, a sidewalk having a minimum width of ten feet shall be provided. A street protective yard (see Sec. 26-5.3(e)) having a minimum width of five feet shall be located between the street and the sidewalk and shall contain street trees planted between every 40 to 50 feet on center. In the alternative, in high-traffic pedestrian areas, 5-foot by 8-foot street tree planting areas shall be provided for location of the street trees.

d. Connectivity

1. The internal vehicular, bicycle, and pedestrian circulation systems of development shall be designed to allow vehicular, bicycle, and pedestrian cross-access between the internal system and any internal vehicular, bicycle, and pedestrian circulation systems of existing or allowable future development on adjoining lots.
2. Easements allowing vehicular, bicycle, or pedestrian cross-access between adjoining lots, along with agreements defining maintenance responsibilities of the property owners, shall be recorded with the Register of Deeds.
3. The Zoning Administrator may waive or modify the requirement for cross-access on determining that such cross–access is impractical or infeasible due to safety concerns about through traffic routes or the presence any of the following at the point(s) where through connections would otherwise be required: topographic conditions, natural features, visual obstructions or parking space locations that create traffic hazards, or the existence of mature or protected landscaping or protected trees.

e. Vehicular Access and Circulation

Curb cuts shall be located a minimum of 25 feet from the nearest street intersection and a minimum of 50 feet from the nearest curb cut on the same block face, measured along the street frontage.

f. Building Façades

At least 30 percent of each pedestrian level building façade adjoining a street frontage, pedestrian way, or open space set-aside shall be transparent.

Reference to Other Standards

Article 26-4	Use Regulations	Sec. 26-5.8	Agricultural Compatibility
Sec. 26-5.1	Access, Mobility, and Connectivity	Sec. 26-5.9	Fences and Walls
Sec. 26-5.2	Off-Street Parking and Loading	Sec. 26-5.10	Signs
Sec. 26-5.3	Landscaping	Sec. 26-5.11	Exterior Lighting
Sec. 26-5.4	Open Space Set-Asides	Sec. 26-5.13	Green Development Incentives
Sec. 26-5.5	Cluster Development	Sec. 26-5.14	General Performance Standards
Sec. 26-5.6	Design and Form Standards	Sec. 26-5.15	Road Naming and Addressing
Sec. 26-5.7	Neighborhood Compatibility	Article 26-6	Land Development (Subdivision) Standards

(g) GC: General Commercial District

General Description

The GC: General Commercial District provides lands for a broad range of commercial uses, characterized primarily by retail, office, and service establishments, in a primarily automobile-oriented environment along corridors. Allowed uses include retail sales, personal and business services, recreation/entertainment, eating and drinking establishments, lodging, vehicle sales and services, and multi-family residential development.

Concept

Use Standards

Allowed uses and use-specific standards for principal, accessory, and temporary uses are established in Article 26-4: Use Regulations.

Density and Dimensional Standards

	Standard	All Uses
	Density, max. (du/ac)	16
	Lot Area, min.	None
	Lot Width, min.	None
1	Front Yard Setback, min. (ft)	25[1]
	Side Yard Setback, min.	None
2	Rear Yard Setback, min. (ft)	10[1]
3	Building Height, max.	Taller of 45 ft or 3 stories / 5 stories / None [1]

NOTES:

[1] A building height of up to five stories is allowed as a permitted use with special requirements, and a building height of six or more stories is allowed upon approval of a special exception permit, if 1) the building is located on a lot having a minimum area of one acre and a minimum width of 150 feet, 2) the building is set back at least 25 feet from all property lines, 3) the building does not project through imaginary planes leaning inward over the lot from the exterior lot lines of the parcel at angles at a slope of two feet vertical for each one foot horizontal, 4) the building does not occupy more than 45 percent of the area of the lot upon which it is located, except the building may occupy up to 55 percent of the lot area if equivalent area over 45 percent is provided in the form of landscaped roof gardens, solariums, recreational spaces, and similar spaces, and 5) for a building over 15 stories in height, the building is located on a lot that abuts the intersection of major thoroughfares or an interstate highway interchange.

Reference to Other Standards

Article 26-4	Use Regulations	Sec. 26-5.8	Agricultural Compatibility
Sec. 26-5.1	Access, Mobility, and Connectivity	Sec. 26-5.9	Fences and Walls
Sec. 26-5.2	Off-Street Parking and Loading	Sec. 26-5.10	Signs
Sec. 26-5.3	Landscaping	Sec. 26-5.11	Exterior Lighting
Sec. 26-5.4	Open Space Set-Asides	Sec. 26-5.13	Green Development Incentives
Sec. 26-5.5	Cluster Development	Sec. 26-5.14	General Performance Standards
Sec. 26-5.6	Design and Form Standards	Sec. 26-5.15	Road Naming and Addressing
Sec. 26-5.7	Neighborhood Compatibility	Article 26-6	Land Development (Subdivision) Standards

(h) EMP: Employment District

General Description

The EMP: Employment District provides lands for a mix of light industrial services, light production and processing, and office uses integrated with or adjacent to complementary commercial uses and/or medium- and high-intensity residential uses. District standards are intended to ensure that industrial services, light production and processing, and office uses are developed in a way that is complementary to commercial and residential uses in the area and provides for access by and movement of vehicles associated with the industrial and commercial uses.

Concept

Use Standards

Allowed uses and use-specific standards for principal, accessory, and temporary uses are established in Article 26-4: Use Regulations.

Density and Dimensional Standards

	Standard	Multi-family	All Other Uses
	Density, max. (du/ac)	20	20
	Lot Area, min. (sf)	10,000	None
1	Lot Width, min. (ft)	75	50
2	Front Yard Setback, min. (ft)	15	15
3	Side Yard Setback, min. (ft)	10	10
4	Rear Yard Setback, min. (ft)	20	20
	Building Separation, min. (ft)	Greater of 25 or height of building[1]	Greater of 25 or height of building[1]
5	Building Height, max. (ft)	50	None

NOTES:
[1] Up to a distance of 150 feet.

Reference to Other Standards			
Article 26-4	Use Regulations	Sec. 26-5.8	Agricultural Compatibility
Sec. 26-5.1	Access, Mobility, and Connectivity	Sec. 26-5.9	Fences and Walls
Sec. 26-5.2	Off-Street Parking and Loading	Sec. 26-5.10	Signs
Sec. 26-5.3	Landscaping	Sec. 26-5.11	Exterior Lighting
Sec. 26-5.4	Open Space Set-Asides	Sec. 26-5.13	Green Development Incentives
Sec. 26-5.5	Cluster Development	Sec. 26-5.14	General Performance Standards
Sec. 26-5.6	Design and Form Standards	Sec. 26-5.15	Road Naming and Addressing
Sec. 26-5.7	Neighborhood Compatibility	Article 26-6	Land Development (Subdivision) Standards

(i) INS: Institutional District

General Description

The INS: Institutional District provides lands to accommodate institutional and civic uses that are typically developed on a large site, such as college or university campuses, research facilities, and preserves; vocational or trade schools; government office complexes, and correctional institutions. This district also accommodates support uses such as offices, eating and drinking establishments, and limited retail sales and personal and business services uses that primarily serve the principal institutional or civic use. District standards are intended to ensure compatibility with surrounding development.

Concept

Use Standards

Allowed uses and use-specific standards for principal, accessory, and temporary uses are established in Article 26-4: Use Regulations.

Density and Dimensional Standards

	Standard	All Uses
	District Area, min. (ac) [1]	5
	Lot Area, min.	None
	Lot Width, min.	None
1	Front Yard Setback, External Street Frontage [2], min. (ft)	25
2	Front Yard Setback, Internal Street Frontage [3], min. (ft)	10
3	Side Yard Setback, min. (ft)	10 [4]
4	Rear Yard Setback, min. (ft)	10 [4]
5	Building Height, max. (ft)	75 [5]

NOTES:

[1] Refers to the contiguous area within the district boundaries.

[2] Refers to streets external to or bordering the district.

[3] Refers to streets within the district boundaries.

[4] For lots adjacent to a residential zoning district, the minimum side or rear setback is the greater of ten feet or the side or rear setback, as applicable, required for the adjacent residential zoning district.

[5] The maximum building height is the lesser of 75 feet or the horizontal distance between the building and nearest residential zoning district.

Reference to Other Standards

Article 26-4	Use Regulations	Sec. 26-5.8	Agricultural Compatibility
Sec. 26-5.1	Access, Mobility, and Connectivity	Sec. 26-5.9	Fences and Walls
Sec. 26-5.2	Off-Street Parking and Loading	Sec. 26-5.10	Signs
Sec. 26-5.3	Landscaping	Sec. 26-5.11	Exterior Lighting
Sec. 26-5.4	Open Space Set-Asides	Sec. 26-5.13	Green Development Incentives
Sec. 26-5.5	Cluster Development	Sec. 26-5.14	General Performance Standards
Sec. 26-5.6	Design and Form Standards	Sec. 26-5.15	Road Naming and Addressing
Sec. 26-5.7	Neighborhood Compatibility	Article 26-6	Land Development (Subdivision) Standards

(j) LI: Light Industrial District

General Description

The LI: Light Industrial District provides lands for wholesaling, distribution, storage, industrial services, light production and processing, and general commercial uses, which are relatively clean, quiet, and free of objectionable or hazardous elements, such as smoke, noise, odor or dust, and which are conducted within structures.

Concept

Use Standards

Allowed uses and use-specific standards for principal, accessory, and temporary uses are established in Article 26-4: Use Regulations.

Density and Dimensional Standards

	Standard	All Uses
	Lot Area, min.	None
	Lot Width, min.	None
1	Front Yard Setback, min. (ft)	25
	Side Yard Setback, min.	None
2	Rear Yard Setback, min. (ft)	10
	Building Height, max.	None

Reference to Other Standards			
Article 26-4	Use Regulations	Sec. 26-5.8	Agricultural Compatibility
Sec. 26-5.1	Access, Mobility, and Connectivity	Sec. 26-5.9	Fences and Walls
Sec. 26-5.2	Off-Street Parking and Loading	Sec. 26-5.10	Signs
Sec. 26-5.3	Landscaping	Sec. 26-5.11	Exterior Lighting
Sec. 26-5.4	Open Space Set-Asides	Sec. 26-5.13	Green Development Incentives
Sec. 26-5.5	Cluster Development	Sec. 26-5.14	General Performance Standards
Sec. 26-5.6	Design and Form Standards	Sec. 26-5.15	Road Naming and Addressing
Sec. 26-5.7	Neighborhood Compatibility	Article 26-6	Land Development (Subdivision) Standards

(k) HI: Heavy Industrial District

General Description

The HI: Heavy Industrial District provides lands for intense industrial development that generally involves greater potential for adverse impacts on the environment and surrounding lands, such as dust, fumes, smoke, odor, noise, and vibration, and that may involve large-scale activities requiring extensive movement of vehicles, materials, and goods. Development allowed in this district includes resource extraction, heavy production and processing, outdoor storage, warehouse distribution, major utility facilities, and other similar industrial uses.

Concept

Use Standards

Allowed uses and use-specific standards for principal, accessory, and temporary uses are established in Article 26-4: Use Regulations.

Density and Dimensional Standards

	Standard	All Uses
	Lot Area, min.	None
	Lot Width, min.	None
1	Front Yard Setback, min. (ft)	25
	Side Yard Setback, min.	None
2	Rear Yard Setback, min. (ft)	10
	Building Height, max.	None

Reference to Other Standards

Article 26-4	Use Regulations	Sec. 26-5.8	Agricultural Compatibility
Sec. 26-5.1	Access, Mobility, and Connectivity	Sec. 26-5.9	Fences and Walls
Sec. 26-5.2	Off-Street Parking and Loading	Sec. 26-5.10	Signs
Sec. 26-5.3	Landscaping	Sec. 26-5.11	Exterior Lighting
Sec. 26-5.4	Open Space Set-Asides	Sec. 26-5.13	Green Development Incentives
Sec. 26-5.5	Cluster Development	Sec. 26-5.14	General Performance Standards
Sec. 26-5.6	Design and Form Standards	Sec. 26-5.15	Road Naming and Addressing
Sec. 26-5.7	Neighborhood Compatibility	Article 26-6	Land Development (Subdivision) Standards

Sec. 26-3.5. Neighborhood Master Plan Base Districts

(a) General Purpose of Neighborhood Master Plan Base Districts

Neighborhood Master Plan base districts are intended to promote the revitalization of existing blighted commercial and residential areas, while encouraging reinvestment in and reuse of areas in the manner consistent with the specific master planning area and the County's comprehensive plan. Revitalization initiates housing and economic opportunities, which promotes socially vibrant centers of community life through the coordinated efforts of public, private, and community organizations.

(b) Established Neighborhood Master Plan Based District

The Neighborhood Master Plan base districts established by this Ordinance are identified in Table 26-3.5(b): Neighborhood Master Plan Base Districts.

Table 26-3.4(b): Established Nonresidential and Mixed-Use Base Districts
CC: Crane Creek Neighborhood District (Sec. 26-3.5(c))

(c) CC: Crane Creek Neighborhood District

(1) Purpose

The purpose of the CC: Crane Creek Neighborhood District is to implement the policies and goals of the adopted *Crane Creek Master Plan*, and to:

a. Improve the image of the Crane Creek community;

b. Preserve existing single-family neighborhoods;

c. Develop local retail services and limit industrial zone expansion;

d. Create a walkable community with viable pedestrian and bike trails;

e. Increase community recreational facilities; and

f. Preserve existing wetlands and create a community open space network.

(2) Applicability

a. The CC: Crane Creek Neighborhood District, and the specific sub-districts (see Sec. 26-3.5(c)(3), Sub-Districts), may be approved and designated by the County Council for that area of the County that is within the Crane Creek Neighborhood Master Plan boundaries in accordance with Sec. 26-2.5(b), Zoning Map Amendment.

b. The provisions of this section (Sec. 26-3.5(c)) apply to all land within the boundaries of the CC District. Development within each CC sub-district shall conform to the standards set forth in this section, including provisions for uses, building type and design, density, height, the design of public spaces, the mix of uses, and other aspects of the built environment.

(3) Sub-Districts

The CC District includes the following four sub-districts, which are intended to meet the development goals for unique areas within the CC District.

a. CC-1, Residential

The CC-1 sub-district permits the development of residential communities that conserve the natural and environmentally sensitive features within the Crane Creek Master Plan area.

b. CC-2, Neighborhood Mixed Use

The CC-2 sub-district permits a mixture of uses that create a land use transition between existing residential neighborhoods and potential commercial areas that abut this area. This sub-district allows a variety of building types, including civic/institutional, townhouses, detached single-family housing, loft dwelling units, and commercial/office with encouragement of mixed-use buildings that meet a variety of daily needs of residents in surrounding neighborhoods.

c. CC-3, Activity Center Mixed Use

The CC-3 sub-district permits higher density mixed-use buildings than the CC-2 sub-district. This sub-district allows a variety of building types, including civic/institutional, loft dwelling units, townhouses, and detached single-family housing, and commercial/office, with encouragement of mixed-use buildings that serve the larger community and are appropriate for an activity center.

d. CC-4, Industrial

The CC-4 sub-district minimizes the potential negative impacts of existing and future industrial uses on adjacent land uses by encouraging additions or enhancements to site buffers, landscaping, open space, and other site elements. This sub-district is intended to accommodate wholesaling, distribution, storage, processing, and light manufacturing which are controlled operations that are relatively clean, quiet, and free of objectionable or hazardous elements, such as smoke, noise, odor or dust. In addition, such uses operate and/or have storage within open or enclosed structures and generate no nuisances.

(4) Use Standards

a. Allowed uses and use-specific standards for principal, accessory, and temporary uses are established in Article 26-4: Use Regulations.

b. In the CC-2 and CC-3 sub-districts, the mixing, of two or more types of complementary uses, either vertically within the same building or placed side by side on the same parcel, is authorized. Examples of a mix of complementary uses include, but are not limited to, the following specifically permitted uses:

1. Loft dwelling units located over office, retail, or service uses;

2. Live-work units; and

3. Office uses located over or beside compatible retail and service uses.

(5) Allowed Building Types

Building types are allowed in the CC-1, CC-2, CC-3, and CC-4 districts in accordance with Table 26-3.5(c)(5): Allowed Building Types.

Table 26-3.5(c)(5): Allowed Building Types

<table>
<tr><th rowspan="2">Building Type</th><th colspan="4">CC Sub-District</th></tr>
<tr><th>CC-1</th><th>CC-2</th><th>CC-3</th><th>CC-4</th></tr>
<tr><td>Single-Family, Detached Dwelling</td><td colspan="3" rowspan="3">Allowed</td><td rowspan="7">Not Allowed</td></tr>
<tr><td>Townhouse</td></tr>
<tr><td>Civic/Institutional</td></tr>
<tr><td>Loft Dwelling Units</td><td rowspan="4">Not Allowed</td><td colspan="2" rowspan="4">Allowed</td></tr>
<tr><td>Live-Work Units</td></tr>
<tr><td>Commercial/Office</td></tr>
<tr><td>Mixed-use (Nonresidential)</td></tr>
</table>

(6) Development Standards for Building Types

Building types allowed in accordance with subsection (5) above, shall comply with the standards in Table 26-3.5(c)(6): Development Standards for Building Types.

Table 26-3.5(c)(6): Development Standards for Building Types

Standard	Building Types						
	Single-Family, Detached Dwelling	Townhouse	Live-Work Units	Loft Dwelling Units	Commercial / Office	Mixed-use (Non-residential)	Civic/ Institutional
Density, max., base (du/ac)	3	6	6	8	N/A	N/A	N/A
Density, max., bonus (du/ac)	4.5	9	9	12	N/A	N/A	N/A
Front setback, min. (ft)	25 [1]	15	15	15	25	25	25
Side setback, min. (ft)	6.5 [1]	None	6.5 [2]	None	None	None	15
Rear setback, min. (ft)	20 [1]	5	20	50	20	50	15
Building spacing, min. (ft)	None	15	15	15	15	5	15
Building height, min. (ft)	None	None	30	30	None	None	
Building height, max. (ft)	45	45	45	45 / 75 [3]	45 / 75 [3]	45 / 75 [3]	45 / 75 [3]
Building length, max. (ft)	None	None	None	None	None	250	None
Building gross floor area, max. (sf)	None	None	None	25,000	5,000/ 15,000/ 25,000 [4]	25,000 [5]	25,000 [5]
Impervious surface ratio, max. (percent)	40	65	75	80	75 / 85 [6]	75	75
Dwelling units per building, max. (du)	N/A	None	None	2	N/A	N/A	N/A

NOTES:

[1] Minimum setbacks are lesser of those listed in this table or the average setback of adjacent single-family dwellings on the same block face.

[2] Applies only on detached side.

[3] Maximum building height is 45 feet in the CC-2 sub-district and 75 feet in the CC-3 sub-district.

[4] In the CC-2 sub-district, the maximum gross floor area is 5,000 square feet on the ground floor and 15,000 square feet for the building. In the CC-3 sub-district, the maximum gross floor area is 25,000 on the ground floor.

[5] Applies to ground floor only.

[6] The maximum impervious surface ratio is 75 percent in the CC-2 sub-district and 85 percent in the CC-3 sub-district.

[7] The maximum floor area ratio is 0.1 in the CC-2 district and 0.5 in the CC-3 district, or 0.6 in the CC-3 district with a density bonus.

(7) Bonus Density Incentives

It is the intention of this section to promote the conservation of open space and natural resources, mixed-use development, and the provision of public services, including but not limited to, the dedication of public land and construction of multi-use trails consistent with the Crane Creek Master Plan. In the order to achieve this purpose, increases in allowed density above the base maximum density identified for the building type in Table 26-3.5(c)(6) are allowed, not to exceed the bonus maximum density identified for the

building type in Table 26-3.5(c)(6), in accordance with Table 26-3.5(c)(7): Bonus Density Allowed.

Table 26-3.5(c)(7): Bonus Density Allowed

Site Feature	Bonus Density Allowed
Provision of multi-use trail that is consistent with the Proposed Circulation Plan in the Crane Creek Master Plan [1]	One dwelling unit or 1,000 square feet of commercial space for each 100 yards of trail
Preservation of open space in excess of minimum required open space set-asides [1]	One dwelling unit for each acre of open space set-asides
Dedication of land for public facilities other than roads and required open spaces, such as a school, fire station, library, senior center, park, or other use approved by the Planning Commission	Additional four dwelling units or 5,000 square feet of commercial space for each acre of dedicated land

NOTES:

[1] A density bonus for a multi-use trail is allowed as either provision of multi-use trail or preservation of open space, but not both.

(8) Other Development Standards

a. All lots shall face or be oriented toward a street, square, or open space.

b. Principal building entrances shall be oriented toward public streets.

c. Sidewalks having a minimum width of five feet shall be provided on both sides of each street.

d. Unless modified by this section (Sec. 26-3.5(c)), the standards in Table 26-3.5(c)(7): Reference to Other Standards, apply within the CC District.

Table 26-3.5(c)(7): Reference to Other Standards

Article 26-4	Use Regulations	Sec. 26-5.8	Agricultural Compatibility
Sec. 26-5.1	Access, Mobility, and Connectivity	Sec. 26-5.9	Fences and Walls
Sec. 26-5.2	Off-Street Parking and Loading	Sec. 26-5.10	Signs
Sec. 26-5.3	Landscaping	Sec. 26-5.11	Exterior Lighting
Sec. 26-5.4	Open Space Set-Asides	Sec. 26-5.13	Green Development Incentives
Sec. 26-5.5	Cluster Development	Sec. 26-5.14	General Performance Standards
Sec. 26-5.6	Design and Form Standards	Sec. 26-5.15	Road Naming and Addressing
Sec. 26-5.7	Neighborhood Compatibility	Article 26-6	Land Development (Subdivision) Standards

Sec. 26-3.6. Planned Development Districts

(a) General Purpose of Planned Development Districts

The purpose of planned development districts is to encourage innovative and efficient land planning and physical design concepts. Planned development districts are intended to:

(1) Support a high quality of life and achieve a high quality of development, environmental sensitivity, energy efficiency, and provision of public services;

(2) Reduce the inflexibility of zoning district standards that sometimes results from strict application of the base district regulations, and development standards established in this Ordinance;

(3) Allow greater freedom and flexibility in selecting:

- **a.** The form and design of development;
- **b.** The ways by which pedestrians and traffic circulate;
- **c.** How the development will be located and designed to respect the natural features of the land and protect the environment;
- **d.** How design amenities are to be applied; and
- **e.** The location and integration of open space and civic space into the development.

(4) Preserve natural and scenic features;

(5) Encourage a greater mix of land uses within the same development, including a mix of nonresidential development, residential development, lot sizes, and densities and intensities;

(6) Allow more efficient use of land, with smaller networks of streets and utilities;

(7) Provide pedestrian connections within the site, and to the public right-of way;

(8) Encourage the provision of centrally-located open space amenities on the site;

(9) Promote development forms and patterns that respect the character of established surrounding neighborhoods and/or other types of land uses; and

(10) Promote development form that respects and takes advantage of a site's natural and man-made features, such as rivers, lakes, wetlands, floodplains, trees, and historic features.

(b) Established Planned Development Districts

Planned development districts established by this Ordinance are identified in Table 26-3.6(a): Established Planned Development Districts.

Table 26-3.6(b): Established Planned Development Districts
PD: Planned Development District (Sec. 26-3.6(c)(1))
PD-EC: Planned Development - Employment Campus District (Sec. 26-3.6(d))
PD-TND: Planned Development - Traditional Neighborhood Design District (Sec. 26-3.6(e))

(c) General Provisions for All Planned Development Districts

(1) Minimum Size

The minimum size for a PD district shall be two acres.

(2) Classification of Planned Development Zoning Districts

Land shall be classified into a planned development district only in accordance with the procedures and standards set forth in Sec. 26-2.5(c), Planned Development, and this section.

(3) Organization of Planned Development Zoning District Regulations

The following general standards apply to all types of planned development districts. Sec. 26-3.6(d), PD: Planned Development District, Sec. 26-3.6(e), PD-EC: Planned Development - Employment Campus District, and Sec. 26-3.6(f), PD-TND: Planned Development - Traditional Neighborhood Design District, include additional provisions and standards for each of the different types of Planned development districts.

(4) Standards for all Planned Development Zoning Districts

Before approving a planned development district, the County Council shall find that the application for the planned development district classification, as well as the PD Plan and PD Agreement, comply with the following standards.

a. PD Plan

As set forth in Sec. 26-2.5(c), Planned Development, a PD Plan is a required component in the establishment of a PD district. The PD Plan shall:

1. Establish a statement of planning and development goals for the zoning district that is in accordance with the comprehensive plan and the purposes of the individual planned development district;
2. Identify the specific principal, accessory, and temporary uses permitted in the zoning district. They shall be consistent with the Principal Use Tables (see Article 26-4: Use Regulations), and the purposes of the individual planned development districts, and shall include a mix of uses and housing types in accordance with state law. Uses shall also be subject to applicable use-specific standards identified in the PD Plan, and any additional limitations or requirements applicable to the individual planned development district;
3. Establish the general location of each development area in the zoning district, its acreage, types and mix of land uses, number of residential units (by use type), nonresidential floor area (by use type), residential density, and nonresidential intensity. The development areas shall include at least two different residential densities, and each residential density and nonresidential intensity shall be consistent with the purposes of the planned development district and the specific requirements of the individual planned development district;
4. Establish the dimensional standards that apply in the individual planned development district. The dimensional standards shall be consistent with the requirements of the individual planned development district, and its purposes;

5. Where relevant, establish the standards and requirements that ensure development on the perimeter of the planned development district is designed and located to be compatible with the character of adjacent existing or approved development. Determination of compatible character shall be based on densities/intensities, lot size and dimensions, building height, building mass and scale, form and design features, hours of operation, exterior lighting, and siting of service areas;

6. Establish the general location, amount, and type (whether designated for active or passive recreation) of open space, consistent with the purposes of the individual planned development district;

7. Identify the location of environmentally sensitive lands, resource lands, wildlife habitat, and waterway corridors, and ensure protection of these lands consistent with the purposes of the individual planned development district and the requirements of this Ordinance;

8. Identify the on-site pedestrian circulation system, and how it will connect to off-site pedestrian systems in ways that are consistent with the purposes of the individual planned development district, and the requirements of this Ordinance;

9. Identify the general design and layout of the on-site transportation circulation system, including the general location of all public streets, existing or projected transit corridors, and how they interface with the pedestrian circulation system (pedestrian and bicycle pathways, and trails), and connect to existing and planned County and regional systems in a manner consistent with the purposes of the individual planned development district, and the requirements of this Ordinance;

10. Identify the general location of on-site potable water and wastewater facilities, and how they will connect to existing and planned County and regional systems in a manner consistent with the purposes of the individual planned development district, and the requirements of this Ordinance;

11. Identify the general location of on-site storm drainage facilities, and how they will connect to existing and planned County systems, in a manner consistent with the purposes of the individual planned development district, and the requirements of this Ordinance;

12. Identify the general location and layout of all other on-site and off-site public facilities serving the development, and how they are consistent with the purposes of the individual planned development district. The other on-site and off-site public facilities considered shall include—but not limited to—parks, schools, and facilities for fire protection, police protection, emergency management, stormwater management, and solid waste management;

13. Establish provisions addressing how transportation, potable water, wastewater, stormwater management, and other public facilities will be provided to accommodate the proposed development; and

14. Establish the development standards that will be applied to development, in accordance with Sec. 26-3.6(c)(4)b, Development Standards. At a minimum, the development standards shall address:

(a) Access, Mobility, and Connectivity;

(b) Off-Street Parking and Loading, including Bicycle Parking;

(c) Landscaping;

(d) Open Space;

(e) Design and Form Standards;

(f) Neighborhood Compatibility

(g) Fences and Walls;

(h) Signs; and

(i) External Lighting.

b. Development Standards

1. Development in a planned development district shall comply with the standards in Article 26-5: General Development Standards, unless they are modified as allowed by Table 26-3.6(c)(4)b: Development Standards Subject to Modification.

TABLE 26-3.6(c)(4)b: Development Standards Subject to Modification

Standard		Means to Modify
Sec. 26-5.1	Access, Mobility, and Connectivity	PD Plan
Sec. 26-5.2	Off-Street Parking and Loading	PD Plan
Sec. 26-5.3	Landscaping	PD Plan
Sec. 26-5.4	Open Space Set-Asides	Modifications prohibited
Sec. 26-5.5	Conservation Development	Modifications prohibited
Sec. 26-5.6	Design and Form Standards	PD Plan
Sec. 26-5.7	Neighborhood Compatibility	PD Plan
Sec. 26-5.8	Fences and Walls	PD Plan
Sec. 26-5.9	Signs	PD Plan
Sec. 26-5.10	Exterior Lighting	PD Plan
Sec. 26-5.11	Water Quality	Modifications prohibited
Sec. 26-5.13	Green Development Incentives	PD Plan
Sec. 26-5.14	General Performance Standards	Modifications prohibited
Sec. 26-5.15	Road Naming and Addressing	Modifications prohibited
Article 26-6	Land Development (Subdivision) Standards	PD Plan

2. Modifications to development standards, as allowed in Table 26-3.6(c)(4)b: Development Standards Subject to Modification, shall be:

(a) Consistent with the purpose the planned development district;

(b) Documented in the PD Plan and PD Agreement, with a clear basis for why the change is needed, how it supports the purpose of the planned development district, and how it supports high-quality development; and

(c) Consistent with the development standards set forth for the planned development district in Sec. 26-3.6(c) through Sec. 26-3.6(f) of this ordinance.

c. PD Agreement

1. As set forth in Sec. 26-2.5(c), Planned Development, a PD Agreement is a required component for the establishment of a PD district. A PD Agreement shall include, but not be limited to:

(a) Conditions related to approval of the application for the individual Planned development district classification;

(b) Conditions related to the approval of the PD Plan, including any conditions related to the form and design of development shown in the PD Plan;

(c) Provisions addressing how public facilities (transportation, potable water, wastewater, stormwater management, and other public facilities) will be provided to accommodate the proposed development. This shall include but not be limited to:

(1) Recognition that the applicant/landowner will be responsible to design and construct or install required and proposed on-site public facilities in compliance with applicable County, State, and federal regulations; and

(2) The responsibility of the applicant/landowner to dedicate to the public the rights-of-way and easements necessary for the construction or installation of required and proposed on-site public facilities in compliance with applicable County, State, and federal regulation

(d) Provisions related to environmental protection and monitoring (e.g., restoration of mitigation measures, annual inspection reports);

(e) Identification of community benefits and amenities that will be provided to compensate for the added development flexibility afforded by the individual Planned development district; and

(f) Any other provisions the County Council determines are relevant and necessary to the development of the planned development.

2. All conditions shall be related in both type and amount to the anticipated impacts of the proposed development on the public and surrounding lands.

d. Development Phasing Plan

If development in a planned development district is proposed to be phased, the PD Plan shall include a development phasing plan that identifies the general sequence or phases in which the zoning district is proposed to be developed, including how residential and nonresidential development will be timed, how infrastructure (public and private), open space, and other amenities will be provided and timed, how development will be coordinated with the County's capital improvements program, and how environmentally sensitive lands will be protected and monitored.

e. Conversion Schedule

The PD Plan may include a conversion schedule that identifies the extent to which one type of use may be converted to another type of use.

(d) PD: Planned Development District

General Description

The PD District is intended to allow flexibility in development that will result in improved design, character, and quality of new mixed-use developments, and that will preserve natural and scenic features of open spaces. Planned development districts must involve innovation in site planning for residential, commercial, institutional, and/or industrial developments within the district. Such developments must be in accordance with the comprehensive plan, and in doing so, may provide for variations from the regulations of the county's zoning districts concerning use, setbacks, lot size, density, bulk, and other such requirements.

Concept

Use Standards

Allowed uses and use-specific standards for principal, accessory, and temporary uses are established in Article 26-4: Use Regulations.

Density and Dimensional Standards

Standard	Requirement
District Area, min. (ac)	2
Density, max. (du/ac)	To be established in PD Plan and PD Agreement document as set forth in Sec. 26-2.5(c), Planned Development
Lot Area, min. (sf)	
Lot Width, min. (ft)	
Front Yard Setback, min. | max. (ft)	
Side Yard Setback, min. (ft)	
Rear Yard Setback, min. (ft)	
Building Height, max. (ft)	

(5) District-Specific Development Standards

a. Use Mixing

A PD district shall provide a mix of residential and nonresidential uses.

b. Building Types

A PD district shall provide a mix of building types.

c. Off-Street Parking and Loading

In areas devoted to residential uses, no parking lots shall be permitted within any required setback

d. Access, Mobility, and Connectivity

1. At minimum, sidewalks and other pedestrian amenities shall be provided as required by Sec. 26-5.1, Access, Mobility, and Connectivity.
2. The pedestrian circulation system and its related walkways shall be insulated as completely as possible from the vehicular street system in order to provide separation of pedestrian and vehicular movement.

e. Site Access

1. A PD district shall have access to streets capable of accommodating projected traffic needs of the proposed development. This must be substantiated with a Traffic Impact Analysis as a part of application.
2. Any proposed streets, alleys, and driveways inside the PD shall be adequate to serve the residents, occupants, visitors, and other anticipated traffic, but may be designed to discourage through traffic from traversing the development.

f. General Development Standards

1. Development standards in a PD district shall comply with Sec. 26-3.6(c)(4)b, Development Standards.

(e) PD-EC: Planned Development - Employment Campus District

General Description

The PD-EC District is intended to allow flexibility in development that will result in high-quality, master planned employment centers. Such centers should use innovative design to integrate core industrial and manufacturing uses with supporting commercial, retail, and residential uses; maintain vehicular access and capacity on roads serving the center; and protect surrounding areas from impacts of proposed development.

Concept

Use Standards

Allowed uses and use-specific standards for principal, accessory, and temporary uses are established in Article 26-4: Use Regulations.

Density and Dimensional Standards

Standard	Requirement
District Area, min. (ac)	5
Density, max. (du/ac)	To be established in PD Plan and PD Agreement document as set forth in Sec. 26-2.5(c), Planned Development
Lot Area, min. (sf)	
Lot Width, min. (ft)	
Front Yard Setback, min. | max. (ft)	
Side Yard Setback, min. (ft)	
Rear Yard Setback, min. (ft)	
Building Height, max. (ft)	

(5) District-Specific Development Standards

a. Use Mixing

A PD-EC district shall provide a mix of residential and nonresidential uses.

b. Access, Mobility, and Connectivity

1. At minimum, sidewalks and other pedestrian amenities shall be provided as required by Sec. 26-5.1, Access, Mobility, and Connectivity.

2. The pedestrian circulation system and its related walkways shall be insulated as completely as possible from the vehicular street system in order to provide separation of pedestrian and vehicular movement.

c. Site Access

1. A PD-EC district shall have access to streets capable of accommodating projected traffic needs of the proposed development and shall not substantially reduce the level of service on roadways external to the PD-EC district. This must be substantiated with a Traffic Impact Analysis as a part of application.

2. Any proposed streets, alleys, and driveways inside a PD-EC district shall be adequate to serve the residents, occupants, visitors, and other anticipated traffic, including commercial trucks and industrial vehicles, associated the proposed development.

d. General Development Standards

Development standards in a PD-EC district shall comply with Sec. 26-3.6(c)(4)b, Development Standards.

(f) PD-TND: Planned Development - Traditional Neighborhood Design District

General Description

The Planned Development - Traditional Neighborhood Design (PD-TND) district is to encourage innovative and high quality development that incorporates traditional neighborhood development practices such as compact form with a neighborhood center, a mix of uses, a strong public realm that is human-scale and pedestrian-oriented, integrated open space and recreational opportunities, mixed-use development, and a range of housing choices.

Substantial flexibility is provided, with an expectation that development quality will surpass what is otherwise achievable through the base zoning districts. District standards support the County's existing traditional neighborhoods, encourage walkable urbanism, and provide a range of nonresidential uses that serve residents and the surrounding neighborhood.

Concept

Use Standards

Allowed uses and use-specific standards for principal, accessory, and temporary uses are established in Article 26-4: Use Regulations.

Density and Dimensional Standards

Standard	Requirement
District Area, min. (ac)	2
Density, max. (du/ac)	To be established in PD Plan and PD Agreement document as set forth in Sec. 26-2.5(c), Planned Development
Lot Area, min. (sf)	
Lot Width, min. (ft)	
Front Yard Setback, min. | max. (ft)	
Side Yard Setback, min. (ft)	
Rear Yard Setback, min. (ft)	
Building Height, max. (ft)	

(5) District-Specific Development Standards

Development in a PD-TND district shall comply with the following standards.

a. General Development Standards

Development standards in a PD-TND district shall comply with Sec. 26-3.6(c)(4)b, Development Standards.

b. Center and Sub-centers

A PD-TND district shall be designed with a neighborhood center, and may also be served by one or more sub-centers (other neighborhood centers). A neighborhood center or sub-center shall consist of formal open space (such as a square, commons, green, or active recreation area) that is adjacent to nonresidential or civic uses (such as a school, religious institution, or other government building), and served by one or more prominent street intersections. If included, the civic use shall be located in a prominent location.

c. Walking Distance

At least 80 percent of all residential dwelling units in a PD-TND should be within an eight-minute walk (approximately 1,850 feet) of the neighborhood center.

d. Use Mixing

A PD-TND district shall be designed to provide a mix of residential and nonresidential uses such as single-family dwellings, multi-family dwellings, retail sales and service uses, office uses, and civic and recreational uses. One of the primary purposes of integrating residential and nonresidential uses is to allow residents to meet more of their daily needs within the development. In addition, provision of a variety of housing options is required to allow greater diversity of residents within the neighborhood.

e. Open Space Set-Asides

1. Establishment, Ownership and Operation

(a) A PD-TND district shall include formal open space set-aside areas for recreation and community gathering.

(b) All common open space set-asides shall be set aside and improved no later than the date on which the certificates of occupancy are issued for the first 50 percent of the total number of dwelling units to be constructed within the project area.

(c) Common open space set-asides and recreational facilities shall not be operated as a for-profit enterprise.

(d) All required common open space set-asides shall be conveyed to a homeowners association created for the development.

(e) Any conveyance to a homeowners association shall be subject to restrictive covenants and easements, reviewed for compliance with PD Plan by the Planning Director, and filed at the time the subdivision plat for the project area is recorded. The covenants and easements shall provide for the establishment of a homeowners association before any homes are sold, where membership is mandatory for each home buyer and any successive buyer, that the association is responsible for liability insurance and local taxes, that any fees levied by the association that remain unpaid will become a lien on the individual property, and that the association will be able to adjust the assessment to meet changing needs. The covenants and

easements shall also prohibit future development of any common open space and shall provide for continued maintenance of any common open space set-asides, and recreational facilities.

(f) Zoning permits or building permits for any phase of the approved PD Plan shall not be issued unless and until the open space set-aside which is part of that phase has been dedicated and improved as specified on the approved PD Plan.

(g) No portion of the planned development shall be conveyed or dedicated to public use by the developer or any other person to any public body or homeowner's association unless the character and quality of the tract to be conveyed makes it suitable for the purposes for which it is intended, taking into consideration the size and character of the dwellings to be constructed within the planned development, the topography and existing trees, ground cover, and other natural features; the manner in which the open space is to be improved and maintained for recreational or amenity purposes; and the existence of public parks or other public recreational facilities in the vicinity.

(h) All land represented as common open space set-asides on the approved PD Plan shall be conveyed to a homeowners association or similar group organized for the purpose, among others, of owning and maintaining common buildings, area, and land within the planned development.

2. Location, Configuration, and Improvements

(a) The location, shape, size, and character of the common open space set-asides shall be suitable for the planned development.

(b) Common open space set-asides shall be improved except that areas containing natural features worthy of preservation shall be left unimproved. The buildings, structures, and improvements located in the set-asides shall be appropriate to the uses which are authorized for it, and shall conserve and enhance the amenities of the set-asides based on its topography and unimproved condition.

3. Open Space Design

(a) Open space set-asides should be designed in a hierarchy of formal and informal areas used to enhance community activity, identity, and civic pride.

(b) Formal areas consist of squares, greens, common areas, or other park-like settings where residents of the neighborhood may gather. Such areas are bounded by streets and/or buildings, and are typically located in or near the geographic center of the neighborhood.

(c) Informal areas (typically located throughout the development), take the form of walking paths, greenways, pocket parks, passive recreation areas, and areas set-aside for retention of vegetation and other natural features.

4. Use of Open Space Set-Aside Areas

Common open space set-asides shall be usable for recreational purposes or for provision of visual, aesthetic, and environmental amenities. The uses authorized for the common open space set-asides shall be appropriate to the scale and

character of the planned development, considering its size, density, expected population, topography, and the number and type of dwellings to be provided.

f. Landscaping

1. Perimeter landscaping buffers shall not be required between uses internal to a PD-TND district, but shall be provided along the perimeter of the district.

2. Streetscape landscaping requirements may be modified by a PD Plan, but the PD Plan shall include provisions that ensure a transition from the roadway to the sidewalk that enhances aesthetics and pedestrian safety.

g. Building Configuration

1. Public Buildings and Uses

(a) Public buildings and uses (for example government or cultural facilities, places of worship, assembly uses, or schools) that serve as focal points and landmarks are encouraged.

(b) Public buildings and uses should be located on prominent sites, such as terminal vistas at the end of streets and on prominent street corners, and noted on the PD Plan.

(c) When possible, public buildings and uses shall be located on, or adjacent to, a square, plaza, or village green.

2. Location and Relationship between Buildings

Buildings should have a fairly consistent, narrow setback alignment along the street frontage so that the pattern of buildings along the street:

(a) Helps define the street edge; and

(b) Clearly distinguishes the public realm of the street and the private space of individual lots.

3. Relationship Between Building Types

Buildings in a PD-TND district should be built on a human scale and designed with a common, harmonious architectural vocabulary and landscaping to lend an intimate and personal feel to the streetscape. The intent should not be to create a uniform appearance, but rather a distinct sense of place.

h. Land Development (Subdivision) Standards

The requirements of Article 26-6, Land Development (Subdivision) Standards, shall apply, except as provided below.

1. The entire area of the PD-TND district shall be divided into blocks, streets, alleys, open space and natural areas, to the maximum extent practicable.

2. The development should be generally laid out in a grid pattern with blocks, to the maximum extent practicable. Exceptions are allowed due to unusual topographical, environmental, or physical conditions.

3. The average block length in the development shall not be greater than 850 feet, with no block more than 1200 feet in length. Blocks that are longer than 1,000 feet shall be broken up by a pedestrianway at the mid-point.

4. Sidewalks shall be located on both sides of every street. They shall be a minimum of four feet wide.

5. A seven-foot-wide planting strip shall be located between the street and the sidewalk. Street trees shall be planted in the planting strip, and spaced approximately 40 feet on center.

i. Street Standards

1. Streets shall be organized according to a hierarchy based on function, capacity, and design speed.
2. Streets shall terminate at other streets within the development and connect to existing and projected through streets outside the development. Street stubs shall be provided to adjacent open land to provide for future connections. Permanent cul-de-sacs and T-turnarounds are discouraged.
3. Major and minor thoroughfares are not permitted to penetrate the development.
4. Gated streets are prohibited.
5. There shall be a network of alleys to the rear of the lots, where appropriate, with a minimum of 50 percent of the residential single-family dwellings served by alleys.
6. Direct vehicular access from a lot to an alley is preferred.
7. The right-of-way area of private alleys shall be a common area maintained by a home owners' association.
8. No building lot lines shall extend into, or to the center of, the private alley right-of-way.

Sec. 26-3.7. Overlay Districts

(a) General Purpose of Overlay Districts

The purpose of overlay districts is to provide supplemental standards with respect to special areas, land uses, or environmental features that superseded the standards of the underlying base and planned development districts.

(b) Established Overlay Districts

The overlay districts established by this Ordinance are identified in Table 26-3.7(b): Established Overlay Districts.

Table 26-3.7(b): Established Overlay Districts
AHR-O: Airport Height Restrictive Overlay District (Sec. 26-3.7(c))
FP-O: Floodplain Overlay District (Sec. 26-3.7(d))
WR-O: Water Resources Overlay District (Sec. 26-3.7(e))
NC-O Neighborhood Character Overlay District (Sec. 26-3.7(f))
MI-O: Military Installation Overlay District (0)

(c) AHR-O: Airport Height Restrictive Overlay District

(1) Purpose

It is the intent of the AP Overlay District to restrain influences that are adverse to the property and safe conduct of aircraft operations in the vicinity of Jim Hamilton-L.B. Owens Airport and McEntire JNGB. Furthermore, it is the intent of this overlay district to prevent creation of conditions hazardous to aircraft operation, to prevent conflict with land development that may result in loss of life and property, and to encourage development that is compatible with airport use characteristics.

(2) Applicability

The AHR-O Airport Height Restrictive Overlay District provides additional requirements to the regulations of the underlying base zoning district(s).

(3) Permitted Uses, Permitted Uses with Special Requirements, and Special Exceptions

a. All uses permitted an underlying zoning districts shall be permitted in the AP Overlay District.

b. Standards in this section supersede any lower standards for underlying base zoning districts,

c. No use in the AHR-O District may:

1. Cause or create electrical interference with navigational signals or radio communication between any airport and any aircraft;

2. Make it difficult for pilots to distinguish between airport lights and any other lights;

3. Result in glare in the eyes of pilots using any airport;

4. Create bird strike hazards; or

5. In any way endanger or interfere with the landing, take off, or maneuvering of aircraft using or intending to use any airport.

(4) Development Standards

a. General

Except as specifically provided for below, no material changes shall be made in the use of land, no structure shall be erected or otherwise established, and no tree shall be planted in any AHR-O District unless a permit is applied for and granted. The following exceptions shall apply:

1. In the area lying within the limits of the runway airspace imaginary surfaces no permit shall be required for any tree or structure less than 75 feet in vertical height above the ground, except when, due to terrain, land contour, or topographic features, such tree or structure would extend above the height limits prescribed for such surfaces.

2. In areas lying within the limits of the runway airspace imaginary surfaces, but at a horizontal distance of not less than 4,200 feet from each end of the runway, no permit shall be required for any tree or structure less than 75 feet in vertical height above the ground, except when, due to terrain, land contour, or

topographic features, such tree or structure would extend above the height limits prescribed for such surfaces.

3. In the areas lying within the limits of the runway airspace horizontal imaginary surfaces, no permit shall be required for any tree or structure less than 75 feet in vertical height above the ground, except when, due to terrain, land contour, or topographic features, such tree or structure would extend above the height limits prescribed for such surfaces.

b. Height Standards

Except as otherwise provided in this section, no structure shall be erected, altered, or maintained, and no trees shall be allowed to grow in any zone or surfaces created by this section to a height in excess of the applicable height limitations established for the following subzones and surfaces:

1. Primary Zones and Surfaces

(a) McEntire Joint National Guard Base Primary Surface

The primary surface is established at field evelvation, 254', mean sea level, centered on the runway extending 200 feet beyond each runway end that defines the limits of the obstruction clearance requirements in the vicinity of the landing area. The width of the primary surface is 2,000 feet, or 1,000 feet on each side of the runway centerline.

(b) Jim Hamilton-L.B. Owens Airport Primary Zone

None.

2. Approach/Departure Zones and Surfaces

(a) McEntire Joint National Guard Base Approach Surface

This imaginary surface is symmetrically centered on the extended runway centerline, beginning as an inclined plane (glide angle) 200 feet beyond each end of the primary surface, and extending for 50,000 feet. The slope of the approach-departure clearance surface is 50:1 until it reaches an elevation of 500 feet above the established airfield elevation. It then continues horizontally at this elevation to a point 50,000 feet from the starting point. The width of this surface at the runway end is 2,000 feet,

(b) flaring uniformly to a width of 16,000 feet at the end point.Jim Hamilton-L.B. Owens Airport Approach Zone

The approach zone slopes 20 feet outward for each one foot upward beginning at the end of and at the same elevation as the primary surface and extending to a horizontal distance of 5,000 feet along the extended runway centerline.

3. Clear Zones

(a) McEntire Joint National Guard Base Clear Zone

The clear zones are 3000' X 3000' surface areas located and centered on each end of the runway with hightest potential for aircraft accidents.

(b) Jim Hamilton-L.B. Owens Airport Clear Zone

None.

4. Transitional Zones and Surfaces

(a) McEntire Joint National Guard Base Transitional Surface

This imaginary surface extends outward and upward at right angles to the runway centerline and extended runway centerline at a slope of 7:1. The transitional surface connects the primary and the approach-departure clearance surfaces to the inner horizontal, the conical, and the outer horizontal surfaces.

(b) Jim Hamilton-L.B. Owens Airport Transitional Zone

The transitional zone slopes seven feet outward for each one-foot upward beginning at the side of and at the same elevation as the primary surface and the approach surface, and extend to a height of 150 feet above the airport elevation (194 feet mean sea level). In addition to the foregoing, there are established height limits sloping seven feet outward for each one-foot upward beginning at the sides and at the same elevation as the approach surface, and extending to where they intersect the horizontal surface.

5. Horizontal Zones and Surfaces

(a) McEntire Joint National Guard Base Horizontal Surface

(1) Inner Horizontal Surface

This imaginary surface is an oval plane at a height of 150 feet above the established airfield elevation. The inner boundary intersects with the approach-departure clearance surface and the transitional surface. The outer boundary is formed by scribing arcs with a radius 7,500 feet from the centerline of each runway end and interconnecting these arcs with tangents.

(2) Outer Horizontal Surface

This imaginary surface is located 500 feet above the established airfield elevation and extends outward from the outer periphery of the conical surface for a horizontal distance of 30,000 feet.

(b) Jim Hamilton-L.B. Owens Airport Horizontal Zone

The horizontal zone is established at 150 feet above the airport elevation (equal to 344 feet mean sea level).

6. Conical Zones and Surfaces

(a) McEntire Joint National Guard Base Conical Surface

This is an inclined imaginary surface extending outward and upward from the outer periphery of the inner horizontal surface for a horizontal distance of 7,000 feet to a height of 500 feet above the established airfield elevation. The slope of the conical surface is 20:1. The conical surface connects the inner and outer horizontal surfaces.

(b) Jim Hamilton-L.B. Owens Airport Conical Zone

The conical zone slopes 20 feet outward for each one foot upward beginning at the periphery of the horizontal zone and at 150 feet above the airport elevation (equal to 344 feet mean sea level) and extending to an elevation of 350 feet above the airport elevation (equal to 544 feet mean sea level) at a horizontal distance of 4,000 feet.

c. Other Dimensional and Use Regulations

When the overlay zoning district has different standards than the base zoning district for permitted accessory structures, prohibited uses and structures, minimum lot area, minimum lot width, minimum yard requirements, maximum lot coverage, minimum off-street parking and loading requirements, regulation of signs, and provisions of sidewalks and open space, the stricter standard shall prevail.

d. Obstruction Marking and Lighting

As a condition of approval for any permit or variance within the district, the owner of a structure or tree may be required to install, operate, and maintain, at the owner's expense, such markings and lighting as may be necessary. The condition may be modified to require the owner to permit the County, at the County's expense, to install, operate, and maintain the necessary markings and lights if deemed proper by the Board of Zoning of Appeals and acceptable to the County.

(5) Variances

a. General

Any person desiring to erect or increase the height of any structure, or permit the growth of any tree, or use the property not in accordance with the regulations provided in this section, may apply to the Board of Zoning Appeals for a variance from such regulations.

b. FAA Review

The application for a variance shall be accompanied by a determination of the Federal Aviation Administration (FAA) as to the effect of the proposal on the operation of air navigation facilities and the safe, efficient use of navigable airspace. In addition to the standards in Sec. 26-2.5(o), Variance, a variance shall not create a hazard to air navigation.

c. Airport Management Review

No application for a variance of these regulations may be considered by the Board of Zoning Appeals unless notification of the request and a copy of the application have been furnished to the military leadership and/or airport manager for advice as to the aeronautical effects of the variance. If the military leadership and/or airport manager

does not respond to the notification within 30 days after receipt, the Board of Zoning Appeals may act on its own to grant or deny the application.

(6) Nonconforming Uses

a. General

The regulations prescribed by this section shall not be construed to require the removal, lowering, or other change or alteration of any structure or tree not conforming to the regulations on May 2nd, 2022, or otherwise interfere with the continuance of a nonconforming use. However, the owner of any existing nonconforming structure or tree is required to permit the installation, operation, and maintenance of markers or lighting deemed necessary by the County to indicate the presence of an airport obstruction to the operators of aircraft in the vicinity of the airport. Markers shall be installed, operated, and maintained at the expense of the County.

b. Abandoned or Destroyed

1. Structure

Whenever the Zoning Administrator determines that a nonconforming structure has been destroyed or torn down beyond 75 percent of its most recent appraised value, no permit shall be granted that would allow such structure to exceed the applicable height limit or otherwise deviate from the zoning regulations.

2. Tree

Whenever the Zoning Administrator determines that a nonconforming tree has been destroyed, torn down, decayed or deteriorated, below the applicable height limit, no permit shall be granted that would allow another tree to be planted which would exceed the applicable height limit or otherwise deviate from the regulations contained in this section.

(d) FP-O: Floodplain Overlay District

(1) Purpose

Certain areas within Richland County are subject to periodic inundation by floodwater, which results or may be reasonably foreseen to result in loss of life or property, health and safety hazards, disruption of commerce and governmental services, and extraordinary public expenditures for flood protection and relief, all of which adversely affect the public health, safety, and general welfare of the citizens of Richland County. These hazards are caused or extended in part by the occupancy of flood hazard areas by uses that increase flood damage upon other lands, or uses that are vulnerable to floods because they are inadequately elevated or not otherwise protected from flood damages. In order for owners of property located within the County that is subject to periodic inundation to obtain flood damage insurance through the National Flood Insurance Program, the United States government, by statute and through regulations promulgated by the Federal Emergency Management Agency (FEMA) requires that the County enact floodplain regulations designed to reduce the amount of potential flood losses. It is, therefore, the intent of this section to lessen such hazards and losses and ensure insurance coverage by those affected property owners by restricting or prohibiting uses that are dangerous to health, safety, or property in times of flood or that cause excessive increases in flood heights or velocities. This shall be accomplished by requiring that uses vulnerable to floods be protected against flood hazards at the time of initial construction, and by controlling filling, grading, mineral extraction, placing of obstructions within the flood channels, and other activities, uses, or characteristics of use which may increase flood damage.

(2) Warning and Disclaimer of Liability

The degree of flood protection required by this section is considered reasonable for regulatory purposes and is based on scientific and engineering standards. Larger floods can and will occur on rare occasions. Flood heights may be increased by man-made or natural causes. This section does not imply that land outside the areas of special flood hazard, or uses permitted within such areas, will be free from flooding or flood damages. This section shall not create liability on the part of Richland County or by any officer or employee thereof for any flood damage that results from reliance on the provisions contained herein or on any administrative decision lawfully made hereunder.

(3) Applicability

The FP-O Floodplain Overlay District provides additional requirements to the regulations of the underlying base zoning district(s). It applies to special flood hazard areas designated on the Federal Emergency Management Agency's Flood Insurance Study, dated December 21, 2017, with accompanying Flood Insurance Rate Maps (FIRM), dated December 21, 2017. Development applications within the FP-O require a Floodplain Development Permit in addition to other required development approvals (see Sec. 26-2.5(k), Floodplain Development Permit).

(4) Permitted uses, Permitted Uses with Special Requirements, and Special Exceptions

a. Any use permitted outright, with special requirements, or permitted as an accessory use in the underlying base zoning district is permitted unless explicitly disallowed per Sec. 26-5.7(d); provided such use complies with all applicable regulations in this section.

b. Any use allowed by special exception in the underlying base zoning district is allowed by special exception unless explicitly disallowed per Sec. 26-5.7(d); provided such use complies with all applicable regulations in this section.

(5) Standards in the Floodplain

a. General Standards in the Floodplain

Applicants must demonstrate that encroachments onto the floodplain are minimized. All new development permitted in the area of special flood hazard, shall minimize disruption to shorelines, stream channels, stream banks, and the regulatory floodway. As used in this section, the term "minimize" shall mean the lowest degree of interruption (i.e. the uniformity or continuity) to the natural course of action or activity.

1. General Prohibitions

New construction, substantial improvements, or other development (including fill) in a special flood hazard area shall not:

(a) Adversely affect the capacity of channels or floodways of any watercourse in the floodplain area to convey the regulatory flood or any flood of more frequent occurrence;

(b) Measurably increase flood flows or flood heights based on FEMA-approved hydrologic models;

(c) Increase flood damage upon off-site properties during the occurrence of the regulatory flood or any flood of more frequent occurrence;

(d) Individually or cumulatively, when combined with all other existing and anticipated development (assuming an equal degree of encroachment for a significant reach on both sides of the watercourse), increase flood levels or expose additional upstream, downstream, or adjacent properties to adverse flood effects due to flooding during the regulatory flood or any flood of more frequent occurrence;

(e) Increase velocities or volumes of floodwaters to the extent that significant erosion of floodplain soils would occur either on the subject property or on some other property upstream or downstream; or

(f) Create measurable loss of flood storage capacity without providing compensatory storage.

2. Encroachments that Result in Increase in Flood Levels

Any encroachment in special flood hazard areas, including fill, new construction, substantial improvements, and other development that would result in any increase in flood levels during the occurrence of the regulatory flood or any flood of more frequent occurrence shall be prohibited.

3. Anchoring

All new construction and substantial improvements shall be designed and anchored to prevent flotation, collapse, or lateral movement of the structures.

4. Materials

All new construction and substantial improvements shall be constructed with flood resistant materials and utility equipment resistant to flood damage.

5. Methods

All new construction and substantial improvements shall be constructed by methods and practices that minimize flood damage.

6. Electric, Ventilation, Plumbing, Heating, and Air Conditioning

Electric, ventilation, plumbing, heating, and air conditioning equipment (including ductwork), and other service facilities shall be designed and elevated two feet above base flood elevation to prevent water from entering or accumulating within the components during conditions of flooding as specifically provided for below:

(a) When not Substantial Improvement

The replacement of existing electrical, ventilation, plumbing, heating, and air conditioning equipment (including ductwork) and other service facilities, that do not constitute a substantial improvement, are encouraged to be elevated at least two feet above the base flood elevation, but they may be located at the original location and elevation.

(b) New Construction and Substantial Improvement

All electrical, ventilation, plumbing, heating, and air conditioning equipment (including ductwork), and other service facilities, for new construction or substantial improvement must be elevated at least two feet above the base flood elevation.

(c) Outdoor Faucets

The requirements listed above do not preclude the installation of outdoor faucets for shower heads, sinks, hoses, etc. as long as cut off devices and back flow devices are installed to prevent contamination to the service components and thereby minimize any flood damages to the building.

7. Water and Sanitary Sewage Systems

All new and replacement water supply and sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the sanitary sewage systems into flood waters.

8. On-site Waste Disposal Systems

On-site waste disposal systems shall be located and constructed to avoid impairment to them or contamination from them during flooding.

9. Foundation Systems

Hydrodynamic pressure must be considered in the design of any foundation system when velocity waters or the potential for debris flow exists. If flood velocities are excessive (greater than five feet per second), foundation systems

other than solid foundation walls should be considered so that obstructions to damaging flood flows are minimized.

10. Non-conforming Buildings or Uses

(a) In addition to the standards in Article 26-7, Nonconformities, Non-conforming buildings or uses may not be enlarged, replaced, or rebuilt unless such enlargement or reconstruction is accomplished in conformance with the provisions of this section.

(b) Nothing in this section shall prevent the repair, reconstruction, or replacement of an existing building or structure located totally or partially within the floodway, if the bulk of the building or structure below base flood elevation in the floodway is not increased, and provided that such repair, reconstruction, or replacement meets all of the other requirements of this section.

(c) Reconstructions or replacements of existing buildings or structures shall be placed with their longitudinal axis parallel to the predicted direction of the flow of flood waters or be placed so that their longitudinal axis are on lines parallel to those of adjoining structures so as to offer the minimum resistance to the flow of floodwaters.

11. American with Disabilities Act (ADA).

A building must meet ADA requirements. The cost of improvements required to meet the ADA provisions shall be included in the costs of the improvements for calculating substantial improvement.

12. Watercourse alterations and maintenance.

A maintenance requirement will be included in Floodplain Development Permits whenever a watercourse is altered or relocated within a Special Flood Hazard Area. Such maintenance activities shall ensure that the flood-carrying capacity of the watercourse is not diminished, and shall consist of periodic inspections, routine channel clearing and dredging, or other related functions. In addition, the permittee shall provide a regularly updated written record to the Flood Coordinator describing all maintenance activities performed, the frequency of performance, and the name of the person(s) responsible for maintenance. The Flood Coordinator shall keep permitting records on file for FEMA inspection.

b. Specific Standards

1. Residential Construction

(a) New construction or substantial improvement of any residential structure (including manufactured homes) shall have the lowest floor elevated no lower than two feet above the base flood elevation. No basements are permitted.

(b) Should solid foundation perimeter walls be used to elevate a structure, openings sufficient to facilitate the unimpeded movements of floodwaters shall be provided in accordance with Sec. 26-3.7(d)(5)b.4(f), Elevated Buildings

2. Nonresidential Construction

(a) New construction or substantial improvement of any commercial industrial, or nonresidential structure shall have the lowest floor (including basement), or mechanical and utility equipment, elevated no lower than two feet above the level of the base flood elevation or be flood-proofed to a level no lower than two feet above the level of the base flood elevation, provided that all areas of the building (including mechanical and utility equipment) below the required elevation are watertight with walls substantially impermeable to the passage of water, and use structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effects of buoyancy. Should solid foundation perimeter walls be used to elevate a structure, openings sufficient to facilitate the unimpeded movements of floodwaters shall be provided in accordance with subsection f. below. A land surveyor, engineer, or architect authorized by law to certify such information shall certify that the standards of this section are satisfied. Flood- proofed structures shall have an approved maintenance plan with an annual exercise as required by FEMA. The maintenance plan must be approved by the flood coordinator and notification of the annual exercise shall be provided to same.

3. Foundation Protection

A land surveyor, engineer, or architect authorized by law shall certify that the structural design, specifications, plans for foundations, and methods of construction of all new buildings are in accordance with accepted practices to withstand flotation, collapse, lateral movement, erosion, scour, undermining, and the effects of water and wind acting simultaneously on all building components during a base flood.

4. Manufactured Homes

(a) Substantially Damaged Homes

Manufactured homes which have incurred substantial damage shall subsequently be:

(1) Elevated on a permanent foundation with the lowest floor elevated at least two feet above the base flood elevation; and

(2) Securely anchored to an adequately anchored foundation system to resist flotation, collapse, and lateral movement.

(b) Existing Manufactured Homes

Manufactured homes to be newly placed or substantially improved upon that are not covered by subsection (a), above shall be:

(1) Elevated on a permanent foundation with the lowest floor elevated at least two feet above the base flood elevation; and

(2) Securely anchored to an adequately anchored foundation system to resist flotation, collapse, and lateral movement.

(c) Anchoring

(1) Manufactured homes shall be anchored to prevent flotation, collapse, or lateral movement in accordance with Section 19-425.42 of the

South Carolina Manufactured Housing Board Regulations, effective date May 25, 1990, as amended.

(2) Elevation requirements that may be met by elevating the chassis at 36 inches or less above site grade shall be supported by reinforced piers or other foundation elements of at least equivalent strength.

(3) Elevating the chassis above 36 inches in height shall be certified by an engineer.

(d) Evacuation Plan for Parks and Subdivisions

An evacuation plan indicating vehicular access and escape routes for residents of manufactured home parks and subdivisions located in or surrounded by an area of special flood hazard must be developed. The owner of the manufactured home park or subdivision shall be responsible for filing this plan with the Flood Coordinator and shall see that each tenant thereof has received an evacuation plan prior to the tenant's moving into the manufactured home park or subdivision. The evacuation plan shall be approved by the Flood Coordinator and the local emergency preparedness coordinator.

(e) Recreational Vehicles.

(1) Recreational vehicles placed on sites within a floodplain shall either be on site for fewer than 180 consecutive days and be fully licensed and ready for highway use, or meet the standards in Sec. 26-3.214(d)(5)a, General Standards in the Floodplain and Sec. 26-3.214(d)(5)b.4(b), Existing Manufactured Homes

(2) A recreational vehicle is ready for highway use if it is on wheels or a jacking system, is attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached additions.

(f) Elevated Buildings

New construction or substantial improvements of elevated buildings that include fully enclosed areas formed by foundation and other exterior walls; are used solely for the parking of vehicles, building access, or limited storage in an area other than a basement; and are subject to flooding, shall be designed to preclude finished space and automatically equalize flood forces on exterior walls by allowing for the entry and exit of floodwaters.

(1) Designs for Elevated Buildings.

Designs for complying with this section must either be certified by a land surveyor, engineer, or architect authorized by law to certify such information, or meet the following minimum criteria:

a. A minimum of two openings on different walls shall provide a total net area of at least one square inch for every square foot of enclosed area subject to flooding;

b. The bottom of all openings shall be no higher than one foot above grade;

c. Only openings below the base flood elevation can be counted towards the required net opening amount;

d. Openings may be equipped with screens, louvers, valves, or other coverings or devices, provided they permit the automatic flow of floodwaters in both directions; and

e. Fill placed around foundation walls shall be graded so that the grade inside the enclosed area is equal to or higher than the adjacent grade outside the building on at least one side of the building.

(2) Access to Enclosed Area.

Access to the enclosed area shall be the minimum necessary to allow for parking of vehicles (garage door), limited storage of maintenance equipment used in connection with the premises (standards exterior door), or entry to the living area (stairway or elevator).

(3) Interior Portion of Enclosed Area.

a. The interior portion of the enclosed area shall not be partitioned or finished into separate rooms, except to enclose a limited storage area.

b. The interior portion must be void of utilities, except for essential lighting as required, and cannot be temperature controlled.

c. One wet location switch and/or outlet connected to a ground fault interrupt breaker may be installed below the required lowest floor elevation.

(4) Construction Materials

All construction materials below the required lowest floor elevation shall be of flood resistant materials.

(g) Accessory Structures

(1) An accessory structure or garage, the cost of which is greater in valule than $10,000.00 or larger than 450 square feet, must comply with the elevated structure requirements of Sec. 26-3.7(d)(5)b.1, Residential Construction, and Sec. 26-3.7(d)(5)b.2, Nonresidential Construction; and shall not be larger than one-story.

(2) An accessory structure less than $10,000 in cost or smaller than 450 square feet to be placed in the floodplain shall meet the following criteria:

a. One-story

Accessory structures shall be no higher than a single-story building;

b. Not for Habitation

Accessory structures shall not be used for human habitation (including work, sleeping, living, cooking, or restroom areas);

c. Flood Damage Potential

Accessory structures shall be designed to have low flood damage potential;

d. Placement

Accessory structures shall be constructed and placed on the building site so as to offer the minimum resistance to the flow of floodwaters;

e. Anchoring

Accessory structures shall be firmly anchored to prevent flotation, collapse, or lateral movement of the structure;

f. Service Facilities

Service facilities, such as electrical and heating equipment, shall be installed in accordance with subsection Sec. 26-3.7(d)(5)a.6, Electric, Ventilation, Plumbing, Heating, and Air Conditioning; and

g. Openings

Openings to relieve hydrostatic pressure during a flood shall be provided below base flood elevation in conformance with subsection Sec. 26-3.7(d)(5)b.4(f)Elevated Buildings.

(h) Floodways

The following provisions shall apply within the floodway areas:

(1) Permitted Uses, Excluding Buildings.

The following uses shall be permitted in areas designated floodway areas, but only if such uses are permitted within the underlying base zoning district, and excluding buildings in connection with such uses:

a. Agricultural and horticultural uses, and plant nurseries.

b. Parking and loading areas.

c. Open-air uses generally accessory to residential uses, such as lawns, gardens, play areas, and parking areas.

d. Recreational uses which are primarily open-air uses and which do not offer a substantial impediment to water flow, such as swimming areas, fishing areas, beaches, boat launching ramps, floating docks, life guard stations, parks, playgrounds, play fields, picnic grounds, wildlife or nature preserves, hiking trails, horseback riding trails, golf courses, driving ranges, archery ranges, and tennis courts.

e. Airport runways and landing strips.

f. Streets, bridges, overhead utility lines, storm drainage facilities, sewerage lines, waste treatment plant outlets, water supply intake structures, and electronic transmission structures; provided that the structure is demonstrated, by hydraulic and hydrologic analysis performed with standard engineering practice and reviewed and approved by the Floodplain Coordinator, to

cause no rise in the base flood elevation as established by the Flood Insurance Study and further provided that:

i. All structures are designed and constructed to minimize infiltration by floodwaters; and

ii. The lowest horizontal member of bridges, excluding pilings or columns, is elevated at least one foot above the base flood elevation and the superstructure attached thereto is designed to resist flotation, collapse, and lateral movement due to the effects of wind and water loads acting simultaneously on all structural components.

(2) Permitted uses, other.

The following uses shall be permitted in areas designated floodway areas if the uses are also permitted in the underlying base zoning district.:

a. Any existing facility that is a part of or used by any public or private school that was constructed and operated before January 1, 2001 on property subsequently classified as a regulatory floodway;

b. Any existing facility that is a part of or used by any publicly owned wastewater treatment facility that was constructed and operated before January 1, 2001 on property subsequently classified as a regulatory floodway.

(i) Fill

The use of fill shall be limited to the elevation of individual structures (including garages and garage aprons), utilities, infrastructure, and public road crossings. Fill is discouraged and other methods of elevating structures should be considered first because use of fill can remove storage capacity from floodplains, adversely alter natural drainage patterns, cause erosion problems to develop, and diminish wildlife habitat.

(1) The amount of fill used shall be the minimum necessary to allow the elevation of individual structures. Floodplain authorization for fill shall be based on findings by the County Engineer that the minimum fill being used for raising the structure is the most feasible alternative.

(2) Fill, if approved, shall meet the following conditions:

a. The flood storage capacity of the floodplain shall not be affected, and flood heights shall not be increased. The space occupied by the authorized fill below base flood elevation shall be compensated for and balanced by a hydraulically equivalent volume of excavation taken from below the base flood elevation. All such excavations shall be constructed to drain freely to the watercourse.

b. Flooding from any source shall not be increased for neighboring properties. Neighboring and adjacent properties shall not be adversely affected in any way nor shall drainage problems be caused or aggravated as a result of fill.

c. Fill shall not be placed in the floodway except for essential utilities and necessary infrastructure as approved by the County Engineer.

d. Fill shall not be placed in nontidal wetlands without the required state and federal permits.

(3) In the event buildings on adjacent properties are known or determined to be subject to flooding under current conditions, the County Engineer may require submission of hydrologic and hydraulic analyses to adequately demonstrate that the effects of the proposed fill will not increase flooding on neighboring properties. Additional fill for landscaping purposes is not permitted. Landscaping mulch (tree bark or pine needles) is not considered fill and is allowed.

(4) Where allowed, fill material shall meet the following additional requirements:

a. Fill shall only consist of soil, rock materials, or other material approved by the County Engineer. Landfills, dumps, and sanitary soil fills are not permitted. Dredged material may be used as fill only upon certification of suitability by a registered professional engineer.

b. Fill material shall be compacted to 95% of the maximum density, obtainable with the standard proctor test method issued by The American Society For Testing And Materials (ASTM standard D-698) to provide the necessary stability and resistance to erosion, scouring or settling.

c. Fill slopes shall be no steeper than one vertical to two horizontal, unless substantiating data justifying steeper slopes are submitted to and approved by the County Engineer.

Fill shall be performed in such manner as to maintain or increase flood storage and conveyance capacity, and to not increase FEMA base flood elevations.

d. All fill placed at or below the flood elevation in the floodplain shall be balanced with at least an equal amount of soil material removal from the same parcel(s) or from sub-watershed. Compensatory storage required to offset floodplain fill must be created before the project begins and should be available throughout the construction period. The required volume of compensatory storage must be provided within the project boundary. The applicant shall demonstrate, using a registered professional engineer, no net loss of floodplain storage for ten, 50, and 100 year storm events.

e. Excavation shall not be counted as compensating for fill if such areas will be filled with water in non-storm conditions.

f. Fill shall be performed in a manner to maintain or increase slope stability and maintain or decrease erosive velocities. Fill slopes

shall be no greater than two horizontal to one vertical. Flatter slopes may be required where velocities may result in erosion.

g. Applicants must submit an as-built survey certification by a registered professional engineer that demonstrates that the required volume of storage has been created on site in order to ensure no net loss as outlined and demonstrated per the approved plans.

h. The use of fill shall not have an adverse impact on neighboring properties.

(5) The County Engineer shall inspect the fill activity. A certification sealed by a registered professional engineer shall be submitted prior to approval of a building permit for compliance with this section. The registered professional engineer must provide calculations and complete the County's engineering "No Impact Certification" form.

(6) Any change in the flood flow within a regulatory floodplain through fill must be submitted and approved through the FEMA "Letter of Map Revision" process in addition to review by the Flood Coordinator and County Engineer. The County Engineer shall provide a copy of the letter of approval, approved site plans, and signed "No Impact Certification" issued by FEMA to the floodplain coordinator.

(7) A registered professional engineer shall certify that all of the fill standards and requirements have been met.

(j) Critical facilities.

Construction of critical facilities is prohibited in the 500 year floodplain (A, 1AE and X500 Zones on the FIRM).

(6) Standards for Streams Not Having Established Base Flood Elevations and/or Floodways

Located within the areas of special flood hazard are small streams where no base flood elevation data have been provided or where no floodways have been identified. The following provisions apply to these areas:

a. Activity Within 100 Feet of the Stream Bank

No encroachments, including fill, new construction, substantial improvement, or other development shall be permitted within 100 feet of the stream bank unless certification (with supporting technical data by a land surveyor, engineer, or architect authorized by law to certify such information) is provided demonstrating that the encroachments will not result in any increase in flood levels during the occurrence of the base flood discharge. Certification and data shall be submitted to the Flood Coordinator.

b. Elevation

When base flood elevation data is not available from a federal, state, or other source, the applicant shall provide data determining the base flood elevation. One of the following methods may be utilized for determining the base flood elevantion (see FEMA's *Managing Floodplain Development in Approximate Zone A Areas* for further guidance):

1. **Countour Interpolation**

   Superimpose approximate zone A boundaries onto a topographic map and estimate a base flood elevation. Add one-hal of the contour interval of the topographic map that is used to the base flood elevation.

2. **Data Extrapolation**

   A base flood elevation can be determined if a site within 500 feet upstream of a stream reach for which a 100-year profile has been computed by detailed methods, and the floodplain and channel bottom slop characteristics are relatively similar to downstream reaches. No hydraulic structures shall be present.

3. **Hydrologic and Hydraulic Calculations**

   Perform hydrologic and hydraulic calculations to determine the base flood elevation using FEMA approved methods and software.

(7) Standards for Streams with Established Base Flood Elevations without Floodways

Located along rivers and streams where base flood elevation data is provided but no floodway is identified for a special flood hazard area on the Flood Insurance Rate Map or in the Flood Insurance Study:

a. Activity within Special Flood Hazard Area without Floodways

No encroachments including fill, new construction, substantial improvements, or other development shall be permitted unless certification with supporting technical data by a registered professional engineer is provided demonstrating that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one foot at any point within the community. Any increase shall not adversely impact any portion of the community.

(8) Standards for Subdivision, Planned Developments, and Large-Scale Developments

A subdivision, planned developments, or other large-scale development proposals of at least 50 lots or five acres shall meet the following standards:

a. General

A subdivision, planned development, or large-scale development shall be consistent with the need to minimize or eliminate flood damage and shall not raise the level of flooding or the base flood elevation of the community, and shall not pose a risk to human health and welfare as shown using base flood elevation data provided through hydrologic and hydraulic modeling performed in accordance with FEMA standards. In lieu of the aforementioned, the entire Zone A special flood hazard area shall be placed in a perpetual deeded open space with no future construction authorized.

b. Public utilities

A subdivision, planned development, or large-scale development shall have public utilities and facilities, such as sewer, gas, electric and water systems, located and constructed to minimize or eliminate flood damage.

c. Access.

A subdivision, planned development, or large-scale development shall include an access road above the base flood elevation to allow emergency access to flooded areas during flood conditions.

d. Drainage

A subdivision, planned development, or large-scale development proposal shall have adequate drainage, in compliance with all other applicable code regulations provided to reduce or eliminate exposure to flood hazards.

(9) Standards for Areas of Shallow Flooding (AO and AH Zones)

The following provisions apply within areas designated as shallow flooding within special flood hazard areas:

a. Residential Structures

New construction or substantial improvements of a residential structure shall have the lowest floor (including basement) elevated above the highest adjacent grade at least as high as the depth number specified in feet on the FIRM. If no depth number is specified, the lowest floor (including basement) shall be elevated at least three feet above the highest adjacent grade.

b. Nonresidential Structures

New construction and substantial improvements of a nonresidential structure shall meet one of the following standards:

1. Elevation

The lowest floor (including the basement) shall be elevated above the highest adjacent grade at least as high as the depth number specified in feet on the FIRM. If no depth number is specified, the lowest floor (including basement) shall be elevated at least three feet above the highest adjacent grade; or,

2. Construction

A nonresidential structure, together with attendant utility and sanitary facilities, must be designed so that below the base flood elevation the structure is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy. A land surveyor, engineer or architect authorized by law to certify such information shall submit a certification to the Flood Coordinator that the standards of this section are satisfied. There shall be adequate drainage paths around a structure on a slope to guide floodwaters around and away from the structure.

(10) Standards for Levees

a. General Standards

A levee protecting a residential structure or a nonresidential structure that is not flood-proofed shall be designed, constructed, and maintained to provide protection against the 500-year flood, plus three feet of freeboard. Flood elevations shall be as shown on the latest FIRM as determined by appropriate hydrologic methods.

b. Specific Standards

1. Design and Construction.

Design and construction shall be in accordance with U.S. Army Corps of Engineers' Manual EM 1110-2- 1913 (31 March 1978, Design and Construction of Levees). The design and construction of drainage systems within levees shall be in accordance with the U.S. Army Corps of Engineers' Manual EM 1110-2-1413 (15 Jan 1987, Hydrologic Analysis of Interior Areas). A registered professional engineer shall certify the design, construction, and inspection phases and shall certify that the construction meets requirements of the Corps of Engineers.

2. Records

Owners of levees will perform the necessary and required maintenance and provide appropriate records to the County Engineer, including:

(a) Signed agreements of perpetual operation and maintenance between the constructor and/or owner and the County;

(b) As-built construction plans sealed by a registered professional engineer;

(c) A description of the levee maintenance program in accordance with Sec. 26-3.7(d)(10)c, Maintenance Standards and Procedures; and

(d) Periodic maintenance reports as required by the County Engineer.

c. Maintenance Standards and Procedures

Levees shall be maintained as necessary to ensure serviceability against flood at all times, as follows:

1. Sod Growth

(a) Maintenance of a sturdy sod growth on levee embankments is highly important, as sod is one of the most effective means of protecting the levee against erosion from rain, water current, and wavewash. Periodic mowing with tractor-operated equipment is essential to maintaining a good sod growth, and shall be done at such intervals as necessary to keep down weeds and other noxious growth and to prevent the grass height from exceeding 12 inches.

(b) Grass shall not be mowed to a height of less than two inches.

(c) The number of mowings required each season will depend on local conditions.

(d) The last mowing of the season will be accomplished under conditions that allow the grass to obtain a height of approximately eight to ten inches entering the winter season.

(e) Mowing will be performed to a distance of at least five feet beyond the toe of the levee or berm.

(f) Burning grass and weeds is not permitted in the levee maintenance program, except during appropriate seasons when it is not detrimental to sod growth.

(g) During the growing season, spraying with herbicides on an as-needed basis is permissible and desirable for weed and brush control on levees and berms.

(h) Reseeding and fertilizing shall be completed frequently enough to sustain sod growth on levee embankments for erosion control.

2. Earth Embankments

(a) Levee embankments will be maintained to at least the grade and section, as designed, by replacing any material lost from the crown or slopes.

(b) Ruts, washes, slides, and subsidence will be promptly repaired and the entire embankment maintained sufficiently smooth for power mowing.

(c) Levee crowns will be graded as necessary to drain freely and prevent impoundment of rainwater.

(d) All brush, trees, and other undesirable growth shall be removed from the levee embankment.

3. Animal Burrows

Levees and adjacent landward areas shall be maintained free of all types of animal burrows. Animal burrows, when found, shall be backfilled with compacted material and sodded. To prevent recurrence, effort shall be made to exterminate the burrowing animals.

4. Prevention of Encroachment

Encroachment on levees is not allowed. Buildings, structures, storage of materials or equipment, and refuse dumps are not permitted on a levee. Following each high water, any debris deposited on the riverside slope of the levee shall be removed promptly.

5. Roads and Ramps

Access roads to and on the levees, including ramps, shall be bladed as necessary to keep the roadway shaped properly and free of ruts, pockets, and washes. Ramp embankments shall be maintained with the section and grade as designed. Maintenance shall be performed as necessary to correct any encroachment into the levee crown where roads cross levees. Road surfacing material shall be replaced as necessary to maintain the road surface in good condition.

6. Miscellaneous Levee Facilities and Appurtenances

Levee facilities and appurtenances that are constructed on, over, or through the levee shall be maintained in a good state of repair and/or inspected at least annually. Facilities and appurtenances that operate only during high water must be checked carefully and repaired as necessary, immediately prior to high water season. Relief wells shall be checked during periods of high water. Wells that do not flow for an extended period of time may have to be tested by pumping to determine the extent of deterioration. Critically deteriorated wells shall be rehabilitated by cleaning, surging, and pumping. Check valves shall be inspected to ensure that they open freely and that the gaskets are in good condition. The most common of the facilities and appurtenances referred to herein are:

(a) Drainage structures through the levee;

(b) Toe drainage systems;

(c) Relief wells;

(d) Levee slope protection and protection on dike ends;

(e) Gates, cattle guards, and fences; and

(f) Siphons and pipe crossings.

d. Inspection

Frequent inspections are essential to a good levee maintenance program. In addition to the formal inspections required by the County Engineer, inspections will be made prior to the beginning of the flood season, during and immediately following each high water period, and at such intermediate times as necessary to ensure satisfactory care of the levee.

(e) WR-O: Water Resources Overlay District

(1) Purpose

The purpose of the WR-O: Water Resources Overlay District is to protect water resources in the County in a manner that allows for reasonable development and use of land. More specifically, the intent of this district is to:

a. Ensure that development and use of land in areas adjacent to surface waters and wetlands does not contribute to the degradation of water quality;

b. Protect and enhance the capacity of natural systems to absorb rainwater;

c. Preserve and enhance the aesthetic, recreational, and economic value associated with surface waters and wetlands; and

d. Prevent the destruction of wildlife habitat.

(2) Applicability

The WR-O District may be approved and designated by the County Council in areas adjacent to surface waters and wetlands where the Council determines special protections are desirable to further the purpose of the district.

(3) Use Standards

Within the WR-O District, the following uses are prohibited, regardless of whether they are allowed the underlying zoning district:

a. Poultry farm;

b. Swine farm;

c. Vehicle Sales and Services uses;

d. Extraction uses;

e. Fuel sales (non-vehicular);

f. Large vehicle and commercial and industrial equipment repair;

g. Hazardous waste collection, storage, and disposal;

h. Non-hazardous waste collection, storage, and disposal; and

i. Scrapyard.

(4) Required Water Resource Yard

a. On lots abutting a water resource within the WR-O District, a water resource yard shall be provided as a setback within which no structures, except approved uncovered docks, shall be erected. The water resource yard shall extend from the top of the bank of the water resource for a distance of 20 percent of the lot depth (measured at the time of site plan approval), with a maximum setback of 50 feet and a minimum setback of 20 feet.

b. Within the water resource yard, existing continuous tree stands shall be preserved to stabilize the water resource banks.

c. Walkways, trails, access areas, and similar features are allowed within the water resource yard.

d. Parking and loading areas are prohibited in the water resource yard

(5) Sidewalks

Within the WR-O District, public pedestrian trail/greenway easement segments designed and approved as part of the site approval process may be provided in lieu of required sidewalks.

(6) Open Space Set-Asides

Within the WR-O District, open space set-asides provided in accordance with Sec. 26-5.4, Open Space Set-Asides, shall use pervious materials to extent practical.

(7) Additional Requirements for Flood-Prone or Impaired Areas

a. In areas within the WP-O District where flooding problems exist, the County Engineer may require, in addition to any other design criteria in this Ordinance, that post-development peak discharge rates shall be restricted to one half of the pre-development rates for the two-, five-, ten-, and 25-year storm events or to the downstream system capacity, whichever is less.

b. In areas within the WP-O where impairments exist under the NPDES permitting program, all sites which disturb an area of one acre or more shall have a permanent water quality BMP in place to treat at least the first 1-inch of runoff from the entire site and to hold this volume for a minimum period of 24 hours.

(f) NC-O Neighborhood Character Overlay District

(1) Purpose

The Neighborhood Character Overlay (NC-O) District is intended to protect and preserve the unique design features and character of established neighborhoods throughout the County, and to promote new construction that is compatible with the existing neighborhood character. The NC-O District is a flexible tool that may be applied to multiple neighborhoods, each of which will have its own unique architectural, natural, cultural, and historic attributes.

(2) Procedure for Establishing Individual NC#-O Districts

a. Prior to the establishment of an NC#-O District for a specific neighborhood, a master plan for the neighborhood shall be completed and recommended for adoption by the Planning Commission.

b. An NC#-O District shall be established in accordance with Sec. 26-2.5(a), Text Amendment, and Sec. 26-2.5(b), Zoning Map Amendment. For each NC#-O District established, a unique combination of numbers and/or letters shall replace the "#" character in the name of the district.

(3) Minimum Requirements for Area and Plan

a. The area proposed for an NC#-O District shall meet all of the following requirements:

1. Contains a minimum of one block and two opposing street frontages.

2. At least 60 percent of the land area within the proposed NC#-O District, not including street and other right-of-way, was developed at least 20 years prior to the neighborhood master plan being initiated.

3. There is ongoing or anticipated new development or redevelopment within the area.

4. One or more of the following attributes creates a distinctive, cohesive character for the area:

(a) Scale, size, type of construction, or distinctive building materials;

(b) Lot layouts, setbacks, street layouts, alleys, or sidewalks;

(c) Special natural or streetscape characteristics, such as creek beds, parks, gardens, or street landscaping;

(d) Land use patterns, including mixed or unique uses or activities; or

(e) Proximity to historic districts or sites.

b. The master plan for the neighborhood shall meet all of the following requirements:

1. Complies with the Comprehensive Plan and any other relevant adopted policy.

2. Includes a map of the proposed boundaries.

3. Describes the distinctive features, characteristics, and conditions that make the area unique and could form the basis for standards in the overlay district.

4. Lays out development goals for the character of the neighborhood.

(4) Standards for NC#-O Districts

Each NC#-O district shall establish standards for development and redevelopment, including, but not limited to, standards addressing:

a. Lot size;

b. Lot width;

c. Location of proposed buildings or additions;

d. Required yards;

e. Building height;

f. Building size (for principal and accessory structures);

g. Building orientation;

h. Exterior building materials and colors;

i. Building roof line and pitch;

j. Garages and garage location;

k. Building foundation treatment;

l. Front porches;

m. Accessory dwelling units;

n. Landscaping and screening;

o. Impervious surface coverage;

p. Paving requirements or limitations;

q. Exterior lighting;

r. Required features on a front façade;

s. Uses;

t. Views of or from specific locations;

u. Riparian areas, wetland areas, or drainage patterns; and

v. Demolition of structures.

(g) MI-O: Military Installation Overlay District

(1) Purpose

The purpose of this section is to protect future residents and employees in proximity to Fort Jackson, McCrady Training Center, and McEntire JNGB, by establishing standards to avoid or mitigate aircraft obstructions, noise impacts, and land use incompatibilities, and to promote the public health, safety, and welfare of the citizens of Richland County.

(2) Applicability

a. Development on land in the MI-O District shall comply with the standards in this section (Sec. 26-3.7(g)).

b. Compliance with the provisions of this section (Sec. 26-3.7(g)) does not constitute compliance with other local, federal, or state require-ments related to land use impacts on aviation, and all such require-ments are in addition to the requirements of this section.

c. Unless otherwise provided expressly herein, for purposes of applying the provisions of this section (Sec. 26-3.7(g)) to parcels lying only partially within a military installation zone, only the portion of the parcel within the zone shall be subject to the requirements of the applicable military installation zone.

d. Unless provided for otherwise by its express terms, this section (Sec. 26-3.7(g)) does not necessitate the removal, change, or alteration to any nonconforming use structure, land use, or tree existing on the effective date of this Ordinance. Such nonconformities are governed by Article 26-7: Nonconformities.

(3) Sub-Districts (Military Installation Overlay Zones)

The MI-O District includes the following nine sub-districts, the boundaries of which are identified in Appendix 26-B: Military Installation Overlay Zone Map.

a. Military Installation Overlay Zone 1 (MI-O Zone 1)

MI-O Zone 1 projects from both the north and south ends of the runway at McEntire JNGB and includes lands designated by the military as being within a Clear Zone and of being at greatest risk of an aircraft accident.

b. Military Installation Overlay Zone 2 (MI-O Zone 2)

MI-O Zone 2 projects from both the north and south ends of the runway at McEntire JNGB and includes lands designated by the military as being within Accident Potential Zone 1 (APZ 1) and of being at a higher risk of an aircraft accident than surrounding lands or those within the MI-O Zone 3 sub-district.

c. Military Installation Overlay Zone 3 (MI-O Zone 3)

MI-O Zone 3 projects from both the north and south ends of the runway at McEntire JNGB and includes lands designated by the military as being within Accident Potential Zone 2 (APZ 2) and of being at a higher risk of an aircraft accident than surrounding lands.

d. Military Installation Overlay Zone 4 (MI-O Zone 4)

MI-O Zone 4 includes lands around McEntire JNGB that have been identified by the military as likely to experience noise impacts in excess of 80 dB DNL, resulting from operations and training at McEntire JNGB.

e. Military Installation Overlay Zone 5 (MI-O Zone 5)

MI-O Zone 5 includes lands around McEntire JNGB that have been identified by the military as likely to experience noise impacts of between 75-79 dB DNL, resulting from operations and training at McEntire JNGB.

f. Military Installation Overlay Zone 6 (MI-O Zone 6)

MI-O Zone 6 includes lands around McEntire JNGB that have been identified by the military as likely to experience noise impacts of between 70-74 dB DNL, resulting from operations and training at McEntire JNGB.

g. Military Installation Overlay Zone 7 (MI-O Zone 7)

MI-O Zone 7 includes lands around McEntire JNGB that have been identified by the military as likely to experience noise impacts of between 65-69 dB DNL, resulting from operations and training at McEntire JNGB.

h. Military Installation Overlay Zone 8 (MI-O Zone 8)

MI-O Zone 8 includes lands located south of Fort Jackson and McCrady Training Center that have been identified by the military as likely to experience noise impacts averaging between 115 and 130 dB, resulting from operations and training at these military installations.

i. Military Installation Overlay Zone 9 (MI-O Zone 9)

See Sec. 26-3.214(g)(6), Military Installation Zone 9 (MI-O Zone 9)

(4) Use Standards

a. Within the MI-O District, uses allowed shall be those allowed in the underlying district(s) in accordance with Sec. 26-4.2(b), Principal Use Table, except as modified by Table 26-3.7(g)(4): Modifications of Use Permissions, and by subsections b and c below.

Table 26-3.7(g)(4): Modifications of Use Permissions

blank cell = no change in use permissions from underlying district
S[*number*] = no change in use permissions from underlying district, except the standards in note [*number*] apply
X = prohibited, regardless of use permissions in underlying district

Use Classification, Category, Type	MI-O Zone							
	1	2	3	4	5	6	7	8
Agricultural								
Agriculture and Forestry								
Agriculture	X			X	X	S[10]	S[10]	S[11]
Community garden	X	S[10]		X	X	S[10]	S[10]	
Forestry	X			X	X	S[10]	S[10]	
Poultry farm	X	X	X	X	X	X	X]	X
Swine farm	X	X	X	X	X	X	X	X
Agriculture and Forestry Related								
Agriculture research facility	X	X	S[7]	X	X	S[4]	S[4]	
Farm distribution hub	X	X	S[12]	X	X	S[2]		
Farm supply and machinery sales and service	X	X	S[12]	X	X	S[2]		
Produce stand	X			X	X	S[10]	S[10]	
Rural retreat	X	X	X	X	X	S[2]		

Table 26-3.7(g)(4): Modifications of Use Permissions

blank cell = no change in use permissions from underlying district
S[*number*] = no change in use permissions from underlying district, except the standards in note [*number*] apply
X = prohibited, regardless of use permissions in underlying district

Use Classification, Category, Type	MI-O Zone							
	1	2	3	4	5	6	7	8
Veterinary services (livestock)	X	S[7]	S[7]	X	X	S[4]	S[4]	
All other Agriculture and Forestry Related uses	X	S[9]	S[12]	X	X	S[2]		X
Residential								
Household Living								
Dwelling, Single-family detached	X	X	S[1]	X	X	S[3]	S[3]	X
All other Household Living uses	X	X	X	X	X	S[3]	S[3]	
Group Living								
All Group Living uses	X	X	X	X	X	S[3]	S[3]	X
Institutional								
Community Service								
Animal shelter	X	X	S[7]	X	X	S[2]		
Community food services	X	X	S[7]	X	X	S[2]		
Government office	X	X	S[7]	X	X	S[2]		
Membership organization facility	X	X	S[9]	X	X	S[2]		
Public recreation facility	X	X	S[9]	X	X	S[4]	S[4]	
Public safety facility	X	X	S[7]	X	X	S[2]		
All other Community Service uses	X	X	X	X	X	S[3]	S[3]	X
Education								
All Education Uses	X	X	X	X	X	S[3]	S[3]	X
Funeral and Mortuary Services								
Cemetery	X	S[8]	S[8]	X	X	S[4]		
Funeral home or mortuary	X	X	X	X	X	S[3]	S[3]	
Parks and Open Space								
Park or greenway	X	S[9]	S[9]	X	X	S[4]	S[4]	
All other Parks and Open Space uses	X	X	X	X	X	S[3]	S[2]	X
Transportation								
All Transportation uses	X	S[6]		X	X	S[4]		
Utilities and Communication								
All Utilities and Communication uses	S[5]	S[5]	S[5]	X	X	S[4]		
Commercial								
Animal Services								
Kennel	X	X	S[7]	X	X	S[2]		
Pet grooming	X	X	X	X	X	S[2]		X
Veterinary hospital or clinic	X	X	S[7]	X	X	S[2]		
Commercial services								
Auction house	X	X		X	X	S[2]		
Bank, Retail	X	X	S[7]	X	X	S[2]		
Catering	X	X	S[7]	X	X	S[2]		
Contractor's office	X	X	S[7]	X	X	S[2]		
Linen or uniform supply	X	X	S[7]	X	X	S[2]		
Medical, dental, and health practitioner	X	X	X	X	X	S[2]		X
Office	X	X	S[7]	X	X	S[2]		
Non-depository personal credit institution	X	X	S[7]	X	X	S[2]		
Self-service storage facility	X	S[7]	S[7]	X	X	S[4]		
Sightseeing tour services	X	X	S[7]	X	X	S[4]		

Table 26-3.7(g)(4): Modifications of Use Permissions

blank cell = no change in use permissions from underlying district
S[*number*] = no change in use permissions from underlying district, except the standards in note [*number*] apply
X = prohibited, regardless of use permissions in underlying district

Use Classification, Category, Type	MI-O Zone							
	1	2	3	4	5	6	7	8
All other Commercial Services uses	X	S[7]	S[7]	X	X	S[2]		
Eating and Drinking Establishments								
Restaurant, Carry-out	X	X		X	X	S[2]		
All other Eating and Drinking Establishments uses	X	X	X	X	X	S[2]		
Recreation/Entertainment								
Arena, stadium, or outdoor theater	X	X	X	X	X	X	X	X
Commercial recreation, Outdoor	X	X	X	X	X	X	X	X
Golf course	X	S[9]	S[9]	X	X	S[9]		X
Hunt club	X	X	X	X	X	X		X
Marina	X	S[9]	S[9]	X	X	S[4]		
Performing arts center	X	X	X	X	X	X	X	X
Racetrack or drag strip	X	X	X	X	X	S[3]	S[2]	X
Shooting range, Indoor	X	X	S[9]	X	X	S[2]		
Shooting range, Outdoor	X	X	X	X	X	X	X	X
All other Recreation/Entertainment uses	X	X	X	X	X	S[2]		
Retail Sales								
Building supply sales	X	X	S[12]	X	X	S[2]		
Consumer goods store, Large	X	X	X	X	X	X		
Convenience store	X	X	S[12]	X	X	S[2]		
Drugstore	X	X	X	X	X	S[2]		
Farmers' market	X	X	X	X	X	S[2]		
Flea market	X	X	X	X	X	X		
Manufactured home sales	X	X	S[12]	X	X	S[2]		
Outdoor power equipment store	X	X	S[12]	X	X	S[2]		
Pawnshop	X	X	S[12]	X	X	S[2]		
All other Retail Sales uses	X	X	S[12]	X	X	S[2]		
Traveler Accommodations								
All Traveler Accommodations uses	X	X	X	X	X	S[3]	S[3]	X
Vehicle Sales and Services								
Car wash	X	X	S[7]	X	X	S[2]		
Heavy vehicle wash	X	X	S[7]	X	X	S[2]		
Parking, Commercial	X	X	S[6]	X	S[4]	S[4]		
Vehicle fueling station	X	X	S[12]	X	X	S[2]		
Vehicle repair, major	X	X	S[7]	X	X	S[2]		
Vehicle repair, minor	X	X	S[7]	X	X	S[2]		
All other Vehicle Sales and Services	X	X	S[7]	X	X	S[2]		
Industrial								
Extraction								
All Extraction uses	X	X	X	X	X	X	X	X
Freight Movement, Warehousing, and Wholesale Distribution								
Warehouse/Distribution facility	X	X	S[7]	X	X	S[4]	S[4]	
Motor freight facility	X	X	S[7]	X	X	S[4]	S[4]	
Rail transportation facility	X	X	S[7]	X	X	S[4]	S[4]	
Timber and timber products wholesale sales	X	X	S[7]	X	X	S[4]	S[4]	
Industrial Service								
Contractor's yard	X	X	S[7]	X	X	S[2]	S[2]	

Table 26-3.7(g)(4): Modifications of Use Permissions

blank cell = no change in use permissions from underlying district
S[*number*] = no change in use permissions from underlying district, except the standards in note [*number*] apply
X = prohibited, regardless of use permissions in underlying district

Use Classification, Category, Type	MI-O Zone							
	1	2	3	4	5	6	7	8
Fuel sales (non-vehicular)	X	X	S[7]	X	X	S[2]	S[2]	
Large vehicle and commercial and industrial equipment repair	X	X	S[7]	X	X	S[2]	S[2]	
Remediation services	X	X	S[7]	X	X	S[4]	S[4]	
Production of Goods								
Artisan goods production	X	X]	S[7]	X	X	S[2]	S[2]	
All other Production of Goods uses	X	X	S[7]	X	X	S[4]	S[4]	
Waste and Recycling Facilities								
Scrapyard	X	X	X	X	X	X	X	
All other Waste and Recycling Facilities uses	X	X	X	X	X	X	X	

NOTES:
[1] Maximum density shall not exceed one dwelling unit per acre.
[2] Development is conditioned on design and construction providing for an average minimum Noise Level Reduction (NLR) of average minimum 25 dBA throughout the facility or dwelling. NLR criteria will not eliminate outdoor noise problems. However, building location and site planning, and design and use of berms and barriers can help mitigate outdoor exposure, particularly from near ground level sources.
[3] Development is conditioned on design and construction providing for an average minimum Noise Level Reduction (NLR) of average minimum 30 dBA throughout the facility or dwelling. NLR criteria will not eliminate outdoor noise problems. However, building location and site planning, and design and use of berms and barriers can help mitigate outdoor exposure, particularly from near ground level sources.
[4] Development is conditioned on design and construction providing for an average minimum Noise Level Reduction (NLR) of average minimum 25 dBA in the portions of these buildings where the public is received, office areas, noise-sensitive areas and land uses, employee lounge areas, or where the normal noise level is low.
[5] Underground facilities or utilities only, if approved by the McEntire coordinating official.
[6] No passenger terminals or aboveground transmission lines.
[7] Office uses that do not involve the regular reception of customers are allowed. Meeting places, auditoriums, and similar structures are prohibited.
[8] Chapels are prohibited.
[9] Clubhouses and other enclosed gathering places are prohibited.
[10] Residential units are subject to the applicable requirements for the Residential categories, including any applicable noise level reduction requirements.
[11] Animal production is not allowed.
[12] Accessory uses and structures are allowed only in association with principal uses allowed in accordance with this section.
[13] Development conditional upon approval from McEntire coordinating official.

b. In MI-O Zone 3, a commercial use shall comply with the following standards:
  1. Maximum building footprint of 15,000 square feet;
  2. Minimum side yard setbacks of ten feet; and
  3. Maximum lot coverage of 35%.

c. In MI-O Zone 2, a commercial use shall comply with the following standards:
  1. Maximum building footprint of 8,000 square feet;
  2. Minimum side yard setbacks of fifteen feet; and
  3. Maximum lot coverage of 20%.

(5) Noise Reduction Standards

a. Uses identified in Sec. 26-3.7(g)(4), Use Standards, as requiring noise level reduction that are located within MI-O Zone 4, MI-O Zone 5, MI-O Zone 6, MI-O Zone 7, and MI-O Zone 8 shall not be approved unless:

1. The applicant provides a testing certificate from a qualified acoustical consultant, architect or engineer licensed in the state of South Carolina, as provided by law, that all structures associated with the noise-sensitive use will achieve an average minimum dBA reduction equal to or greater than the required minimum noise level reduction; or

2. In lieu of the required test, the applicant submits an engineering judgment signed and sealed by an engineer licensed in the state of South Carolina, that in his or her opinion a structure built according to submitted plans will meet the minimum required noise level reduction, based on the construction standards in section 4 or section 5, as applicable, in Appendix D of the "Guidelines for Sound Insulation of Residences Exposed to Aircraft Operations," prepared for the Department of the Navy, by Wyle Research and Consulting, Arlington Virginia, April 2005, on file with the Office of Legislative Services.

b. For purposes of applying the noise level reduction provisions of this section (Sec. 26-3.7(g)(5)) to parcels lying in more than one MI-O sub-district, only the portion of the parcel within the sub-district is subject to the requirements applicable to that sub-district. However, where a portion of a building or room lies within more than one MI-O sub-district, or which is only partially within an MI-O sub-district, the more restrictive noise level reduction requirements apply to the entire building or room.

c. The Building Inspector may require, prior to granting a certificate of occupancy for a building subject to the requirements of this this section (Sec. 26-3.7(g)(5)), at the expense of the owner, field tests by a qualified acoustical consultant, architect or engineer licensed in the state of South Carolina, to verify the noise level reduction of the building, or as provided by law.

(6) Military Installation Zone 9 (MI-O Zone 9)

a. General

1. For purposes of complying with the Federal Defense Facilities Utilization Integrity Protection Act of South Carolina, MI-O Zone 9 is designated as the County's federal military installation overlay zone.

2. All parcels, and portions thereof, within MI-O Zone 9 are subject to the provisions of this section (Sec. 26-3.7(g)(6)).

3. The following positions will be designated and maintained by the respective military installations:

(a) Fort Jackson coordinating official;

(b) McCrady coordinating official; and

(c) McEntire coordinating official.

b. Notification by Zoning Administrator

1. At least 30 calendar days prior to any hearing by the County on any of the following applications pertaining to land within MI-O Zone 9, the Zoning Administrator shall request from each installation coordinating official a written

recommendation, with supporting facts, with regard to Sec. 26-3.7(g)(6)d, Review Criteria, relating to the use of the property which is the subject of review:

(a) Amendment to or adoption of a new element to the comprehensive plan;

(b) Text Amendment (Sec. 26-2.5(a));

(c) Zoning Map Amendment (Sec. 26-2.5(b));

(d) Special Exception (Sec. 26-2.5(d));

(e) Variance (Sec. 26-2.5(p)); and

(f) Appeal of Administrative Decision (Sec. 26-2.5(r)).

2. Once any of the following applications pertaining to land within MI-O Zone 9 is determined to be complete, the Zoning Administrator shall notify each installation coordinating official of the application submission and the anticipated date of a final decision and invite comments with regard to Sec. 26-3.7(g)(6)d, Review Criteria, relating to the use of the property which is the subject of review:

(a) Minor Subdivision (Sec. 26-2.5(f)(6)b);

(b) Major Subdivision (Sec. 26-2.5(f)(6)c);

(c) Land Disturbance Permit (with approved SWPPP) (Sec. 26-2.5(l));

(d) Permitted Use with Special Requirements (Sec. 26-2.5(h));

(e) Planned Development (Sec. 26-2.5(c));

(f) Sign Permit (Sec. 26-2.5(j));

(g) Temporary Use Permit (Sec. 26-2.5(m)); and

(h) Certificate of Zoning Compliance (Sec. 26-2.5(n)).

c. Actions by Zoning Administrator Following Notification

1. Upon receipt of any written recommendations or comments from installation coordinating officials, the Zoning Administrator shall make the recommendations or comments a part of the public record and shall investigate and make recommendations of findings addressing the review criteria in Sec. 26-3.7(g)(6)d, Review Criteria.

2. If an installation coordinating official does not submit a recommendation or comments, by the date of the public hearing or final decision, there is a presumption that the proposed land use application does not have any adverse effect relative to the review criteria in Sec. 26-3.7(g)(6)d, Review Criteria.

d. Review Criteria

In evaluating any land use application for which notification is required in accordance with Sec. 26-3.7(g)(6)b, Notification by Zoning Administrator, the Zoning Administrator and the installation coordinating officials shall consider the following criteria with respect to the proposed application:

1. Whether the application, if approved, will permit a use that is suitable in view of its location relative to a military installation and its location in MI-O Zone 9 or other military installation zones.

2. Whether the application, if approved, will adversely affect the existing use or usability of nearby property within MI-O Zone 9.

3. Whether the subject property has a reasonable economic use as currently zoned;
4. Whether the application, if approved, will result in a use which causes or may cause a safety concern with respect to excessive or burdensome use of existing streets, transportation facilities, utilities, or schools where adjacent or nearby property is used as a military installation;
5. Whether the application, as proposed, is in conformity with the policy and intent of the comprehensive plan given the proximity of a military installation; and
6. Whether there are other existing or changing conditions affecting the use of the nearby property, such as a military installation, which give supporting grounds for either approval or disapproval of the application as proposed.

e. Additional Notification Regarding Capital Improvements

At least 60 days before any official consideration by the County Council to fund or plan for a transportation, water, or sewer capital improvement that would expand the development capacity within MI-O Zone 9, the Capital Projects Manager shall notify the installation coordinating officials and shall identify the location and timing of the proposed capacity-expanding capital improvements.

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ARTICLE 26-4. USE REGULATIONS

Commentary

Article 26-4: Use Regulations, provids regulations for principal, accessory, and temporary uses. It includes four sections.

Section 26-4.1, General Provisions, outlines the article's organization and the relationship among its sections.

Section 26-4.2, Principal Uses, consolidates regulations that apply to principal uses. It organizes the table of permitted uses and the standards that apply to specific principal uses. A three-tiered use classification system is utilized.

Section 26-4.3, Accessory Uses and Structures, consolidates regulations that apply to accessory uses and structures. It includes general standards for accessory uses and structures, an accessory use table that identifies where specific accessory uses are allowed, and standards that apply to specific accessory uses or structures.

Section 26-4.4, Temporary Uses and Structures, organizes regulations for temporary uses and structures. It follows the same basic organization as accessory uses and structures, including general standards, a use table, and specific standards for temporary uses and structures.

Sec. 26-4.1. General Provisions

Article 26-4: Use Regulations, is organized into three sections:

(a) Sec. 26-4.2, Principal Uses, includes a table which sets out which land uses are allowed as principal uses on a parcel in each of the various zoning districts and whether they are allowed by right, allowed subject to staff review for compliance with additional use-specific standards, or allowed subject to approval of a special exception permit by the Board of Zoning Appeals. The table also cross references any specific standards that apply to particular principal uses. The standards that apply to particular principal uses follow the table.

(b) Sec. 26-4.3, Accessory Uses and Structures, identifies land uses and structures commonly allowed as accessory to principal uses and sets out where they are allowed, what type of permit or review is required to establish them, general standards applicable to all accessory uses and structures, and any special standards applicable to particular accessory uses and structures.

(c) Sec. 26-4.4, Temporary Uses and Structures, sets out which land uses or structures are allowed on a temporary basis, whether a temporary use permit is required to establish them, general standards applicable to all temporary uses and structures, and any special standards applicable to particular temporary uses and structures.

Sec. 26-4.2. Principal Uses

(a) General

(1) Organization of Principal Uses

Table 26-4.2(b): Principal Use Table, organizes allowable uses by use classifications, use categories, and use types. Table 26-4.2(b), Sec. 26-4.2(c), Classification of Principal Uses, and Sec. 26-9.3, Definitions, together provide a systematic basis for identifying and organizing uses and distinguishing unidentified uses to determine whether a particular use is allowable in a particular zoning district. Standards in Sec. 26-4.2(d), Standards for Specific Principal Uses, are also organized using the same hierarchical structure.

a. Use Classifications

Use classifications identify broad general classifications of land use and include agricultural uses; residential uses; public, civic, and institutional uses; commercial uses; and industrial uses. Use classifications are further broken down into a series of general use categories and specific use types.

b. Use Categories

Use categories describe the major sub-groups of the respective use classifications, and are based on common functional, product, or physical characteristics, such as the type and amount of activity, the type of customers or residents, how goods or services are sold or delivered, and site conditions. For example, the Residential Use Classification is divided into the Household Living and Group Living use categories. Use categories are further broken down into a series of individual use types. Descriptions of the use categories are provided in Sec. 26-4.2(c), Classification of Principal Uses, in the order they appear in the principal use table.

c. Use Types

The specific use types are included in the respective use category. They identify the specific principal uses that are considered to fall within characteristics identified in the use category. For example, live-work dwellings, single-family detached dwellings, and townhouse dwellings are use types in the Household Living use category. Definitions of each use type are included in Sec. 26-9.3, Definitions.

(2) Abbreviations in Principal Use Table Cells

a. Permitted Uses

A “P” in a cell of Table 26-4.2(b) indicates that the use in that row is allowed by right in the zoning district at the head of that column. Permitted uses are subject to all other applicable regulations of this Ordinance, including, but not limited to, those set forth in Article 26-3: Zoning Districts, Article 26-5: General Development Standards, and Article 26-6: Land Development (Subdivision) Standards.

b. Special Requirements Uses

An “SR” in a cell of Table 26-4.2(b) indicates that the use in that row is allowed in the zoning district at the head of that column only if the Zoning Administrator determines the use complies with the use-specific standards referenced in the final column of the use table in accordance with Sec. 26-2.5(h), Permitted Use with Special Requirements. References in the right-most column of Table 26-4.2(b) refer

to Sec. 26-4.2(d), Standards for Specific Principal Uses. Special Requirements uses are subject to all other applicable regulations of this Ordinance, including, but not limited to, those set forth in Article 26-3: Zoning Districts, Article 26-5: General Development Standards, and Article 26-6: Land Development (Subdivision) Standards.

c. Special Exception Uses

An "SE" in a cell of Table 26-4.2(b) indicates that the use in that row is allowed in the zoning district at the head of that column only if the Board of Zoning Appeals approves a special exception permit for the use in accordance with Sec. 26-2.5(d), Special Exception, and subject to any use-specific standards referenced in the right-most column of Table 26-4.2(b). Special Exception uses are subject to all other applicable regulations of this Ordinance, including, but not limited to, those set forth in Article 26-3: Zoning Districts, Article 26-5: General Development Standards, and Article 26-6: Land Development (Subdivision) Standards.

d. Uses Allowed Subject to Approved PD Plan and PD Agreement

An "A" in a cell of Table 26-4.2(b) indicates that the use type in that row is allowed in the planned development district at the head of that column provided the use is set out as a possible use type in an approved PD Plan and PD Agreement. Unless stated otherwise in the approved PD Plan and PD Agreement, the use shall be subject to any use-specific standards referenced in the right-most column of Table 26-4.2(b). Allowed uses are subject to the PD Plan, PD Agreement, and the other applicable regulations in this Ordinance, including, but not limited to, those set forth in Article 26-3: Zoning Districts, Article 26-5: General Development Standards, and Article 26-6: Land Development (Subdivision) Standards.

e. Prohibited Uses

A blank cell in Table 26-4.2(b) indicates that the use type in that row is prohibited in the zoning district at the head of that column.

(3) Unlisted Principal Uses

The Zoning Administrator shall determine whether or not an unlisted use is part of an existing use category or use type as defined in Sec. 26-4.2(c), Classification of Principal Uses, and Sec. 26-9.3, Definitions, or is substantially similar to an already defined use type, in accordance with the procedure and standards in Sec. 26-2.5(s), Interpretation.

(4) Overlay District Use Regulations

Sec. 26-3.7, Overlay Districts, sets forth any regulations of specific uses within an overlay district that apply in addition to, or instead of, use regulations in the underlying base zoning district or planned development district.

(b) Principal Use Table

Table 26-4.2(b): Principal Use Table

P = Permitted by right **SR** = Permitted by right, subject to special requirements ***blank cell*** = not allowed
SE = Permitted, subject to approval of special exception permit **A** = Allowed, subject to approved PD Plan and PD Agreement

Use Classification, Category, Type	OS	AG	HM	RT	R1	R2	R3	R4	R5	R6	RC	MU1	MU3	MU2	GC	EMP	INS	LI	HI	CC-1	CC-2	CC-3	CC-4	PD	PD-EC	PD-TND	Use-Specific Standards Sec. 26-4.2
Agricultural																											
Agriculture and Forestry																											
Agriculture	P	P	P	P												P		P	P					A	A		
Community garden		SR	SR	SR	SR	SR	SR	SR	SR	SR	SR	SR	SE	SE	SE	SE	SE	SE		SR	SR	SR		A	A	A	(d)(1)a.1
Forestry	P	P	P	P														P	P								
Poultry farm		SR																	SR								(d)(1)a.2
Swine farm		SE																	SE								
Agriculture and Forestry Related																											
Agriculture research facility		P	P													P	P	P	P					A	A	A	
Agritourism	SR	P	P	SR							P					P		P	P					A	A		
Equestrian center		SR	SR	SR																				A			(d)(1)b.1
Farm distribution hub		P	P								P					P		P	P						P		
Farm supply and machinery sales and service		P									P		P	P	P			P	P		P	P	P				
Farm winery		SR	SR	SR																				A			(d)(1)b.2
Produce stand		P	P	SR							P	P	P	P	P									A		A	(d)(1)b.3
Riding or boarding stable		P	P	P																			P				
Rural retreat	SR	SR	SR	SE												SR	SR							A			(d)(1)b.4
Veterinary services (livestock)		P	P								P																
Residential																											
Household Living																											
Dwelling, Live-Work		SR									SR	SR	SR	SR	SR					P	P	P		A	A	A	(d)(2)a.1
Dwelling, Four-family						P	P	P	P	P										P	P	P		A	A	A	
Dwelling, Multi-family									P	P		P	P	P	P	SE					P	P		A	A	A	
Dwelling, Single-family detached		P	P	P	P	P	P	P												P	P	P		A		A	
Dwelling, Three-family						P	P	P	P	P										P	P	P		A		A	
Dwelling, Townhouse								SR	SR	SR						SE				P	P	P		A	A	A	(d)(2)a.2
Dwelling, Two-family						SR	SR	SR	SR	SR											P	P		A		A	(d)(2)a.3
Group home, Family		SR	SR	SR	SR	SR	SR	SR	SR	SR		SR	SR	SR	SR	SE				SR	SR	SR		A	A	A	(d)(2)a.4
Manufactured home		SR	SR	SR	SR	SR																					(d)(2)a.5
Manufactured home park			SR	SR					SR																		(d)(2)a.6
Group Living																											
Children's residential care home			SR	SE	SE				SE	SE	P	P					P							A		A	(d)(2)b.1
Continuing care community			SE	SE	SE				SR	SR		SR	SR	SR						P	P	P		A		A	(d)(2)b.2
Dormitory										SR							SR							A		A	(d)(2)b.3
Fraternity or sorority house									P	P							SE							A		A	
Group home, Large			SE	SE					SE	SE	SE	SE			SE							P		A		A	(d)(2)b.4
Rooming or boarding house		SE	SR	SR					SE	SE	SE	SE	SE	SE	P	SE	SE				P	P		A	A	A	(d)(2)b.5
Public, Civic, and Institutional																											
Community Service																											
Animal shelter															SR		P	SR					P	A		A	(d)(3)a.1
Community food services											P	P	P	P	P		P	P			P	P	P	A	A	A	
Community recreation center	SR	SR	SR	SR	SR	SR	SR	SR	SR	SR	SR	SR	P	P	P	SR	P	SE		SR	P	P		A	A	A	(d)(3)a.2
Correctional facility																	P	SE	SE								

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Cultural facility											P	P	P	P	P		P					P		A	A	A	
Day care facility				SR							SR	SR	SR	SR	SR	SR	SR				SR	SR		A	A	A	(d)(3)a.3
Government office											P	P	P	P	P	P	P	P			P	P	P	A	A	A	
Hospital											P		P		P		P					P	P	A			
Library		SR	SR	SR	SR	SR	SR	SR	SR	SR	P	P	P	P	P		P			P	P	P		A		A	(d)(3)a.4
Membership organization facility		SE	SE	SE							P	P	P	P	P		P					P		A	A	A	(d)(3)a.5
Nursing care facility				SE	SE				P	P	P	P	P	P	P		P				P	P		A		A	(d)(3)a.6
Place of worship		SR	SR	SR	SR	SE	SE	SE	SR	SR	SR	P	P	P	P		P	P		SR	P	P		A	A	A	(d)(3)a.7
Public recreation facility	SR	SR	SR	SR	SR	SR	SR	SR	SR	SR	SR	SR	SR	SR	SR	SR	P	SR		SR	SR	SR	SR	A	A	A	(d)(3)a.8
Public safety facility		P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	A	A	A	
Short-term or transitional housing												SE	SE	SE	SE	SE	SE							A		A	(d)(3)a.9
Education																											
College or university											P	P	P	P	P	P	P	P			SR	P		A	A	A	
Elementary, middle, or high school		SR	SR	SR	SR	SR	SR	SR	SR	SR	P	P	SR	SR	P		P			SR	P	P		A		A	(d)(3)b.1
School, business or trade											SR	SR	SR	SR	P	P	P	P	SR		SR	SR	SR	A	A	A	(d)(3)b.2
Funeral and Mortuary Services																											
Cemetery	SR	SR	SR	SR							SR	SR	SR	SR	SR		P	SR	SR				SR	A		A	(d)(3)c.1
Funeral home or mortuary											P	P	P	P	P		P	P			P	P		A		A	
Parks and Open Space																											
Arboretum or botanical garden	SE	SE	SE	SE							P	P	P	P	P		P			SR	SR	SR	P	A	A	A	(d)(3)d.1
Park or greenway	SR	SE	SE	SR	SR	SR	SR	SR	SR	SR	SR	SR	SR	SR	SR	SR	P	SR	SR	SR	SR	SR	SR	A	A	A	(d)(3)d.2
Zoo		SR													SR								SR	A			(d)(3)d.3
Transportation																											
Airport																		P	P								
Transit stop	SR	SR	SR	SR	SR	SR	SR	SR	SR	SR	SR	SR	SR	SR	SR	SR	SR	SR	SR	SR	SR	SR	SR	A	A	A	(d)(3)e.1
Fleet terminal											P				P	P	P	P	P				P	A	A		
Passenger terminal, surface transportation											P	SE	P	P	P	P	P	P	P				P	A	A	A	
Utilities and Communication																											
Antenna		P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	A	A	A	
Broadcasting studio											P		P	P	P	P	P	P					P	A	A		
Communication tower		SE	SE	SE							SE	SE	SE	SE	SE	SR	SR	SR	SR				P	A	A		(d)(3)f.1
Power generation facility																	P		P				P		A		
Solar energy conversion system, Large scale		SR	SR	SR													SR	P	P					A	A		(d)(3)f.2
Utility, major																		SR	P				SR	A	A		(d)(3)f.3
Utility, minor	SR	SR	SR	SR	SR	SR	SR	SR	SR	SR	SR	SR	SR	SR	SR	SR	SR	SR	SR	SR	SR	SR	SR	A	A	A	(d)(3)f.4
Wind energy conversion system, Large scale		SE	SE													SE		SE	SR					A	A		(d)(3)f.5
Commercial																											
Animal Services																											
Kennel		SR	SR	SR							SR	SR	SR	SR	SR			SR					SR	A		A	(d)(4)a.1
Pet grooming											SR	SR	SR	SR	P	SR	SR	P			SR	P		A	A	A	(d)(4)a.2
Veterinary hospital or clinic											SR	SR	SR	SR	SR		SR	P			SR	SR		A		A	(d)(4)a.3
Commercial services																											
Artist studio											P	P	P	P	P	P	P	P			P	P	P	A		A	

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Auction house											P				P			P				P	P				
Bank, Retail											SR	SR	P	P	P	P	P	P			P	P		A	A	A	(d)(4)b.1
Catering											P	P	P	P	P			P			P	P		A		A	
Commercial services											P	P	P	P	P	P	P	P	P		P	P	P	A	A	A	
Consumer goods repair											SR	SR	SR	SR	SR	SR	SR	SR				SR	SR	A	A	A	(d)(4)b.2
Contractor's office											P		P	P	P	P		P	P					A	A	A	
Lawn, tree, or pest control services											P				P			P					P	A	A	A	
Linen or uniform supply															P			P	P			P	P	A	A		
Medical, dental, and health practitioner											P	P	P	P	P	P	P	P			P	P	P	A	A	A	
Non-depository personal credit institution											SR	SR	SR	SR	SR	SR	SR	SR			P	P		A	A	A	(d)(4)b.3
Office											SR	SR	SR	SR	SR	SR	SR	P	P		P	P	P	A	A	A	(d)(4)b.4
Personal services										SR	P	P	P	P	P	P	P	P			P	P	P	A	A	A	(d)(4)b.5
Rental center											SR	SR	SR	SR	SR			P	P			SR	P	A	A	A	(d)(4)b.6
Self-service storage facility											SR	SR	SR	SR	SR	SR		SR	P				P	A	A	A	(d)(4)b.7
Sightseeing tour services											P		P	P	P			P	P					A	A	A	
Tattoo or body piercing facility												SR	SR	SR	SR							SR		A		A	(d)(4)b.8
Eating and Drinking Establishments																											
Bar or other drinking place											SR	SE	SR	SR	SR	P	P	SR			SR	SR		A	A	A	(d)(4)c.1
Restaurant											SR	SR	SR	SR	SR	P	P	SR			P	P		A	A	A	(d)(4)c.2
Restaurant, Carry-out											P	P	P	P	P	P	P	P			P	P		A	A	A	
Restaurant, Drive-through											P		SR		P	P	P	P				P		A	A		(d)(4)c.3
Recreation/Entertainment																											
Arena, stadium, or outdoor theater											SR		SR	SR	SR		P	P				P	P	A	A	A	(d)(4)d.1
Commercial recreation, Indoor											P	SR	P	P	P	P	P					P		A	A	A	(d)(4)d.2
Commercial recreation, Outdoor											SR		SR	SR	SR	SR	SR	SR				SR		A	A	A	(d)(4)d.3
Fitness or training center/studio											P	P	P	P	P	P	P	P			P	P		A	A	A	
Golf course	SR		SR	SR	SE	SE	SE	SE	SE	SE					SR		SR	SR		P	SR	SR	SR	A			(d)(4)d.4
Hunt club	P	P	P	P																							
Marina											P				P		P							A	A	A	
Performing arts center													P	P	P		P					P		A		A	
Racetrack or drag strip																			SE								(d)(4)d.5
Sexually Oriented Business															SR				SR								(d)(4)d.6
Shooting range, Indoor											P				P		P	P	P				P	A			
Shooting range, Outdoor		SE	SE																SE								(d)(4)d.7
Smoking place											SR	SR	SR	SR	SR	SR	SR	SR						A	A	A	(d)(4)d.8
Retail Sales																											
Bakery											P	P	P	P	P	P	P	P				P		A	A	A	
Building supply sales											P				P			P	P			P	P	A			
Consumer goods store											SR	SR	SR	SR	SR	SR	SR				SR	SR		A	A	A	(d)(4)e.1
Consumer goods store, Large															P						P	P		A		A	
Convenience store											P	P	P	P	P	P	P	P	P		P	P		A	A	A	
Drugstore											P	SR	SR	SR	P	P	P	P			SR	P		A	A	A	(d)(4)e.2
Farmers' market		SR	SR								P	P	P	P	P	P	P				P	P		A	A	A	(d)(4)e.3
Flea market											P				P			P					P	A		A	

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Garden center or retail nursery											P	P	P	P	P			P			P	P	P	A		A	
Grocery/Food store											P	P	P	P	P	P	P				P	P		A	A	A	
Manufactured home sales											SR				SR			SR									(d)(4)e.4
Outdoor power equipment store											P				P			P					P				
Pawnshop											P	P			P									A		A	
Traveler Accommodations																											
Bed and breakfast		SR	SR	SR	SR				SR	SR	SR	SR	SR	SR	SR						P	P		A		A	(d)(4)f.1
Campground		SE	SR	SR																				A			(d)(4)f.2
Home-based lodging		SR	SR	SR	SR								SR	SR	SR	SR								A	A	A	(d)(4)f.3
Hotel or motel											P		P	P	P	P	P	P				P		A	A	A	
Vehicle Sales and Services																											
Car wash											SR				P	P		P	P			P	P	A	A	A	(d)(4)g.1
Heavy vehicle wash															P	P		P	P				P	A	A		
Parking, Commercial											P	P	P	P	P	P	P	P	P			P		A	A	A	
Vehicle fueling station											P	P	P	P	P	P		P	P			P	P	A	A	A	
Vehicle parts and accessories store											P				P			P				P		A			
Vehicle repair, major																P		P	P				P	A	A		
Vehicle repair, minor											P				P			P	P			P	P	A	A		
Vehicle sales and rental											SR				P			P				SR		A	A		(d)(4)g.2
Vehicle towing											SR				SR			P	P				P	A	A		(d)(4)g.3
Industrial																											
Extraction																											
Borrow pit		SE	SE	SE														SE	P								(d)(5)a.1
Mining/Extraction																			P								
Freight Movement, Warehousing, and Wholesale Distribution																											
Warehouse/Distribution facility											SR	SR	SR	SR	SR	P		P	P				P	A	A	A	(d)(5)b.1
Motor freight facility																P		P	P				P	A	A		
Rail transportation facility																			P					A	A		
Timber and timber products wholesale sales		SR																P	P				P				(d)(5)b.2
Industrial Service																											
Contractor's yard																P		SR	P				SR	A	A		(d)(5)c.1
Fuel sales (non-vehicular)																			SR								(d)(5)c.2
Large vehicle and commercial and industrial equipment repair																P		P	P				P	A	A		
Remediation services																			P				P				
Production of Goods																											
Artisan goods production											SR	SR	SR	SR	SR	SR		P	P		SR	SR	P	A	A	A	(d)(5)d.1
Manufacturing, assembly, and fabrication, Light		SR									P				P	P		P	P				P	A	A	A	(d)(5)d.2
Manufacturing, assembly, and fabrication, General		SR									SR					P		SR	P				P	A	A		(d)(5)d.23
Manufacturing, assembly, and fabrication, Intensive		SR									SR					SR		SR	SR				SR		A		(d)(5)d.4
Waste and Recycling Facilities																											
Construction and inert debris landfill																			SE								(d)(5)e.1

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Hazardous waste collection, storage, and disposal																			SE								(d)(5)e.2
Non-hazardous waste collection, storage, and disposal																			SR				SR	A	A		(d)(5)e.3
Recycling collection station											P				P	P	P	P	P					A	A	A	
Recycling sorting facility																P	P	P	P					A	A		
Scrapyard																		SE	SE								(d)(5)e.4

(c) Classification of Principal Uses

(1) Agricultural Uses Classification

a. Agriculture and Forestry Uses

The Agricultural and Forestry Uses category is characterized by bona fide production of plants or animals for food and other comparable activities, including agriculture, community gardens, forestry, poultry farms, and swine farms.

b. Agriculture and Forestry Related Uses

The Agricultural and Forestry Related Uses category is characterized by activities related to, or supportive of, bona fide production of plants or animals for food and other comparable activities, including agriculture research facilities, agritourism, equestrian centers, farm distribution hubs, farm supply and machinery sales and services, farm wineries, produce stands, riding or boarding stables, and rural retreats.

(2) Residential Uses Classification

a. Household Living Uses

The Household Living Uses category includes use types providing for the residential occupancy of a dwelling unit by a single family. Tenancy is generally arranged on a month-to-month or longer basis. Use types include: live-work dwellings, four-family dwellings, multi-family dwellings, single-family detached dwellings, three-family dwellings, townhouse dwellings, two-family dwellings, family group homes, manufactured homes, and manufactured home parks. This use category does not include residential use types that generally involve some level of managed personal care for a larger number of residents (e.g., continuing care communities or large group homes), which are categorized in the Group Living Uses category. Accessory uses common to Household Living Uses include accessory dwelling units, home-based businesses, and swimming pools.

b. Group Living Uses

The Group Living category includes uses characterized by residential occupancy by a group of persons who do not constitute a single family. Group living structures

typically have a common eating area for residents, and individual living units often consist of a single room or group of rooms that may or may not include cooking and eating facilities. Residents may receive care, training, or treatment, and caregivers may or may not also reside at the site. This use category does not include uses where persons generally occupy living units for periods of less than 30 days, such as a hotels or motel, which are categorized in the Traveler Accommodation Uses category, or uses where residents or inpatients are routinely provided healthcare services, such as hospitals and nursing care facilities, which are categorized in the Community Service Uses category. This use category does not include family group homes, which are categorized in Household Living Uses.

(3) Public, Civic, and Institutional Uses Classification

a. Community Service Uses

The Community Service Uses category includes use types of a public, nonprofit, or charitable nature providing a local service directly to people of the community or performing a specialized government function. Generally, such uses provide ongoing continued service on-site or have employees at the site on a regular basis. Use types include: animal shelters, community food services, community recreation centers, correctional facilities, cultural facilities, day care facilities, government offices, hospitals, libraries, membership organization facilities, nursing care facilities, places of worship, public recreation facilities, public safety facilities, and short-term transitional housing.

b. Education Uses

The Education Uses category includes institutions providing instruction or training, including: colleges or universities; elementary, middle, or high schools; and business or trade schools. Accessory uses may include offices, play areas, recreation and sport facilities, cafeterias, auditoriums, and before- or after-school day care, dormitories, food service, laboratories, health care facilities, theaters, auditoriums, arenas, sports stadiums, meeting areas, maintenance facilities, and supporting commercial uses (e.g., eating establishments, bookstores).

c. Funeral and Mortuary Services Uses

The Funeral and Mortuary Services Uses category consists of establishments that provide services related to the death of a human being. Use types include cemetery and funeral home or mortuary.

d. Parks and Open Space Uses

The Parks and Open Space Uses category includes use types focusing on open space areas largely devoted to natural landscaping and outdoor recreation. The uses tend to have few structures. Use types include: arboretums or botanical gardens, parks or greenways, and zoos.

e. Transportation Uses

The Transportation Uses category includes use types providing for the movement of people, including airports, transit stops, fleet terminals, and passenger terminals for surface transportation. Use types related to the movement of freight and materials is categorized as Freight Movement, Warehousing, and Wholesale Distribution.

f. Utilities and Communications Uses

The Utilities and Communication Uses category includes uses and facilities providing regional or community-wide utility or communications services. Services may be publicly or privately provided and may include on-site personnel. Use types include: antennas, broadcasting studios, communication towers, power generation facilities, large scale solar energy conversion systems, major utilities, minor utilities, and large scale wind energy conversion systems.

(4) Commercial Uses Classification

a. Animal Services Uses

The Animal Services Uses category is characterized by use types related to the provision of medical services, general care, and boarding services for household pets and domestic animals. Use types include: kennels, pet grooming, and veterinary hospitals or clinics.

b. Commercial Services Uses

The Commercial Services Uses category consists of establishments that provide services to business establishments or individuals such as cleaning, repair, maintenance, rental, fabrication, or construction. This category does not include establishments primarily engaged in the provision of frequent or recurrent needed services of a personal nature (categorized in the Personal Services Uses category). Use types include: artist studios; auction houses; retail banks; catering; commercial services; consumer goods repair; contractor's offices; lawn, tree, or pest control services; linen or uniform supply; medical, dental, and health practitioners; offices; personal services; rental centers; self-service storage facilities; sightseeing tour services; and tattoo or body piercing facilities.

c. Eating and Drinking Establishments Uses

The Eating and Drinking Establishment Uses category consists of establishments primarily engaged in the preparation and serving of food and/or beverages. Use types include: bars, restaurants, carry-out restaurants, and drive-through restaurants.

d. Recreation / Entertainment Uses

The Recreational/Entertainment Uses category includes use types providing indoor or outdoor facilities for recreation or entertainment-oriented activities by patrons or members. Use types include: arenas, stadiums, or outdoor theaters; indoor commercial recreation; outdoor commercial recreation; fitness or training centers/studios; golf courses; hunt clubs; marinas; performing arts centers; racetracks and drag strips; sexually oriented business; indoor shooting ranges; outdoor shooting ranges; and smoking places.

e. Retail Sales Uses

The Retail Sales Uses category includes use types involved in the sale, rental, and incidental servicing of goods and commodities that are generally delivered or provided on the premises to a consumer. Use types include: bakeries, building supply sales, consumer goods stores, large consumer goods stores, convenience stores, drugstores, farmer's markets, flea markets, garden centers or retail nurseries,

grocery/food stores, manufactured home sales, outdoor power equipment stores, and pawnshops.

f. Traveler Accommodations Uses

The Traveler Accommodation Uses category includes use types providing lodging units or rooms for short-term stays of typically less than 30 days for rent, lease, or interval occupancy. Use types include: bed and breakfasts, campgrounds, home-based lodging, and hotels or motels.

g. Vehicle Sales and Services Uses

The Vehicle Sales and Service Uses category includes uses that provide for the sale, rental, maintenance, or repair of new or use vehicles and vehicle equipment. Use types include: car washes, heavy vehicle washes, commercial parking, vehicle fueling stations, vehicle parts and accessories stores, major vehicle repair, minor vehicle repair, vehicle sales and rentals, and vehicle towing.

(5) Industrial Uses Classification

a. Extraction Uses

The Extraction Uses category is characterized by activities related to the extraction of naturally occurring materials. Use types include borrow pits and mining/extraction.

b. Freight Movement, Warehousing, and Wholesale Distribution Uses

The Freight Movement, Warehousing, and Wholesale Uses category includes use types involving the storage or movement of goods for themselves or other firms or businesses and the sale, lease, or rent of products primarily intended for industrial, institutional, or commercial businesses. Goods may be delivered to other firms or the final consumer or may be sold on-site. Sales to the general public, if any, are limited. Use types include: warehouse/distribution facilities, motor freight facilities, rail transportation facilities, and timber and timber products wholesale sales. Accessory uses include offices, truck fleet parking, outdoor storage and maintenance areas, offices, product repair, warehouses, limited retail sales, minor fabrication services, and repackaging of goods.

c. Industrial Service Uses

The Industrial Services category includes uses involving the repair or servicing of industrial, business, or consumer machinery equipment, products, or by-products. Few customers from the general public come to the site. Use types include: contractor's yards, non-vehicular fuel sales, and large vehicle and commercial and industrial equipment repairs.

d. Production of Goods Uses

The Production of Goods Uses category includes use types involved in the manufacturing, processing, fabrication, packaging, or assembly of goods. Products may be finished or semi-finished and are generally made for the wholesale market, made for transfer to other plants, or made to order for firms or consumers. Use types include: artisan goods production; light manufacturing, assembly, and fabrication; general manufacturing, assembly, and fabrication; and intensive manufacturing, assembly, and fabrication. Accessory uses may include offices, cafeterias, employee recreational facilities, warehouses, storage yards, repair

facilities, truck fleets, fueling facilities, limited retail sales and wholesale sales, and security and caretaker's quarters.

e. Waste and Recycling Facilities Uses

The Waste and Recycling Facilities Uses category includes use types receiving solid or liquid wastes from others for on-site disposal, storage, processing, recycling, reuse, or transfer to another location for the same. Use types include: construction and inert debris landfill; hazardous waste collection, storage, and disposal; non-hazardous waste collection, storage, and disposal; recycling collection stations; recycling sorting facilities; and scrapyards.

(d) Standards for Specific Principal Uses

(1) Agricultural Uses

a. Agriculture and Forestry Use Category

1. Community Garden

(a) Accessory buildings shall be limited to sheds for the storage of tools, greenhouses, and seasonal farm stands. The combined area of all buildings and other structures shall not exceed 15 percent of the area of the parcel.

(b) Areas used for communal composting shall be limited to ten percent of the area of the parcel.

(c) Perimeter fences, including trellises, are allowed in community gardens, subject to the standards in Sec. 26-5.9, Fences and Walls.

(d) Before issuance of a permit for a community garden, it shall have an established set of operating rules addressing the governance structure of the garden, hours of operation, assignment of garden plots, and maintenance and security requirements and responsibilities.

2. Poultry Farm

(a) The number of poultry kept shall be limited to the following maximum number for every 1,000 square feet of lot area:

(1) Five laying hens;

(2) Ten turkeys; or

(3) 17 chickens.

(b) Where multiple types of poultry are kept, the maximum number shall be determined by substituting at a ratio determined by subsection (a) above. (For example, a five thousand square foot lot could contain 20 laying hens and ten turkeys, with turkeys substituted for hens at a rate of 2 to 1).

(c) Where poultry other than the types listed in subsection (a) above, are proposed, the director shall determine the maximum number allowed based on the most similar poultry type in subsection (a) above, taking into consideration size and waste generation.

(d) All areas where poultry are kept shall be a minimum of 150 feet from residential zoning districts and lots containing a residential use.

b. Agriculture and Forestry Related Use Category

1. Equestrian Center

(a) The minimum required area for the facility is five acres.

(b) All parts of the facility where animals are kept or where equestrian events are held shall be located at least 400 feet from lots containing Residential uses or lands located in a Residential district.

(c) The site shall have direct access to a collector or thoroughfare road.

2. Farm Winery

(a) Sampling and sale for on- and off-site consumption of beverages produced on the premises is allowed as an accessory use in accordance with all applicable state regulations.

(b) Snack foods or prepackaged foods like sandwiches, soups, or salads, and nonalcoholic beverages that are consumed on the premises are allowed; however, the premises shall not include a food or beverage store.

(c) Retail sales of merchandise or items other than alcoholic beverages is permitted if the items sold are primarily associated with the site (e.g., glassware and souvenirs), or are locally produced goods of the type that would be sold at an artisan's and crafter's market or farmers' market.

3. Produce Stand

A produce stand as a principal use shall not operate more than six months in any one calendar year, shall be located a minimum of five feet from all road rights-of-way, and shall provide adequate off-street parking.

4. Rural Retreat

(a) The minimum lot area is 50 acres.

(b) The maximum floor area ratio (FAR) is 0.04.

(c) Any principal buildings for the retreat shall be set back at least 150 feet from all property lines.

(d) On-site recreation facilities may be used only by employees and visitors.

(2) Residential Uses

a. Household Living Use Category

1. Dwelling, Live-Work

(a) The residential portion of the use shall occupy at least 50 percent of the total gross floor area.

(b) The nonresidential portion of the building shall comply with all applicable Uniform Statewide Building Code requirements.

(c) Employees shall be limited to occupants of the residential portion of the building plus up to three persons not residing in the residential portion.

(d) Drive-through facilities are prohibited.

(e) Any off-street parking provided for the nonresidential portion of the use shall be located as far as practicable from existing adjacent single-family dwellings.

2. Dwelling, Townhouse

(a) No more than seven townhouse dwellings shall be attached together in a continuous row, and no such row shall exceed 200 feet in length.

(b) Except as otherwise provided in subsection (c) below, accessory structures are permitted in the rear yard, if they comply with the following standards:

(1) The structure shall not exceed 100 square feet of gross floor area; and

(2) The structure shall comply with the side yard setback of the district in which it is located.

(c) Carports and garages are permitted in the rear yard only if the rear lot line abuts an alley and there is vehicular access to the carport or garage from the alley.

(d) A property owners' or homeowners' association that is responsible for the continuous and perpetual maintenance of all common areas, including driveways, parking areas, open space set-asides shall be established. Such association shall meet the following requirements, in addition to any other applicable requirements in this Ordinance:

(1) Membership in the association must be mandatory and automatic for all property owners, and their successors;

(2) The association shall have lien authority to ensure the collection of dues from all members; and

(3) The association shall be responsible for informing each property owner at the time of closing of the location of the common areas and the association's maintenance obligations.

3. Dwelling, Two-family

(a) At the time of construction of a two-family dwelling located on two separate lots, the lots must be under common ownership.

(b) Patios, pools, garden features, and other similar elements shall be permitted within side setback areas.

4. Group Home, Family

Approval of the location of a family group home is subject to Section 6-29-770 of the South Carolina Code of Laws, as amended.

5. Manufactured Home

(a) Manufactured homes must meet the standards set by the Federal Manufactured Housing Construction and Safety Standards Act of 1974, as amended.

(b) The tongue, axles, transporting lights, and removable towing apparatus must be removed upon final placement of the manufactured home on the lot.

(c) Subject to additional requirements in subsection (d) below, manufactured home skirting or a continuous, permanent masonry foundation, unpierced except for openings required by the building code for ventilation, utilities, and access, shall be installed under the manufactured home.

(d) In the R1 and R2 districts, the following standards apply in addition to the standards in subsections (a) through (c) above:

(1) Except on a corner lot, the manufactured home shall be oriented so that the side containing the front entrance door is no more than 20 degrees from parallel to the front property line. For purposes of this section, the front entrance door is the entrance door leading directly to a living room, foyer, or hall.

(2) A continuous, permanent masonry foundation, unpierced except for openings required by the building code for ventilation, utilities and access, shall be installed under the manufactured home. The foundation shall be excavated and shall be exposed no more than 12 inches above grade.

(3) The manufactured home shall have a length that does not exceed four times its width, excluding additions.

(4) The front entrance shall include a porch measuring a minimum of six feet by six feet horizontally.

(5) The exterior siding shall consist predominately of vinyl or aluminum horizontal lap siding that does not exceed the reflectivity of gloss white paint, wood, or hardboard, comparable in composition, appearance, and durability to the exterior siding commonly used in standard residential construction.

(6) The manufactured home's roof pitch shall have a minimum vertical rise of three feet for each twelve feet of horizontal run (3:12) and the roof shall be finished with a type of material that is commonly used in standard residential construction.

6. Manufactured Home Park

(a) Design Standards

(1) The minimum area required for a manufactured home park shall be five acres.

(2) The maximum density of a manufactured home park shall be six units per acre.

(3) Open space set-asides shall be provided in accordance with Sec. 26-5.4, Open Space Set-Asides; however, in no event shall the required open space set-asides within a manufactured home development be less than 300 square feet. In order to expand an existing manufactured home park development, the minimum open space set-aside requirements must be met.

(4) All manufactured home park development plans must be approved by DHEC. A manufactured home park shall provide water and sanitary sewer to each manufactured home site, subject to DHEC requirements, and each manufactured home within the manufactured home park is required to connect to water, sanitary sewers, and electricity.

(b) Allowed Uses

Uses shall be permitted within a manufactured home park in accordance with Article 26-3: Zoning Districts, this article (Article 26-4, Use Regulations), and any other applicable provisions of this Ordinance.

(c) Manufactured Home Sites

The following standards apply to each manufactured home site within the manufactured home park. For purposes of this section, a manufactured home site consists of the land where a manufactured home is placed together with the surrounding yard that is rented to an individual tenant.

(1) The minimum area of a manufactured home site shall be 7,260 square feet.

(2) The minimum width of a manufactured home site shall be 60 feet.

(d) Setback and Spacing Requirements

(1) Subject to Sec. 26-5.3(d), Transitional Buffer Yards, all manufactured homes shall be set back a minimum of 35 feet from all rights-of-way of roads exterior to the manufactured home park and a minimum of 15 feet from all other property lines on the periphery of the manufactured home park.

(2) All manufactured homes shall be set back a minimum of 15 feet from roadways within the manufactured home park.

(3) No two manufactured homes shall be spaced closer than the following distances, based on their orientation toward each other:

a. 35 feet if they are oriented front-to-front or front-to-rear; or

b. 25 feet if they are oriented rear-to-rear, side-to-side, front-to-side, or rear-to-side.

b. Group Living Use Category

1. Children's Residential Care Home

In the HM, RT, R1, R5, and R6 districts, the following standards apply:

(a) The minimum lot size shall be one acre.

(b) The front yard setback shall be the same as permitted in the applicable zoning district. Side and rear yard setbacks shall be 25 feet.

(c) Parking spaces and drives shall be located a minimum of 20 feet from side and rear property lines.

(d) Parking in the front yard is prohibited.

2. Continuing Care Community

(a) The minimum area of a continuing care community shall be one acre.

(b) All parking spaces and driveways shall be located a minimum of 20 feet from residential structures located outside of the continuing care community.

(c) The front yard setback shall be the same as permitted in the respective district, but shall not be less than the lesser setback of any existing homes on adjacent lots.

(d) In the R5 and R6 districts, side and rear yard setbacks shall be 25 feet.

(e) All facilities within the continuing care community shall be solely for the use of the residents and their guests.

3. Dormitory

The lot on which the dormitory is located shall be within a one-half mile radius of the campus of the academic institution operating the dormitory.

4. Group Home, Large

(a) In the HM, RT, R6, RC, and MU1 districts, parking is prohibited in the front yard setback.

(b) In the HM and RT District, the following additional standards apply:

(1) The minimum lot size shall be 5 acres.

(2) The maximum gross floor area of a large group home shall be 7,000 square feet.

(3) Parking spaces and drives shall be located a minimum of 20 feet from side and rear property lines.

5. Rooming or boarding house

(a) The owner or the manager of the rooming or boarding house shall reside on the premises.

(b) A maximum of 50 percent of the heated floor area of the rooming or boarding house may be used for sleeping quarters.

(c) Parking shall be located on the same lot on which the boardinghouse is located at the rear of the lot and shall be screened from view from adjacent properties using vegetation.

(3) Public, Civic, and Institutional Uses

a. Community Service Use Category

1. Animal Shelter

(a) Buildings housing animals shall be located a minimum of 150 feet from Residential districts and lots containing residential uses.

(b) All pens for the boarding of animals shall be located within a completely enclosed building.

(c) The feeding of animals must be conducted within a completely enclosed building.

(d) The use of fenced outdoor runs by animals is allowed only during the hours of 6:00 a.m. to 10:00 p.m. Such runs shall not be used for boarding purposes.

(e) All animal refuse and food must be kept in airtight containers and disposed of on a regular basis. The storage of animal wastes is prohibited within 50 feet property lines and surface water.

2. Community Recreation Center

(a) All buildings, swimming pools, lighted tennis courts, and athletic fields shall be set back a minimum of 50 feet from Residential districts and lots containing residential uses.

(b) Swimming pools shall comply with the following requirements:

(1) Shall comply with the setback requirements for accessory buildings in the zoning district in which the pool is located;

(2) Shall be enclosed by a fence having a minimum height of four feet that is equipped with a self-closing gate having hardware for permanent locking;

(3) If located in a Residential district, shall not be operated as, or in conjunction with, a business, day care operation, bed and breakfast, or home occupation.

(c) In the OS District, community recreation centers shall be limited to outdoor recreational facilities; however, accessory buildings and structures are permitted.

3. Daycare Facility

(a) Client pick-up and drop-off shall not obstruct traffic flow on adjacent public roads.

(b) Any outdoor children's play area shall be fenced or otherwise enclosed on all sides and shall not include driveways, parking areas, or land otherwise unsuited for children's play space.

(c) A daycare facility shall comply with all applicable state and federal regulations.

4. Library

Parking in the front yard setback is prohibited.

5. Membership Organization Facility

In the HM and RT District, a membership organization facility shall not be use between 12:00 a.m. and 6:00 a.m. Sunday through Thursday or 1:00 a.m. and 6:00 a.m. on Fridays and Saturdays.

6. Nursing Care Facility

In the RT and R1 districts, a nursing home shall comply with the following standards:

(a) The minimum lot size shall be one acre.

(b) The front yard setback shall be the same as permitted in the applicable zoning district. Side and rear yard setbacks shall be 25 feet.

(c) Parking spaces and drives shall be located a minimum of 20 feet from side and rear property lines.

(d) Parking in the front yard is prohibited.

7. Place of Worship

In Residential districts and in the RC District, a place of worship shall comply with the following standards.

(a) Primary access to a place of worship located on a site of three acres or more shall be from a collector or thoroughfare road.

(b) Parking spaces and drives shall be located a minimum of 20 feet from any lot containing a residential use not associated with the place of worship.

(c) Parking in the front yard setback is prohibited.

(d) The front yard setback shall be that required in the zoning district in which the place of worship is located, but shall not be less than the lesser setback of any existing residential buildings on adjacent lots. The side and rear yard setbacks shall be 30 feet.

(e) In the CC-1 District, a place of worship shall comply with the following standards:

(1) Facilities for a place of worship located on a site of 3 acres or more shall have primary access to the facility from a collector of thoroughfare road.

(2) No parking space or drive shall be located within 20 feet of a residence not associated with the place of worship. No parking area may be located in the front yard setback.

(3) The front yard setback shall be the same as permitted in the respective district, but shall not be less than the lesser setback of any existing homes on adjacent lots. The side and rear yard setbacks shall be 30 feet.

8. Public Recreation Facility

(a) Overflow parking shall be designated on the site plan and shall be kept available to handle all traffic from special events.

(b) Public recreation facilities greater than ten acres shall have primary access from a collector or thoroughfare road.

(c) Loud speaker systems shall not be operated between the hours of 10:00 p.m. to 8:00 a.m.

9. Short-term or Transitional Housing Facility

(a) Location

(1) The facility shall be located within a one-half mile radius of a transit stop or surface transportation passenger terminal.

(2) The facility shall be located within a one-half mile radius of two or more of the following:

a. Professional services, such as doctor's offices and legal services;

b. Grocery stores;

c. Job development centers; and

d. Other supporting social services.

(3) A short-term or transitional housing facility shall not be located within the distances specified in subsections a through d below, unless the Board of Zoning Appeals determines, in reviewing the special exception permit application for the facility, that a shorter distance

between the proposed and existing facilities will not be injurious to the neighborhood or otherwise detrimental to the public welfare:

a. 300 feet of any residential district;

b. 1,000 feet of a licensed child care center or an elementary or secondary school;

c. 1,000 feet of a public park or public library; or

d. One-quarter mile of an existing short-term or transitional housing facility.

(b) Operation of Facility

(1) The facility shall be operated by and contained within a building owned by a governmental agency or a nonprofit organization.

(2) The facility shall have a written management plan addressing, as applicable, provisions for staff training, neighborhood outreach, security, screening of residents to insure compatibility with services provided at the facility, and training, counseling, and treatment programs for residents.

(3) The facility operator(s) shall provide continuous on-site supervision during the facility's hours of operations.

(4) For the purpose of noise abatement, organized outdoor activities may only be conducted between the hours of 8:00 a.m. and 9:00 p.m.

(5) The facility shall maintain and post in a prominent location on the site set hours for client intake and discharge. There shall be no loitering at the facility or in the surrounding area when the facility is closed. It is the responsibility of the facility to enforce this requirement.

b. Education Use Category

1. Elementary, Middle, or High School

(a) The minimum lot size for a school shall be two acres.

(b) Parking and active recreation areas are prohibited within front, side, and rear yard setbacks.

(c) Primary access to the school shall be provided from a collector or a thoroughfare road.

2. Schools, Business or Trade

In the RC, MU1, MU3, MU2, CC-2, and CC-3 districts, the school shall not offer instruction for the purpose of obtaining a commercial learner's permit (CLP) or commercial driver's license (CDL).

c. Funeral and Mortuary Services Use Category

1. Cemetery

(a) The minimum lot size for a cemetery shall be three acres, except there is no minimum lot size for a cemetery located on the same tract of land as a place of worship.

(b) Primary access to a cemetery shall be from a local, collector, or thoroughfare road.

d. Parks and Open Space Use Category

1. Arboretum or Botanical Garden

In the OS, AG, HM, RT, CC-1, CC-2, and CC-3 districts, an arboretum or botanical garden shall comply with the following standards:

(a) There shall be a minimum 100 foot setback between all activities associated with the use and any adjacent lot containing a residential use or located in a Residential district.

(b) Primary access shall be from a collector or thoroughfare road.

2. Park or Greenway

(a) Overflow parking shall be designated on the site plan and shall be kept available to handle all traffic from special events.

(b) All parks greater than ten acres shall have primary access to a collector or thoroughfare road.

(c) Athletic fields shall comply with the following standards:

(1) Any parking lot serving an athletic field shall have primary access to a collector or thoroughfare road.

(2) Lights shall be positioned and shielded by internal visors/panels or external visors so as not to shine onto adjacent properties. The distance between luminaires and abutting lots containing a residential use or located in a Residential zoning district must be greater than or equal to luminaire height

(3) Loud speaker systems shall not be operated before 8:00 a.m. or after 10:00 p.m.

3. Zoo

(a) There shall be a minimum 100 foot setback between all activities associated with the use and any adjacent lot containing a residential use or located in a Residential district.

(b) Primary access shall be from a collector or thoroughfare road.

(c) In the AG district, only drive-thru safaris are allowed.

e. Transportation Use Category

1. Transit Stop

Shelters and benches shall be located only at designated transit stops that are presently being served by a public transit authority, in accordance with the following requirements:

(a) Shelters shall comply with the following requirements:

(1) A maximum of one shelter shall be allowed per transit stop location.

(2) A building permit is required for each shelter installed. The shelter shall be built in accordance with the building code, except that plumbing and mechanical elements are not required, and the shelter must be able to withstand sustained three-second wind gusts of up to 95 miles per hour. The shelter shall be subject to all applicable building permit fee and inspection requirements.

(3) The shelter shall be designed so that it will present an attractive appearance and not detract from the adjacent surroundings. It shall be illuminated from dusk to dawn and be designed to provide protection from weather elements. The shelter design shall comply with the following requirements:

a. Each shelter shall be installed on and attached to a concrete foundation and shall include an aluminum or steel framework suitable for supporting required wall sections, side panels, and roof panels. The shelter shall have a transparent rear wall section made of tempered glass, two side panels, and an opaque roof.

b. At a minimum, each shelter shall include a bench that is six feet long, transit route information, and a trash receptacle.

c. Each shelter shall comply with Federal Americans with Disabilities Act (ADA) specifications and requirements. The permittee is responsible for such compliance, and any failure to comply with the ADA standards shall be rectified by permittee at the permittee's expense within 30 days of notification of the failure to comply by the Community Planning and Development Department. Under this subsection, ADA compliance includes, but is not limited to, sidewalk on ramps, tactile warnings, and signage or directional arrows indicating handicap accessibility.

d. Advertising on the shelter shall be limited to the outward side of the side wall panels. Such advertising may include a lighting source contained within the panel cabinet. A maximum of two advertisements are permitted per shelter. Each advertisement shall not exceed four feet in width or six feet in height.

e. The general dimensions of a typical shelter will be at a minimum 9 feet long by 6 feet wide by 8 feet high.

f. The number(s) of the route(s) stopping at the stop shall be displayed prominently on the bus shelter.

(4) Shelters shall be maintained in good repair. The person to whom the permit is issued shall be responsible for cleaning the shelter and repairing or replacing any part that is not in good repair, including advertising materials, sidewalks, walkways, curbs, or foundations encompassed by the bus shelter. The maintenance of the shelter and any alteration or relocation of the shelter shall not in any way interfere with or endanger the safety of the general public in its use of adjoining roads.

(b) Benches shall comply with the following requirements:

(1) The bench shall be designed so that it will present an attractive appearance and not detract from the adjacent surroundings.

(2) Benches shall be constructed of durable material and shall be securely fastened to the ground.

(3) Advertising on the bench shall be limited to the forward-facing side of the back rest and shall not extend beyond the perimeters of the back rest.

f. Utilities and Communication Use Category

1. Communication Tower

In the AG, HM, RT, RC, MU1, MU3, and MU2 districts, communication towers shall comply with following standards.

(a) Communication towers shall have a maximum height of three hundred 300 feet. For towers on buildings, the maximum height shall be twenty 20 feet above the roofline of buildings that are not more than 40 feet or four stories in height. For buildings greater than four stories or 41 feet in height, the maximum height of communication towers shall be 40 feet above the roofline.

(b) The minimum setbacks for communication towers from abutting districts shall be as follows:

(1) Communication towers shall be set back from abutting lots located in a Residential zoning district by the greater of one foot for every one foot of tower height or 110 percent of the tower's fall zone (which includes a safety factor of ten percent). Fall zones shall be certified in the form of a letter from an engineer, licensed by the State of South Carolina, that includes the engineer's original signature and seal. The fall zone shall not encroach onto structures on any property, nor shall the fall zone encroach onto adjacent properties, unless the owner of the adjacent property signs a waiver. The waiver shall be in a recordable waiver document and shall indemnify and hold the County harmless. In no case shall the fall zone encroach into a public right-of-way. Additionally, the owner of the tower shall agree in writing to indemnify and hold Richland County harmless from and against any liability arising out of damage to real or personal property or injury to any person or in any way connected with the construction of erection of, maintenance of, and/or collapse of the communication tower and antenna, including the removal of said communication tower and antenna.

(2) Communication towers shall be set back from abutting lots located in a zoning district that is not a Residential zoning district:

a. If the abutting lot contains a habitable residential dwelling, 50 feet; or

b. If the abutting lot does not contain a habitable residential dwelling, the setbacks of the district in which the tower is located.

(c) The applicant must show proof of an attempt to collocate on existing communication towers, and must be willing to allow other users to collocate on the proposed tower in the future, subject to the engineering capabilities of the structure. Evidence of an attempt to collocate must show that alternative towers, buildings, or other structures are not available for

use within the applicant's tower site search area that are structurally capable of supporting the intended antenna or meeting the applicant's necessary height criteria, or provide a location free of interference from other communication towers.

(d) Communication towers shall be illuminated as required by the Federal Communications Commission, Federal Aviation Administration, or other regulatory agencies. However, no nighttime strobe lighting shall be incorporated unless required by the Federal Communications Commission, the Federal Aviation Administration, or other regulatory agency.

(e) Each communication tower and associated buildings shall be enclosed within a fence that has a minimum height of seven feet.

(f) Each communication tower site shall be landscaped in accordance with Sec. 26-5.3, Landscaping.

(g) No signage may be attached to any portion of a communications tower; however, signs for the purpose of identification, warning, emergency function or contact or other as required by applicable state or federal rule, law, or regulation may be placed as required by standard industry practice.

(h) A communications tower which is no longer used for communications purposes shall be dismantled and removed within 120 days of the date the tower is taken out of service.

2. Solar Energy Conversion System, Large Scale

(a) Maximum lot coverage of the system and any associated equipment shall not exceed 65 percent.

(b) Adequate access for maintenance of the system shall be provided.

(c) The system shall not exceed a height of 20 feet.

(d) The system shall be enclosed by security fencing and locked gates that are at least six feet high, and shall provide warning signs at each vehicular access point to the site.

(e) Except for transmission lines and collector utility structures, all utilities associated with the system shall be located underground.

(f) The property owner shall be responsible for establishing any solar easements to protect solar access for the system from property owners in the vicinity, and for recording any such solar easement.

(g) All cleaning products used in the operation and maintenance of the system shall be biodegradable.

(h) The applicant shall transmit copy of all application materials to airports located within five miles of the proposed facility. A final decision on the application shall not be made until at least 14 days after the date of transmittal.

(i) The application must include a decommissioning plan that describes the timeline and manner in which the system will be decommissioned and the site restored to a condition similar to its condition prior to the establishment of the facility.

(j) If the system ceases operating for a period of 18 consecutive months, the county shall deem it abandoned and shall provide a written notice of abandonment to the owner. Within 180 days after notice of abandonment is provided, the owner shall either complete all decommissioning activities and site restoration in accordance with the decommissioning plan for the system or resume regular operation of the system.

3. Utility, Major

(a) In the LI and CC-4 districts, sewage treatment facilities and water treatment plants are prohibited.

4. Utility, Minor

(a) All buildings shall comply with setbacks that apply to accessory buildings in the zoning district in which they are located, except transformer stations shall comply with set setbacks that apply to principal buildings in the zoning district in which they are located.

(b) Equipment that produces noise or sound in excess of 70 decibels shall be located no closer than 100 feet to the nearest dwelling.

(c) Transformer stations shall be screened from adjacent properties and from roads with a vegetative screen that, at a minimum, meets the standards for screening loading, trash collection, outdoor storage display, and utility service areas in Sec. 26-5.3(h)(3).

5. Wind Energy Conversion System, Large Scale

(a) The minimum site area is five acres.

(b) The facility shall utilize monopole or self-supporting towers.

(c) All towers shall be set back from all property lines a distance equal to or exceeding the overall height of the tower and associated wind turbine blade (as measured from the base of the tower).

(d) The maximum height of any tower, measured at the highest point of the arc of the blades, shall be 199 feet.

(e) Blade tips or vanes shall have a minimum ground clearance of 75 feet above grade, as measured at the lowest point of the arc of the blades.

(f) No blades shall extend over public rights-of-way.

(g) All towers and turbines shall maintain uniform design in terms of the following features:

(1) Tower type;

(2) Tower, turbine, and blade colors;

(3) The number of blades per turbine; and

(4) The direction of blade rotation.

(h) The tower and wind turbine shall be painted or finished in the color originally applied by the manufacturer, or a matte and generally nonreflective neutral color (e.g., gray, white, or galvanized steel).

(i) All equipment buildings shall be located under the blade sweep area, to the maximum extent practicable.

(j) The facility shall be enclosed by security fencing and locked gates that are at least eight feet high and have anti-climbing devices, and shall provide warning signs at each vehicular access point to the site.

(k) Except for transmission lines and collector utility structures, all utilities associated with the facility shall be located underground.

(l) No lighting or illumination of the tower or wind turbine shall be allowed, unless required by the FAA, in which case, it shall be of the lowest intensity allowed. Strobes or blinking lights shall be avoided to the maximum extent practicable.

(m) Shadows cast by the rotating blade shall not fall upon off-site areas for more than 30 minutes in any 24-hour period.

(n) The noise produced by the facility during operation shall not exceed 55 dBA at any lot line. This standard shall not apply during power outages, windstorms, or other conditions beyond the owner's control.

(o) The owner shall take all reasonable steps to prevent or eliminate interference with transmission of communications signals (e.g., radio, television, telephone, etc.) resulting from the facility.

(p) If use of the facility is discontinued for a continuous period of one year, the Zoning Administrator shall deem it abandoned and provide the owner a written notice of abandonment stating that the owner has 90 days from the date of receipt of the notice to either resume use of the facility or file a notice of termination with the County. The owner shall remove the facility (including all towers, turbines, above-ground structures and equipment, outdoor storage, and hazardous materials) within 180 days after a notice of termination is filed. On removing an abandoned facility, the owner shall restore the site of the facility to as good a condition as existed before construction or installation of the facility, unless otherwise instructed by the County.

(4) Commercial Uses

a. Animal Services Use Category

1. Kennel

(a) Buildings housing animals shall be located a minimum of 150 feet from Residential districts and lots containing residential uses.

(b) All pens for the boarding of animals shall be located within a completely enclosed building.

(c) The feeding of animals must be conducted within a completely enclosed building.

(d) The use of fenced outdoor runs by animals is allowed only during the hours of 6:00 a.m. to 10:00 p.m. Such runs shall not be used for boarding purposes.

(e) All animal refuse and food must be kept in airtight containers and disposed of on a regular basis. The storage of animal wastes is prohibited within 50 feet property lines and surface water.

(f) In the AG, HM, and RT districts, the minimum lot area is two acres.

2. Pet Grooming

All pet care services shall be conducted inside an enclosed structure.

3. Veterinary Hospital or Clinic

(a) The facility shall not include provisions for kennels or boarding of animals not undergoing treatment.

(b) All buildings used in the operation shall be soundproofed and air-conditioned.

(c) Outside activity shall be limited to six hours per day or fewer.

(d) A side yard of not less than ten feet shall be maintained between lots containing a Residential use or located in a Residential district.

(e) All animal refuse and food must be kept in airtight containers and disposed of on a regular basis

b. Commercial Services Use Category

1. Bank, Retail

In the RC, MU1, MU3, and MU2 districts, no drive-thru service is permitted.

2. Consumer Goods Repair

Outside storage of appliances, equipment, and parts is prohibited.

3. Non-depository Personal Credit Institution

No non-depository personal credit institution (payday or title loan establishment) shall be located within 1,500 feet of any other non-depository personal credit institution. For purposes of this section, the distance between two such institutions shall be measured in a straight line from the principal entrance of each establishment.

4. Office

An office use involving research and development services shall comply with the following standards:

(a) Research using dangerous hazardous materials is prohibited.

(b) All research and development operations must be conducted indoors.

5. Personal Services

(a) In the R6 District, personal services shall be limited to barber shops and beauty salons.

(b) In the RC, R6, and C-1 districts, barber shops and beauty salons shall comply with the following standards:

(1) A maximum of four workstations are permitted.

(2) Signage shall be limited to a single sign not exceeding three square feet in area. Such signage shall be attached to the building and shall not be internally illuminated.

6. Rental Center

(a) In the RC, MU3, MU2, and CC-3 districts, outside storage is prohibited.

(b) In the GC District, rental centers shall comply with the following standards:

(1) All storage areas shall be screened from adjacent Residential districts and lots containing residential uses.

(2) Lighting shall be directed and shielded so as not to shine across to adjacent properties.

7. Self-service Storage Facility

(a) Retail and wholesale uses, and the storage of hazardous materials are prohibited. Notice of such prohibition shall be given to customers by a conspicuous sign posted at the entrance to the property, or by provisions in the lease agreement, or both.

(b) Any outside storage area for vehicles, trailers, campers, boats, or the like shall be separate from any structures and located to one side or to the rear of the development and a minimum of 25 feet from any property line.

(c) If the facility includes storage units or areas that are directly accessible from the outside of a building, or an outside storage area for vehicles, trailers, campers, boats, or the like, a fence having a minimum height of six feet shall be required around the perimeter of the facility.

(d) Any side of a building providing doorways to storage areas shall be set back from the property line an additional 25 feet from all front, side, and rear yard setbacks.

(e) On-site driveway widths shall be required as follows:

(1) One-way driveways shall include, at a minimum, a parking lane that is ten feet wide and a travel lane that is 15 feet wide. Traffic direction and parking shall be designated by signage or painting.

(2) Two-way driveways shall include, at a minimum, a parking lane that is 10 feet wide and two travel lanes that are each 12 feet wide.

(3) Parking lanes set forth in subsections (1) and (2) above, are not required when the driveway does not directly serve any storage cubicles.

(f) All lights shall be shielded so as to direct light onto the uses established, and away from adjacent property; but lighting may be of sufficient intensity to discourage vandalism and theft.

8. Tattoo or Body Piercing Facility

The facility shall comply with all applicable state regulations, including licensing requirements.

c. Eating and Drinking Establishments Use Category

1. Bar or other drinking place

(a) A minimum six-foot-high opaque fence or wall shall be erected along any property line abutting a Residential use or land in a Residential zoning district.

(b) Parking areas related to the bar or other drinking place shall be located a minimum of 30 feet from any property line abutting a Residential use or land in a Residential zoning district.

(c) In the MU1 District, the bar or other drinking place shall be located a minimum of 400 feet from any other bar or drinking place, and a minimum of 600 feet from all places of worship and elementary, middle, or high schools. These minimum distances shall be measured from the nearest lot lines of the two uses.

(d) In the RC, MU3, MU2, GC, EMP, INS, LI, CC-2, and CC-3 districts, the following standards apply.

(1) Subject to subsection (2) below, the bar or other drinking place shall be located a minimum of 600 feet from all places of worship and elementary, middle, or high schools, measured in accordance with subsection (3) below.

(2) If the place of worship is located in the MU3, MU2, GC, or LI zoning districts and is located in a mixed-use shopping center, a mall, or an industrial park, the spacing requirement in subsection (1) above, does not apply, unless the place of worship was established at that location prior to March 18, 2014.

(3) The minimum distance in subsection (1) above, shall be measured from the nearest entrance of the bar or other drinking place along the shortest route of ordinary pedestrian or vehicular travel to the nearest entrance to the grounds of the place of worship or school, or any building in which religious services or school classes are held, whichever is closer. For purposes of this measurement, any entrance to such grounds that does not perform a primary function of providing access to such a building shall not be considered (e.g., entrances primarily providing access to cemeteries).

(4) Poles used for dancing are prohibited.

(5) The applicant shall provide a full floor plan of the bar or other drinking place to the Zoning Administrator.

2. Restaurant

(a) Floor Plan

The applicant shall provide a full floor plan of the restaurant to the Zoning Administrator.

(b) Kitchen and Seating Requirements

(1) The restaurant must be equipped with a kitchen that is primarily utilized for the cooking, preparation, and serving of meals. Such area must be adequately equipped for the cooking, serving, and storage of solid foods, and must include at least 21 cubic feet of refrigerated space for food and a stove/oven.

(2) The restaurant shall include seating for at least 12 patrons.

(3) Tables and booths must be of adequate height and size to accommodate full food service in accordance with the number of chairs found at the table/booth.

(c) Bar Area

The total area occupied by bars shall not exceed 25 percent of restaurant's floor area, excluding all kitchens, storage areas, serving areas, and offices.

(d) Entertainment Area

(1) The total area occupied by stages for entertainment shall not exceed the greater of 100 square feet or ten percent of the total floor area, excluding all kitchens, storage areas, serving areas, and offices.

(2) The total area devoted to dancing shall not exceed the greater of 250 square feet or ten percent of total floor area, excluding all kitchens, storage areas, serving areas, and offices.

(3) Poles used for dancing are prohibited.

(e) Operational Requirements

(1) As a regular and substantial source of business to the restaurant, meals shall be served upon the demand of guests and patrons during normal "mealtimes," which occur when the restaurant is open to the public. During such times, an adequate supply of food shall be available on the premises to meet such demand.

(2) The restaurant shall prepare meals for service to customers at least once each day the restaurant is open.

(3) The restaurant must have readily available to its guests and patrons, either "menus" with the listings of the various meals offered for service or a listing of available meals and foods, posted in a conspicuous place readily discernible by the guest or patrons.

(4) Alcoholic beverages shall not be sold or dispensed unless the kitchen is open and prepared food items from the menu are available to patrons.

(5) Admission/cover charges prior to entrance into the restaurant are prohibited.

(6) For purposes of this section:

a. "Meal" means an assortment of various prepared foods which shall be available to guests on the premises during normal "mealtimes,'' which occur when the restaurant is open to the public. Sandwiches, boiled eggs, sausages and other snacks sold on the premises but prepared off the premises shall not constitute a meal.

b. "Kitchen" means a separate and distinct area of the restaurant that is used solely for the preparation, serving, and disposal of solid foods that make up meals.

3. Restaurant, Drive-Thru

The following standards shall apply in the MU2 district:

(a) Drive-thru windows shall be located on the rear of the structure to the extent practicable and shall not be located on the front of the structure.

(b) Drive-thru windows and aisles shall not impede the circulation within internal accessways or external ingress points.

(c) Drive-thru aisles shall exit onto accessways within the development or onto non-major roadways, as practicable.

(d) Drive-thru order stations shall be located at the rear and side of the development as practicable.

d. Recreation/Entertainment Use Category

1. Arena, Stadium, or Outdoor Theater

(a) An arena, stadium, or outdoor theater shall be located a minimum of 100 feet from any lot containing a Residential use or land in a Residential zoning district.

(b) Access shall be provided from a thoroughfare or collector road.

2. Commercial Recreation, Indoor

In the MU1 District, buildings shall have a maximum seating capacity of 300 seats.

3. Commercial Recreation, Outdoor

(a) No equipment, machinery, or mechanical device of any kind may be operated within 200 feet of land in a Residential zoning district.

(b) A minimum six-foot-high security fence shall be provided along the entire boundary of the recreation activities.

(c) Batting cages, golf driving ranges, airsoft, paintball and similar facilities shall include fencing, netting, or other control measures around their perimeter to prevent objects from leaving the designated area.

(d) Golf driving ranges must use elevated tee boxes with lighting below.

(e) Except for amusement parks, waterparks, and fairgrounds, hours of operation shall be limited to 9:00 a.m. to 10:00 p.m. The use of loudspeaker systems shall be prohibited outside the hours of operation.

(f) Amusement parks, waterparks, and fairgrounds shall have a minimum lot size of five acres and shall set back all principal buildings and structures a minimum of 50 feet from all property lines.

4. Golf Course

(a) In all zoning districts, all clubhouses, swimming pools, lighted tennis courts, or athletic fields shall be set back a minimum of 50 feet from adjacent lots containing Residential uses or located in a Residential zoning district.

(b) In the HM and RT District, hours of operation are limited to7:00 a.m. to 12:00 midnight, Sunday through Thursday, and 7:00 a.m. to 1:00 a.m. on Friday and Saturday nights.

5. Racetrack or Drag Strip

(a) All racetracks and drag strips shall be fully secured by fencing.

(b) All racing surfaces and principal buildings shall be set back a minimum of 1,500 feet from all property lines. Development, including but not limited to parking areas, accessory buildings, or drives, shall not be located within this setback, except for permissible entryways and exits.

(c) Racing events shall not be conducted outside the hours of 9:00 a.m. to 11:00 p.m. Racing events may be conducted for a maximum of three consecutive days, a maximum of five days in any calendar week, and a maximum of six hours in any day.

(d) The applicant shall submit with the application a traffic plan, noise mitigation plan, fire protection plan, and lighting plan.

6. Sexually Oriented Business

(a) Purpose and findings:

(1) The purpose of this subsection is to regulate sexually oriented businesses in order to promote the health, safety, morals, and general welfare of the citizens of Richland County, and to establish reasonable and uniform regulations to prevent or reduce to any extent the secondary effects of sexually oriented businesses within the County. The provisions of this subsection have neither the purpose nor the effect of imposing a limitation or restriction on the content of or reasonable access to any communicative materials or expression. Similarly, it is neither the intent nor effect of these regulations to restrict or deny access by adults to sexually oriented materials or expression protected by the First Amendment of the United States Constitution, or to deny access by the distributors and exhibitors of sexually oriented entertainment to their intended market. Neither is it the intent nor effect of this subsection to condone or legitimize the distribution or exhibition of obscenity.

(2) Based on evidence of the adverse secondary effects of sexually oriented businesses presented in hearings and reports made available to the Richland County Council, and on the findings, interpretations, and narrowing constructions incorporated in the cases of *City of Littleton v. Z.J. Gifts D-4, LLC*, 124 S. Ct. 2219 (2003); *City of Los Angeles v. Alameda Books, Inc.*, 535 U.S. 425 (2002); *Pap's A.M. v. City of Erie*, 529 U.S. 277 (2000); *City of Renton v. Playtime Theatres, Inc.*, 475 U.S. 41 (1986); *Young v. American Mini Theatres*, 427 U.S. 50 (1976); *Barnes v. Glen Theatre, Inc.*, 501 U.S. 560 (1991); *California v. LaRue*, 409 U.S. 109 (1972); *Chesapeake B&M, Inc. v. Harford County*, 58 F.3d 1005 (4th Cir. 1995); *Giovani Carandola, Ltd. v. Fox*, 470 F.3d 1074 (4th Cir. 2006); *Centaur v. Richland County*, 392 S.E.2d 165 (S.C. 1990); and other cases; and on reports of secondary effects occurring in and around sexually oriented businesses, including, but not limited to, Phoenix, Arizona (1979); Minneapolis, Minnesota (1980); Houston, Texas (1987); Indianapolis, Indiana (1984); Amarillo, Texas (1977); Garden Grove, California (1991); Los Angeles, California (1977); Whittier, California (1978); Austin, Texas (1986); Seattle, Washington (1989); Oklahoma City, Oklahoma (1986); El Paso, Texas (1986); New

York City, New York (1994); Dallas, Texas (1997); Newport News, Virginia (1996); New York Times Square Study (1994); Phoenix, Arizona (1995-1998); Greensboro, North Carolina (2003); Toledo, Ohio (2002); Centralia, Washington (2004); and also from the reports of *Sexually Oriented Businesses: An Insider's View*, by David Sherman, presented to the Michigan House Committee on Ethics and Constitutional Law, January 12, 2000; *Survey of Appraisers Fort Worth & Dallas, Effects of Land Uses on Surrounding Property Values*, by Duncan Associates, September 2004; and the *Report of the Attorney General's Working Group on the Regulation of Sexually Oriented Businesses*, (June 6, 1989, State of Minnesota), the Richland County Council finds:

a. Sexually oriented businesses, as a category of commercial uses, are associated with a wide variety of adverse secondary effects including, but not limited to, personal and property crimes, public safety risks, prostitution, potential spread of disease, lewdness, public indecency, illicit sexual activity, illicit drug use and drug trafficking, negative impacts on surrounding properties, litter, and sexual assault and exploitation.

b. Each of the foregoing negative secondary effects constitutes a harm which the County has a substantial government interest in preventing and/or abating in the future. This substantial government interest in preventing secondary effects, which is the County's rationale for this ordinance, exists independent of any comparative analysis between sexually oriented and non-sexually oriented businesses. Additionally, the County's interest in regulating sexually oriented businesses extends to future secondary effects that could occur in the County related to current sexually oriented businesses in the future as well as sexually oriented businesses that may locate in the County in the future. The County Council finds that the cases and secondary effects documentation relied on in this ordinance are reasonably believed to be relevant to said secondary effects.

(b) Classification

Sexually oriented businesses are classified as follows:

(1) Adult arcades;

(2) Adult bookstores or adult video stores;

(3) Adult cabarets;

(4) Adult motels;

(5) Adult motion picture theaters;

(6) Sexual device shops; and

(7) Sexual encounter centers.

(c) Location of Sexually Oriented Businesses

(1) A sexually oriented business currently in operation or established subsequent to the enactment of this section shall comply with the provisions herein.

(2) All sexually oriented businesses shall be located within a General Commercial or Heavy Industrial District.

(3) A sexually oriented business shall not be located within 1,000 feet of any place of worship; elementary, middle, or high school; day care facility; children's residential care home; a boundary of any Residential district; a boundary of a parcel designated and assessed as residential use by the Richland County Assessor's Office; or a park or greenway.

(4) A sexually oriented business shall not be located within 1,000 feet of another sexually oriented business.

(5) The operation, establishment, or maintenance of more than one sexually oriented business is prohibited in the same building, structure, or portion thereof. Any increase of floor area of any sexually oriented business in any building, structure, or portion thereof containing another sexually oriented business is prohibited.

(6) For the purpose of subsection (3) above, measurement shall be made in a straight line, without regard to intervening structures or objects, from the nearest property line of the premises where a sexually oriented business is conducted, to the nearest property line of the premises of a place of worship; elementary, middle, or high school; day care facility; children's residential care home; boundary of any residential district; boundary of a parcel designated and assessed as residential use by the Richland County Assessor's Office; or park or greenway. Presence of a city or other political subdivision boundary shall be irrelevant for purposes of calculating and applying the distance requirements of this section.

(7) For the purpose of subsection (4) above, the distance between any two sexually oriented businesses shall be measured in a straight line, without regard to intervening structures or objects, from the nearest property line of the premises where a sexually oriented business is conducted to the nearest property line of another premises where a sexually oriented business is conducted.

(d) Regulations Pertaining to Sexually Oriented Businesses that Offer Viewing Room(s)

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

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

each diagram should be oriented to the north or to some designated street or object and should be drawn to a designated scale or with marked dimensions sufficient to show the various internal dimensions of all areas of the interior of the premises to an accuracy of plus or minus six inches.

(2) The diagram shall be sworn to be true and correct by the applicant.

(3) No alteration in the configuration or location of a manager's station may be made without the prior approval of the Zoning Administrator.

(4) It is the duty of the owner(s) and operator(s) of the premises to ensure that at least one employee is on duty and situated in each manager's station at all times that any patron is present inside the premises.

(5) The interior of the premises shall be configured in such a manner that there is an unobstructed view from a manager's station of every area of the premises to which any patron is permitted access for any purpose, excluding restrooms. Restrooms may not contain video reproduction equipment. If the premises has two or more manager's stations designated, then the interior of the premises shall be configured in such a manner that there is an unobstructed view of each area of the premises to which any patron is permitted access for any purpose from at least one of the manager's stations. The view required in this section (5) must be by direct line of sight from the manager's station.

(6) It shall be the duty of the owner(s) and operator(s), and it shall also be the duty of any agents and employees present in the premises, to ensure that the view area specified in subsection (5) above remains unobstructed by any doors, walls, merchandise, display racks, or other materials at all times and to ensure that no patron is permitted access to any area of the premises that has been designated as an area in which patrons will not be permitted in the diagram submitted pursuant to subsection (1) above.

(7) No viewing room may be occupied by more than one patron or customer at any time.

(8) The premises shall be equipped with overhead lighting fixtures of sufficient intensity to illuminate every place to which patrons are permitted access at an illumination of not less than one foot-candle as measured at the floor level.

(9) It shall be the duty of the owner(s) and operator(s), and it shall also be the duty of any agents and employees present in the premises, to ensure that the illumination described above, is maintained at all times that any patron is present in the premises.

(10) No owner or operator shall allow openings of any kind to exist between viewing rooms.

(11) The operator or owner shall, during each business day, regularly inspect the walls between the viewing booths to determine if any openings or holes exist.

(12) The owner or operator shall cause all floor coverings in viewing booths to be nonporous, easily cleanable surfaces with no rugs or carpets.

(13) The owner or operator shall cause all wall surfaces and ceiling surfaces in viewing booths to be constructed of, or permanently covered by, nonporous, easily cleanable material.

(e) Regulations Pertaining to Adult Cabarets and Sexual Encounter Centers

It shall be a violation of this Ordinance for an employee, independent contractor, or person under a similar arrangement with any owner, operator, manager, agent, or shareholder of an adult cabaret or sexual encounter center, while located within an adult cabaret or sexual encounter center, to appear in a manner that does not conform to the definition of semi-nude.

(f) Exemptions

The following activities or businesses are exempt from the requirements of this section:

(1) A business or organization in which a person serves as a model for a drawing, painting, sketching, sculpture or other similar art studio class operated:

a. By a university or college or other institution of higher education; or

b. By a non-profit arts organization, such as a museum, gallery, artist association, or arts cooperative.

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

(g) Administrative Decision-Making Process; Appeals.

(1) Under no circumstances shall staff review and decision-making of an application of a sexually oriented business for a permitted use with special requirements, including determination of completeness, extend beyond 15 days from the date of receipt of an application. In the event that a County official is required to take an act or do a thing pursuant to Sec. 26-2.5(h), Permitted Use with Special Requirements, and any other section referenced therein, and fails to take such an act or do such a thing within the time prescribed, such failure shall not prevent the exercise of constitutional rights of an applicant. If the County fails to inform an applicant, by any reasonable means, of a decision by the County by the close of business on the fifteenth business day from receipt of application, the application shall be deemed granted and the applicant allowed to commence or continue operation the day after the deadline for action has passed.

(2) Under no circumstances shall an appeal of an administrative decision pursuant to Sec. 26-2.5(r), Appeal of Administrative Decision, concerning an application by a sexually oriented business for a

permitted use with special requirements exceed a time period of 75 days from the date of receipt of an appeal to the Board of Zoning Appeals. In the event that a County official, including the Board of Zoning Appeals, is required to take an act or do a thing pursuant to Sec. 26-2.5(r), Appeal of Administrative Decision, and any other section referenced therein, and fails to take such an act or do such a thing within the time prescribed, such failure shall not prevent the exercise of constitutional rights of an applicant. If the County fails to inform an applicant, by any reasonable means, of a decision by the Board of Zoning Appeals by the close of business on the sixtieth business day from receipt of an appeal, the application shall be deemed granted and the applicant allowed to commence or continue operation the day after the deadline for action has passed.

(h) Conforming Use

A sexually oriented business lawfully operating as a conforming use is not rendered a nonconforming use by the subsequent location, of a place of worship; an elementary, middle, or high school; a day care facility; a children's residential care home; a boundary of any residential district; a boundary of a parcel designated and assessed as residential use by the Richland County Assessor's Office, or a public park or greenway within 1,000 feet of the sexually oriented business.

7. Shooting Range, Outdoor

(a) Adequate provision shall be made for the safety of surrounding property owners. Backstops at least 20 feet high shall be provided behind all target lines and supplemented by baffles designed and arranged to contain all projectiles within the boundaries of the range and to reduce noise exiting the site.

(b) The shooting range shall be at least 200 yards from adjacent property lines.

(c) Hours of operation shall be limited to 9:00 a.m. to 9:00 p.m.

(d) The operator of the shooting range shall implement appropriate environmental management practices for containing, controlling, and removing lead from the range in accordance with the latest edition of "Best Management Practices for Lead at Outdoor Shooting Ranges" from the U.S. Environmental Protection Agency (EPA).

8. Smoking Place

(a) At least 51 percent of the establishment's revenue must be from the sale of products for smoking on-site.

(b) The sale of limited food services and alcoholic beverages is permitted.

(c) The applicant shall submit a full floor plan of the smoking place to the Zoning Administrator.

e. Retail Sales Use Category

1. Consumer Goods Store

(a) Outdoor display, storage, or processing of materials, products, or equipment is prohibited, except in accordance with an approved temporary use permit (see Sec. 26-2.5(m), Temporary Use Permit).

(b) In the GC District, not more than 12,000 square feet per parcel or per building, whichever is more restrictive, shall be used for the sale of furniture and home furnishings.

2. Drugstore

Drive-thrus are prohibited in the MU1, MU3, MU2, and C-2 districts.

3. Farmers' Market

In the AG and HM Districts, the following standards apply:

(a) The minimum lot area is 1 acre.

(b) Primary access shall be provided from a road having a collector or higher functional classification.

(c) The market shall have an established set of operating rules addressing the governance structure of the market, hours of operation, and maintenance and security requirements and responsibilities.

(d) The market shall have a manager authorized to direct the operations of all participating vendors during all hours of operation.

(e) Goods sold shall be limited to locally-produced agricultural and artisanal products.

(f) All parking and sales areas shall be screened from adjacent lands located in a Residential zoning district.

4. Manufactured Home Sales

Sales and storage areas shall be screened from adjacent lands located in a Residential zoning district.

f. Traveler Accommodations Use Category

1. Bed and Breakfast

(a) A bed and breakfast shall be located a minimum of 1,500 feet from any other bed and breakfast.

(b) The owner or manager of the bed and breakfast shall reside on the property.

(c) The maximum number of guest rooms provided by the bed and breakfast shall be nine.

(d) No exterior alterations, other than those necessary to ensure the safety and accessibility of the structure, shall be made to any building for the purpose of providing a bed and breakfast.

(e) In Residential districts, signage shall be limited to a single sign not exceeding three square feet in area. Such signage shall be attached to the building and shall not be internally illuminated.

(f) All off-street parking shall be provided on the same lot on which the bed and breakfast is located, at the rear of the lot, and screened from adjacent properties and from the road using vegetation.

(g) All activities and functions designed to accommodate guests shall take place within the principal structure.

(h) Meals may be served only to staff and guests staying at the bed and breakfast.

2. Campground

The following requirements apply in all zoning districts:

(a) The minimum lot size for a campground is five acres.

(b) A campground may include recreational vehicle sites, camp sites, recreation facilities, common buildings and facilities (laundry, dining, etc.), and management offices, which may include living quarters for the operator or manager of the campground.

(c) Adequate off-street parking and maneuvering space shall be provided on site. The use of any public road, sidewalk, or right-of-way for the purpose of parking or maneuvering vehicles is prohibited.

(d) A campground providing recreational vehicle (RV) sites shall comply with the following standards, in addition to the standards in subsections (a) through (c) above:

(1) Each space for parking an RV shall have a minimum area of 690 square feet. Each RV shall be parked a minimum of ten feet from all other RVs and structures.

(2) Accessory structures shall comply with all applicable building code requirements.

(3) Each RV site shall be connected to an approved water supply system that provides an accessible, adequate, safe, and potable supply of water.

(4) Each RV site shall have access to an adequate and safe sewer system, approved by DHEC.

(5) No person or RV shall occupy an RV site for more than 30 consecutive days. A registry of all occupants, the RV site occupied, the time of arrival, and time of departure shall be maintained by the owner or operator of the campground.

3. Home-based Lodging

(a) A dwelling used for home-based lodging as a principal use shall:

(1) Have a working multi-purpose fire extinguisher and interconnected smoke detectors and carbon monoxide detectors (when required for a fireplace or gas service); and

(2) Have a plan posted inside the door to each sleeping room showing the exit pathway from the sleeping room to the nearest exit from the dwelling.

(b) The number of lodgers per night shall not exceed the number of occupants allowed by the building code.

(c) All lodgers occupying a home-based lodging on any given night shall be associated with the same rental contract. The maximum number of rental contracts per dwelling per night is one.

(d) Events and activities, including luncheons, banquets, parties, weddings, meetings, fundraising, commercial or advertising activities, and any other gatherings of persons in association with the home-based lodging other than the authorized lodgers, whether for direct or indirect compensation, are prohibited.

g. Vehicle Sales and Services Use Category

1. Car Wash

(a) Buildings shall be located a minimum of 75 feet from all side and rear property lines that adjoin a lot containing a Residential use or located in a Residential zoning district.

(b) The hours of operation shall be limited to 7:00 a.m. to 10:00 p.m.

(c) Adequate provisions shall be made for the safe and efficient disposal of waste products.

2. Vehicle Sales and Rental

(a) In the RC District, automobile rental and leasing services are not allowed.

(b) In the HI District, vehicle sales and rental shall be limited to automobile rental or leasing services.

3. Vehicle Towing

(a) In the RC and GC districts, on-site vehicle storage services are prohibited.

(b) In the CC-4 District, all outside storage shall be completely screened from adjacent roads and lots containing a Residential use or located in a Residential district.

(5) Industrial Uses

a. Extraction Use Category

1. Borrow Pit

In the AG, HM, RT, and LI districts, a borrow pit shall comply with the following requirements:

(a) Required Determinations

The Board of Zoning Appeals shall not approve a special exception for a borrow pit unless it makes the following determinations in addition to those required by Sec. 26-2.5(d), Special Exception:

(1) There are overriding environmental or other planning benefits compared to obtaining materials from alternative sources;

(2) Alternative materials of the required specification are unavailable in sufficient quantities;

(3) The proposed borrow pit is contiguous with or close to the project(s) it is intended to serve;

(4) The proposed borrow pit is time-limited to the life of the project and material is to be used only for the specified project;

(5) Appropriate reclamation measures are proposed to make full use of surplus spoil from the project;

(6) The site can be restored to its original levels or an alternative acceptable landform utilizing only materials from the construction project;

(7) Any impacts on the environment or local communities can be controlled to acceptable levels; and

(8) The project area is less than ten acres.

(b) Setbacks, Slope, Maximum Depth

(1) The top of the cut bank of the borrow pit shall, at no time, be closer than ten feet from the property boundary of any abutting landowner.

(2) No excavation shall occur within 200 feet of wetlands or surface water.

(3) The average slope of any cut bank measured from a point located ten feet from the boundary of any abutting property to the bottom of the cut bank in the pit shall not at any time exceed a horizontal to vertical ratio of 2:1.

(4) The depth of the borrow pit is limited to a maximum of twelve feet below the average seasonal high water table or three feet above a confining or semi-confining unit, whichever is shallower.

(c) Operational Requirements

(1) Best management practices shall be used to control erosion and sediment transport during and after the excavation activities.

(2) No on-site grading or sorting of materials shall occur.

(3) The active excavation, processing, and transportation of fill material shall only occur between 8:00 a.m. and 8:00 p.m.

(d) Completion of Excavation

(1) Upon completion of the excavation area, side slopes shall be no steeper than 4 (horizontal):1 (vertical) out to a depth of two feet below the average water elevation.

(2) The borrow pit slopes shall be stabilized with native vegetation within six months following completion of the excavation.

b. Freight Movement, Warehousing, and Wholesale Distribution Use Category

1. Warehouse/Distribution Facility

(a) Outdoor display or storage, of materials, products, or equipment is prohibited, except in accordance with an approved temporary use permit (see Sec. 26-2.5(m), Temporary Use Permit).

(b) The maximum aggregate gross floor area of a warehouse/distribution facility shall be as follows:

(1) In the RC and GC districts, 12,000 square feet;

(2) In the MU1 District, 2,000 square feet;

(3) In the MU3 and MU2 Districts, 6,000 square feet.

(c) Market showrooms are allowed as an accessory use and shall count toward the maximum aggregate gross floor areas in subsection (b) above.

(d) In the RC, MU1, MU3, and MU2 districts, the following standards apply in addition to the standards in subsections (a) through (c) above:

(1)

(2) storage of hazardous materials or waste as determined by any agency of the federal, state, or local government is prohibited.

2. Timber and Timber Products Wholesale Sales

In the AG District, the following standards shall apply:

(a) Timber and timber products wholesale sale shall be limited to timber and products sourced from the same site.

(b) Access shall be provided from a road having a collector or higher functional classification.

(c) All storage and sales areas shall be completed screened from adjacent lots containing residential uses and land located in Residential districts.

c. Industrial Services Use Category

1. Contractor's Yard

All outside storage shall be completely screened from adjacent roads, lots containing Residential uses, and land located in Residential districts.

2. Fuel Sales (Non-Vehicular)

(a) Gravel or paved roadways shall be provided to all storage tanks.

(b) Security fencing, a minimum of six feet in height, shall be provided along the entire boundary of the facility.

(c) Storage tanks protected by either an attached extinguishing system approved by the fire marshal, or an approved floating roof, shall not be located closer to an exterior property line than a distance of either the diameter or the height of the tank, whichever is greater. However, regardless of the diameter or height of the tank, in no event shall the required distance be greater than 120 feet. Storage tanks not equipped as indicated above shall not be located closer to an exterior property line than a distance equal to 1.5 times of either the diameter or the height of the tank, whichever is greater. However, regardless of the diameter or height of the tank, in no event shall the required distance be greater than 175 feet. Storage tanks and loading facilities shall be located a minimum of 500 feet from any existing dwelling or Residential zoning district.

(d) All storage facilities shall comply with the latest regulations of the National Fire Protection Association.

(e) The facility shall comply with all applicable federal, state, and local laws.

d. Production of Goods Use Category

1. Artisan Goods Production

(a) In the RC and MU1 districts, the maximum gross floor area shall be 6,000 square feet.

(b) In the MU3, MU2, and GC districts, the maximum gross floor area shall be 10,000 square feet.

(c) The establishment must include accessory retail sales, instruction, or another accessory component that provides direct interaction with the public.

2. Manufacturing, Assembly, and Fabrication, Light

In the AG District, the maximum gross floor area shall be 7,500 square feet.

3. Manufacturing, Assembly, and Fabrication, General

(a) In LI District, the maximum gross floor area shall be 30,000 square feet.

(b) In the AG District, the maximum gross floor area shall be 15,000 square feet.

(c) Operations standards set forth in Sec. 26-5.14, General Performance Standards, shall be examined in detail during the special exception review process.

4. Manufacturing, Assembly, and Fabrication, Intensive

(a) In the AG, RC, EMP, and LI Districts, only game processing is allowed under this use type.

(b) Storage of manufactured petroleum and coal products shall comply with the following standards:

(1) Gravel or paved roadways shall be provided to all storage tanks.

(2) Security fencing, a minimum of six feet in height, shall be provided along the entire boundary of the facility.

(3) Storage tanks protected by either an attached extinguishing system approved by the fire marshal, or an approved floating roof, shall not be located closer to an exterior property line than a distance of either the diameter or the height of the tank, whichever is greater. However, regardless of the diameter or height of the tank, in no event shall the required distance be greater than 120 feet. Storage tanks not equipped as indicated above shall not be located closer to an exterior property line than a distance equal to 1.5 times of either the diameter or the height of the tank, whichever is greater. However, regardless of the diameter or height of the tank, in no event shall the required distance be greater than 175 feet. Storage tanks and loading facilities

shall be located a minimum of 500 feet from any existing dwelling or Residential zoning district.

(4) All storage facilities shall comply with the latest regulations of the National Fire Protection Association.

(5) The facility shall comply with all applicable federal, state, and local laws**.**

e. Waste and Recycling Facilities Use Category

1. Construction and Inert Debris Landfill

(a) All required local, state, and federal permits must be obtained.

(b) Ingress and egress to the site shall be from a thoroughfare or collector road.

2. Hazardous Waste Collection, Storage, and Disposal

(a) The use shall comply with all applicable state and federal regulations.

(b) Access shall be provided only onto thoroughfare and collector roads.

(c) Operations shall be located a minimum of 100 feet from all adjacent property lines.

3. Non-hazardous Waste Collection, Storage, and Disposal

The use shall comply with all applicable federal and state regulations. A permit for the proposed use from DHEC is required.

4. Scrapyard

In the LI and HI districts, a scrapyard shall comply with the following standards:

(a) Stocks and supplies shall be either stored inside enclosed structures or screened by solid walls, opaque fences, or dense evergreen shrubbery so that the stocks and supplies are not visible from any public road or from the ground level of adjacent property containing a Residential use or an Office.

(b) Storage in front yard setbacks is prohibited.

(c) Storage areas and buildings shall be set back a minimum of 25 feet from all side lot lines adjacent to a Residential use or Office.

(d) The scrapyard shall be conducted in such a manner as to prevent tracking and spillage of debris onto adjacent properties or roads.

Sec. 26-4.3. Accessory Uses and Structures

(a) General

(1) Purpose and Intent

The purpose of this section is to authorize the establishment and continuation of accessory uses and structures, which are land uses and structures that are incidental and customarily subordinate to principal uses. This section is intended to allow a broad range of accessory uses and structures, so long as they are located on the same site as the

principal use and comply with the standards set forth in this section to reduce potentially adverse impacts on surrounding lands.

(2) Accessory Uses and Structures Generally Allowed

a. Unless prohibited by another provision of this Ordinance, accessory uses and structures that comply with the definition of "accessory use or structure" in Sec. 26-9.3, Definitions, the standards in Sec. 26-4.3(b), General Standards for All Accessory Uses and Structures, any applicable standards in Sec. 26-4.3(d), Standards for Specific Accessory Uses and Structures, and all other applicable standards in this Ordinance, are permitted as accessory to a lawfully established principal use.

b. An accessory use that may alternatively be established as a principal use shall comply with any standards in Sec. 26-4.2(d), Standards for Specific Principal Uses, that apply to such principal use in the zoning district in which the accessory use is located.

(3) Organization of This Section

Standards that apply generally to accessory uses and structures are set forth in Sec. 26-4.3(b), General Standards for All Accessory Uses and Structures. Table 26-4.3(c): Accessory Uses and Structures Table, identifies the zoning districts in which particular accessory uses and structures are permitted or not permitted, and identifies, for each accessory use, any specific standards that apply. Sec. 26-4.3(d), Standards for Specific Accessory Uses and Structures, sets out specific standards that apply to particular accessory uses and structures.

(b) General Standards for All Accessory Uses and Structures

(1) Comply with Applicable Requirements

Accessory uses and structures shall comply with all applicable provisions of this Ordinance. Except as otherwise provided in this Ordinance, accessory uses and structures shall be treated as a permitted use in the zoning district in which they are located.

(2) Location

a. Front Yard

Except as otherwise provided in this section, an accessory structure or use shall not be located in front of the building line of the principal structure.

b. Side Yard

Accessory uses and structures may be permitted in side yards, provided that their placement shall comply with the minimum required side yard setback in the district where they are located.

c. Rear Yard

Accessory uses and structures are permitted in rear yards, provided an accessory use or structure shall not be located within five feet of any property line.

(3) Maximum Height

Accessory structures shall not exceed the height limitations that apply to principal buildings in the district in which they are located, unless otherwise exempted.

(4) Maximum Floor Area and Lot Coverage

a. Except as otherwise provided by subsections b and c below, the total gross floor area of all accessory structures on any lot in a Residential district shall not exceed 50 percent of the gross floor area of the principal building on the lot or 1,200 square feet, whichever is greater. Accessory structures shall not cover more than 30 percent of the rear yard.

b. The total gross floor area of all accessory structures on any lot in the RT District that is at least two acres shall not exceed a maximum total area of 50 percent of the gross floor area of the principal building or 2,500 square feet.

c. There are no size restrictions for accessory structures that are associated with agricultural uses in the RT District, provided that the lot size is greater than two acres and that a 100-foot setback is maintained from all property lines.

(c) Accessory Uses and Structures Table

(1) Organization of Accessory Uses and Structures Table

Table 26-4.3(c) lists accessory uses and structures alphabetically.

(2) Abbreviations in Accessory Uses and Structures Table

a. Permitted Uses and Structures

A "P" in a cell of Table 26-4.3(c) indicates that the accessory use or structure in that row is allowed by right in the zoning district at the head of that column, subject to any applicable standards for the specific use or structure referenced in the right-most column of Table 26-4.3(c), and subject to all other applicable regulations of this Ordinance, including, but not limited to, those set forth in Article 26-3: Zoning Districts, Article 26-5: General Development Standards, and Article 26-6: Land Development (Subdivision) Standards.

b. Uses Allowed Subject to Approved PD Plan and PD Agreement

An "A" in a cell of Table 26-4.3(c) indicates that the use or structure in that row is allowed in the planned development district at the head of that column provided the use or structure is set out as a possible accessory use or structure in an approved PD Plan and PD Agreement. Unless stated otherwise in the approved PD Plan and PD Agreement, the use or structure shall be subject to any use-specific standards referenced in the right-most column of Table 26-4.3(c). Allowed uses are subject to the PD Plan, PD Agreement, and the other applicable regulations in this Ordinance, including, but not limited to, those set forth in Article 26-3: Zoning Districts, Article 26-5: General Development Standards, and Article 26-6: Land Development (Subdivision) Standards.

c. Prohibited Uses

A blank cell in Table 26-4.3(c) indicates that the accessory use or structure in that row is prohibited in the zoning district at the head of that column.

(3) Accessory Uses and Structures Table

Table 26-4.3(c): Accessory Uses and Structures Table

P = Permitted by right, subject to any use-specific standards ***blank*** = not allowed
A = Allowed, subject to approved PD Plan and PD Agreement

Accessory Use or Structure	OS	AG	HM	RT	R1	R2	R3	R4	R5	R6	RC	MU1	MU3	MU2	GC	EMP	INS	LI	HI	CC-1	CC-2	CC-3	CC-4	PD	PD-EC	PD-TND	Use-Specific Standards Sec. 26-4.3
Accessory dwelling unit		P	P	P	P	P	P	P	P	P										P	P	P		A		A	(d)(1)
Agritourism	P	P	P	P							P					P	P	P						A	A		
Antenna		P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	A	A	A	(d)(2)
Automated Teller Machine (ATM)											P	P	P	P	P	P	P	P	P			P		A	A	A	(d)(3)
Drive-thru facility															P	P	P	P			P	P	P	A	A	A	(d)(4)
Electric vehicle charging		P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	A	A	A	(d)(5)
Home-based business		P	P	P	P	P	P	P	P	P		P	P	P	P	P				P	P	P		A	A	A	(d)(6)
Home-based day care				P	P	P	P	P	P	P					P					P	P	P		A	A	A	(d)(7)
Home-based lodging, hosted		P	P	P	P	P	P	P	P	P		P	P	P	P	P				P	P	P		A	A	A	(d)(8)
Limited fuel/oil/bottled gas distribution											P	P	P	P	P	P		P	P		P	P	P	A	A	A	(d)(9)
Outdoor seating		P	P								P	P	P	P	P	P	P	P			P	P		A	A	A	(d)(10)
Outdoor storage											P				P			P	P	P			P	A	A		(d)(11)
Produce stand		P	P	P							P	P	P	P	P									A		A	(d)(12)
Retail sales (as accessory to an industrial use)															P	P		P	P				P	A	A	A	(d)(13)
Shipping container used as structure		P	P	P	P	P						P	P	P	P			P	P								
Solar energy conversion system		P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	A	A	A	(d)(14)
Swimming pool			P	P	P	P	P	P	P	P	P	P	P	P	P	P	P			P	P	P		A	A	A	(d)(15)
Wind energy conversion system	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	A	A	A	(d)(16)

(d) Standards for Specific Accessory Uses and Structures

(1) Accessory Dwelling Unit

a. An accessory dwelling unit shall be located only on a lot containing one single-family detached structure.

b. Only one accessory dwelling unit shall be permitted per single-family dwelling.

c. If the accessory dwelling unit is located within the same structure as the principal dwelling, the principal dwelling shall not be altered so as to appear to contain more than one dwelling unit.

d. A manufactured home shall not be used as an accessory dwelling unit.

e. The gross floor area of the accessory dwelling shall not exceed 750 square feet or contain more than one-fourth of the heated floor area of the principal single-family dwelling, whichever is greater.

(2) Antenna

a. In Residential districts, antennas shall comply with the following standards, subject to subsections c and d below:

1. Antennas are prohibited between the front of a principal structure and any adjacent public road. In the case of corner lots, antennas are prohibited between the side of a principal structure and the road.

2. Dish type antennas more than 18 inches in diameter shall not be placed on the roof or other portion of a building so as to be visible from any adjacent property.

b. In districts other than Residential districts, antennas shall comply with the following standards, subject to subsections c and d below:

1. Antennas may be placed at any location that is not visible from adjacent public roads.

2. Antennas erected on the roof of a principal structure shall be screened with materials that are compatible with the principal structure and have a minimum height equal to the height of the antenna if:

(a) The principal structure is less than 30 feet in height; or

(b) The principal structure has a pitched roof, regardless of the height of the structure.

3. Dish type antennas less than three feet in diameter may be placed at any location on a principal structure except the front façade or another façade that is adjacent to and faces a street .

c. Satellite dish antennas are subject to the standards in this section to the maximum extent feasible, but only where there is no impairment of acceptable signal quality. The standards in this section are not intended to impose unreasonable delays or costs on the installation, maintenance, or use of satellite dish antennas, and shall not be interpreted or enforced in any manner contrary to federal or State law.

d. Amateur ham radio antennas shall comply with the following standards in lieu of the standards in subsections a and b above, unless the ham radio operator demonstrates that a deviation from the standards is necessary to accommodate the operator's amateur communications needs:

1. The antenna shall not exceed a height of 90 feet above grade;

2. An antenna attached to a principal structure on the lot shall be located on a side or rear elevation of the structure; and

3. A freestanding antenna shall be located to the rear of the principal structure on the lot, but not within 10 feet of any lot line.

(3) Automatic Teller Machine (ATM)

a. An ATM designed for walk-up use and located in the exterior wall of a building or within a parking area shall be designed to avoid obstructions to pedestrian movement along sidewalks, through public use areas, or between parking areas and

building entrances, or vehicular movement in front of buildings or through parking areas.

b. If an ATM is designed for use by customers in their vehicles, it shall comply with the accessory use standards (including zones where permitted) in Sec. 26-4.3(d)(4), Drive-thru Facility.

(4) Drive-thru Facility

a. Vehicular access to drive-thru windows or service areas shall be provided from an arterial or collector street.

b. The driveway providing access to the drive-thru facility shall be at least 25 feet from any other driveway.

c. Internal traffic circulation patterns on the site shall not cause vehicles to impede vehicular movement external to the site or block access to any required parking spaces located on the site.

d. Drive-through facilities shall be designed so as not to obstruct the movement of pedestrians along sidewalks, through areas intended for public use, or between the building entrance and customer parking spaces.

e. No portion of a drive-thru facility shall be located within 50 feet of a Residential zoning district or a lot containing a Residential use.

f. Canopies or other features installed over a drive-thru window shall maintain common roof lines and materials with the principal structure.

g. Drive-through facilities shall not be located on the front façade of the building they serve.

(5) Electric Vehicle Charging

a. An electric vehicle charging space shall be located so as not to interfere with vehicle, bicycle, or pedestrian access and circulation, or with required landscaping.

b. When accessory to any residential development:

1. Electric vehicle charging is allowed only for the residents and their guests; and

2. Unless located in a parking structure, chargers are limited to Level 1 or Level 2 facilities as defined by the U.S. Department of Energy.

c. When accessory to any nonresidential development:

1. Three electric vehicle charging spaces may be counted towards the minimum required number of parking spaces. Additional electric vehicle charging spaces may be counted towards the minimum required number of parking spaces if the space is not reserved exclusively for vehicle charging. Spaces in excess of the minimum required parking may be reserved for electric vehicle charging.

d. When located in a surface parking lot and not mounted on the exterior of the principal structure:

1. The maximum height of the dispenser and any other associated structure is eight and one-half feet; and

2. A canopy is not permitted in association with the electric vehicle charging space.

e. Electronic display screens shall not exceed a maximum total area of one square foot per dispenser.

(6) Home-based Business

a. The home-based business shall be conducted entirely within the principal dwelling or an accessory structure. The home-based business shall be clearly incidental and secondary to the use of the dwelling unit for residential purposes, and shall not change the outward appearance of the structure.

b. A home-based business shall not be conducted with in an accessory structure unless the accessory structure complies with all setback requirements for a principal structure in the district in which it is located.

c. An area equal to not more than 25 percent of the floor area of the principal dwelling may be utilized for the home-based business. If the home-based business is housed in an accessory structure, the accessory structure can have a floor area no larger than 25 percent of the gross floor area of the principal dwelling.

d. Only persons residing on the premises may be employed by the home-based business.

e. The home-based business shall not involve the retail sale of merchandise manufactured off the premises. No display of goods, products, services, merchandise, or any form of advertising shall be visible from outside the dwelling.

f. No outdoor storage shall be allowed in connection with any home-based business.

g. A maximum of four customers or clients of the home-based business may visit the premises at any one time.

h. The home-based business shall not generate traffic in greater volumes than would normally be expected in a residential neighborhood.

i. Sufficient off-street parking shall be provided on the premises to accommodate all parking demand generated by the home-based business. Such off-street parking shall not be located in the front yard.

j. Signage for the home-based business shall comply with Sec. 26-5.10, Signs.

(7) Home-based Day Care

a. A home-based day care shall be operated only in an occupied residence.

b. A home-based day care shall provide daycare services to a maximum of five individuals.

c. Client pick-up and drop-off shall not obstruct traffic flow on adjacent public roads.

d. Any outdoor children’s play area shall be fenced or otherwise enclosed on all sides and shall not include driveways, parking areas, or land otherwise unsuited for children's play space.

e. A daycare facility shall comply with all applicable state and federal regulations.

(8) Home-based Lodging, Hosted

Hosted home-based lodging is allowed as an accessory use to a dwelling, subject to the following standards:

a. The primary residence of the operator of the hosted home-based lodging shall be the dwelling where hosted home-based lodging is housed.

b. The number of lodgers per night shall not exceed six adults or the number of occupants allowed by the building code, whichever is less.

c. All lodgers occupying a hosted home-based lodging on any given night shall be associated with the same rental contract. The maximum number of rental contracts per dwelling per night is one.

d. Events and activities, including luncheons, banquets, parties, weddings, meetings, fundraising, commercial or advertising activities, and any other gatherings of persons in association with the hosted home-based lodging other than the authorized lodgers, whether for direct or indirect compensation, are prohibited.

e. A minimum of one off-street parking space shall be provided for lodgers in addition to the minimum off-street parking spaces required for the dwelling.

(9) Limited Fuel/Oil/Bottled Gas Distribution

a. The location of tanks for on-site storage and/or disbursement shall be approved by the Fire Marshal.

b. The Zoning Administrator may require additional safety signage, fencing, and screening of on-site fuel tanks, in addition to those required for the principal use.

c. Storage and handling of all such products shall comply with all applicable federal, State, and County regulations.

d. Any structure housing the fuel, oil, or bottled gas that is located on a sidewalk or other walkway shall be located to maintain at least five feet of clearance along the sidewalk or other walkway for use by pedestrians.

(10) Outdoor Seating

Outdoor seating is allowed as an accessory use to any eating or drinking establishment, subject to the following standards:

a. No sound production or reproduction machine or device (including, but not limited to musical instruments, loud-speakers, and sound amplifiers) shall be played in the outdoor seating area at volumes that disturb the peace, quiet, or comfort of adjoining properties.

b. Hours of operation of the outdoor seating area shall be the same as those for the eating or drinking establishment.

c. Food preparation shall occur only within the enclosed principal building containing the eating or drinking establishment.

d. The outdoor seating area shall not obstruct the movement of pedestrians along sidewalks or through areas intended for public use.

e. No tables, chairs, umbrellas, or other furnishings or equipment associated with the outdoor seating area shall be attached, chained, or otherwise affixed to any curb, sidewalk, tree, post, sign, or other fixture within the outdoor seating area.

f. The outdoor seating area may be permitted on a public sidewalk abutting or adjacent to the front of the property containing the eating or drinking establishment, subject to the following requirements:

1. The outdoor seating area shall be limited to that part of the sidewalk directly in front of the property containing the eating or drinking establishment unless the owner of adjoining property agrees in writing to an extension of the outdoor seating area to that part of the sidewalk in front of the adjoining property.

2. The operator of the eating or drinking establishment shall enter into a revocable license agreement with the County that has been approved as to form by the County Attorney that:

(a) Ensures the operator is adequately insured against and indemnifies and holds the County harmless for any claims for damages or injury arising from sidewalk dining operations, and will maintain the sidewalk seating area and facilities in good repair and in a neat and clean condition;

(b) Authorizes the County to suspend authorization of the outdoor seating use, and to remove or relocate or order the removal or relocation of any sidewalk seating facilities, at the owner's expense, as necessary to accommodate repair work being done to the sidewalk or other areas within the right-of-way containing or near the outdoor seating area; and

(c) Authorizes the County to remove or relocate or order the removal or relocation of any sidewalk seating facilities, at the operator's expense, if the operator fails to comply with a County order to do so within a reasonable time period.

3. A clear pathway at least five feet wide shall be maintained to allow through public pedestrian traffic along the sidewalk and from the sidewalk into the entrance to the eating or drinking establishment. A greater width may be required where necessary to ensure the safe and convenient flow of pedestrian traffic.

4. A clear separation of at least five feet shall be maintained from any alley, crosswalk, fire hydrant, or similar public or emergency access feature in or near the sidewalk. A greater clear distance may be required where necessary to ensure use of the public or emergency access feature.

5. No objects shall be placed along the perimeter of the outdoor sidewalk seating area that would have the effect of forming a physical or visual barrier discouraging the use of the sidewalk by the general public.

6. Tables, chairs, umbrellas, and other furnishings associated with the outdoor seating area shall be of sufficient quality design, materials, and workmanship to ensure the safety and convenience of area occupants and compatibility with adjacent uses.

(11) Outdoor Storage

a. Outdoor storage areas shall be located to the side or rear of the principal structure(s).

b. Where an outdoor storage area stores goods intended for sale or resale, such goods shall be limited to those sold on the premise in conjunction with the principal use of the lot.

c. Flammable liquids or gases in excess of 1,000 gallons shall be stored underground.

d. No materials shall be stored in areas intended for parking or for vehicular or pedestrian circulation.

e. In all zoning districts except the AG and HI districts, outdoor storage areas shall be enclosed with a wall made of masonry material consistent with that of the primary building(s) on the lot, a fence made of wood, or vinyl, or a combination of such a wall

and fence. The height of the enclosure shall be sufficient to screen stored materials from view from public street rights-of-way, private streets, public sidewalks, and any adjoining residential development.

(12) Produce Stand

a. Produce stands operating year-round must be located on the property on which the crops for sale are produced.

b. Seasonal produce stands (operating for no more than six months in any one calendar year) shall be set back at leas five feet from the right-of-way and shall provide adequate off-street parking.

(13) Retail Sales (as accessory to an industrial use)

Retail sales as an accessory to a use classified as an Industrial use shall comply with the following standards:

a. In buildings with single occupancy, a maximum of 20 percent of the floor area of the building shall be available for a retail showroom or sales space;

b. In buildings with multiple occupancy, no tenant or licensee shall have a customer showroom greater than 33 percent of the floor area occupied by the business;

c. Additional off-street parking shall be provided for the retail customer showroom in accordance with Sec. 26-5.2, Off-Street Parking and Loading;

d. With the exception of building materials, all goods shall be stored indoors or in rear yards which comply with the screening requirements for such use;

e. No merchandise shall be displayed behind windows facing a public right-of-way in a manner which allows the displays to be visible from the right-of-way;

f. No entrance shall be permitted directly from the street to the accessory use; and

g. Retail customers shall not have access to other storage areas, and retail displays shall not be placed in other storage areas.

(14) Solar Energy Conversion System

a. A solar energy conversion system shall comply with the maximum building height standards for the zoning district in which it is located, except a roof-mounted system may extend a maximum of three feet above the roofline of the building on which it is mounted, regardless of building's height.

b. Solar energy equipment shall not produce unreasonable glare on neighboring properties.

(15) Swimming Pool

a. No private swimming pool that is located in a Residential district shall be operated as, or in conjunction with, a business, day care, bed and breakfast, or a home-based business.

b. Swimming pools shall comply with the minimum setback requirements for accessory buildings.

(16) Wind Energy Conversion System

a. Tower-mounted wind energy systems shall not be located within a front yard.

b. The system shall be set back from all property lines and overhead utility lines a distance equal to its total extended height (e.g., if on a roof, roof height plus the height of any tower extending from the roof) plus 15 feet. Guy wires and other support devices shall be set back at least five feet from all property lines.

c. The maximum height of the system (including any tower and extended blades) shall be the maximum height allowed in the zoning district plus 60 feet.

d. Sound produced by the system under normal operating conditions, as measured at the property line, shall not exceed 55 dBA at any time, except, 55 dBA sound level may be exceeded during short-term events that occur beyond the property owner's control, such as during severe wind storms.

e. Wind turbines and towers shall be painted or finished in the color originally applied by the manufacturer, or a matte neutral color (e.g., gray, white) that blends into a range of sky colors, or a color consistent with that of the buildings on the site. Bright or luminescent colors are prohibited.

f. Wind turbine blade tips and vanes shall have a minimum ground clearance of 15 feet, as measured at the lowest point of the arc of the blades. No blades may extend over parking areas, public right of ways, driveways, or sidewalks.

g. Illumination of turbines and towers is prohibited unless required by the FAA.

h. On a freestanding tower, any climbing foot pegs or rungs below 12 feet shall be removed to prevent unauthorized climbing. For lattice or guyed towers, sheets of metal or wood or similar barriers shall be fastened to the bottom tower section such that it cannot readily be climbed.

i. The system shall not include signs visible from any public street other than identification of the owner, manufacturer, and installer, and required warning signs

j. If use of the system is discontinued for a continuous period of six months, the County shall deem it abandoned and provide the owner a written notice of abandonment. Within 90 days after written notice of abandonment is provided, the owner shall either remove the system, including all towers, turbines, and above-ground structures and equipment, or resume regular operation of the system.

Sec. 26-4.4. Temporary Uses and Structures

(a) General

(1) Purpose

The purpose of this section is to authorize the establishment of certain temporary uses and structures, which are uses (including special events) and structures of a limited duration. This section also identifies the zoning districts in which such temporary uses and structures are allowed, identifies what type of permit or review is required to establish them, sets out general standards applicable to all temporary uses and structures, and sets out any special standards applicable to particular temporary uses and structures. This section is intended to ensure that such uses or structures do not negatively affect adjacent land, are discontinued upon the expiration of a set time period, and do not involve the construction or alteration of any permanent building or structure.

(2) Organization of This Section

Sec. 26-4.4(b), General Standards for All Temporary Uses and Structures, establishes general standards that apply to all temporary uses and structures. Table 26-4.4(b): Temporary Uses and Structures Table, establishes whether a particular temporary use or structure is permitted or prohibited within each zoning district and whether a temporary use permit is required for the use or structure. Sec. 26-4.4(d), Standards for Specific Temporary Uses and Structures, establishes standards that apply to particular types of temporary uses and structures regardless of the zoning district in which they are permitted or the review procedure by which they are approved, unless expressly stated to the contrary.

(3) Exempt Events and Activities

Special events and activities conducted on public property, such as school sites and public parks, shall be exempt from the provisions of this section but must comply with any guidelines, regulations, and permitting processes required by the authorizing agency.

(b) General Standards for All Temporary Uses and Structures

(1) The property on which a temporary use or structure is proposed must contain sufficient space to support the temporary use and any associated pedestrian movement, and vehicular traffic, and parking without disturbing environmentally sensitive lands.

(2) In Nonresidential and Mixed-Use districts, a temporary use or structure shall not be located within 200 feet of a dwelling unit.

(3) Parking must be adequate to support the proposed temporary use or structure.

(4) Restroom facilities, if needed, must be provided.

(5) Measures shall be taken to ensure security and safety of individuals involved in the temporary use or structure and of the public. Plans for security and safety shall be submitted with a temporary use permit application.

(6) All required County, state, and federal approvals and permits shall be obtained prior to the establishment of the temporary use or structure.

(7) The temporary use or structure shall not involve permanent alterations to the site.

(c) Temporary Uses and Structures Table

(1) Organization of Temporary Uses and Structures Table

Table 26-4.4(b) lists temporary uses and structures alphabetically.

(2) Abbreviations in Temporary Uses and Structures Table

a. Permitted Uses and Structures

A “P” in a cell of Table 26-4.4(b) indicates that the temporary use or structure in that row is allowed by right in the zoning district at the head of that column, subject to any applicable standards for the specific use or structure referenced in the right-most column of Table 26-4.4(b), and subject to all other applicable regulations of this Ordinance, including, but not limited to, those set forth in Article 26-3: Zoning Districts, Article 26-5: General Development Standards, and Article 26-6: Land Development (Subdivision) Standards. No temporary use permit is required.

b. Uses and Structures Requiring Temporary Use Permit

A "T" in a cell of Table 26-4.4(b) indicates that the temporary use or structure in that row is allowed in the zoning district at the head of that column, subject to approval of a temporary use permit in accordance with Sec. 26-2.5(m), Temporary Use Permit, and subject to all other applicable regulations of this Ordinance, including, but not limited to, those set forth in Article 26-3: Zoning Districts, Article 26-5: General Development Standards, and Article 26-6: Land Development (Subdivision) Standards.

c. Prohibited Uses and Structures

A blank cell in Table 26-4.4(b) indicates that the temporary use or structure in that row is prohibited in the zoning district at the head of that column.

(3) Unspecified Temporary Uses and Structures

The Zoning Administrator shall have the authority to grant a temporary use permit for a temporary use or structure that is "similar and compatible" in relation to a particular temporary use or structure in Table 26-4.4(b). Similar and compatible uses not specified are those uses that are similar and compatible to those allowed as temporary uses in this section. Determination of what constitutes similar and compatible shall be made by the Zoning Administrator, taking into consideration the purposes identified for zoning district where the temporary use or structure is proposed, the type of use or structure, the number of employees, the parking and circulation needs, and the hours of operation.

(4) Temporary Uses and Structures Table

Table 26-4.4(b): Temporary Uses and Structures Table

P = Permitted by right (temporary use permit not required) **T** = Permitted, subject to approval of a temporary use permit
blank = not allowed **A** = Allowed, subject to approved PD Plan and PD Agreement

Temporary Use or Structure	OS	AG	HM	RT	R1	R2	R3	R4	R5	R6	RC	MU1	MU3	MU2	GC	EMP	INS	LI	HI	CC-1	CC-2	CC-3	CC-4	PD	PD-EC	PD-TND	Use-Specific Standards Sec. 26-4.4
Construction site office and storage		T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	(d)(1)
Farmers' market, temporary		T	T	T							T	T	T	T	T	T	T	T		T	T	T		A	A	A	(d)(2)
Food truck			P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	(d)(3)
Garage/Yard sale		P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P			P	P	P		P	P	P	(d)(4)
Portable storage container		P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	(d)(5)
Real estate office (model home)		T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	(d)(6)
Real estate office (trailer or modular unit)		T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	A	A	A	(d)(7)
Temporary event	T										T	T	T	T	T	T	T	T	T		T	T	T	T	T	T	(d)(8)
Temporary sale											P	P	P	P	P	P	P	P	P		P	P	P	P	P	P	
Temporary use of accessory structure as principal dwelling		T	T	T	T	T	T	T	T	T		T	T	T	T	T				T	T	T		T	T	T	(d)(9)

(d) Standards for Specific Temporary Uses and Structures

(1) Construction Site Office and Storage

a. A contractor's office and one or more equipment storage sheds may be placed temporarily on the site of construction of a development for which a land development permit or preliminary subdivision plat approval has been issued.

b. A temporary use permit issued for construction site office and storage shall be valid for a period of time determined by the estimated project completion date at the time the temporary use permit is issued. The Zoning Administrator may approve an extension of this period of up to one year upon a written request by the applicant submitted at last 20 days prior to the termination of the initial period of validity.

c. All temporary construction buildings and trailers shall be completely removed from the site within 30 days after the issuance of a certificate of zoning compliance or the completion of the project, whichever happens first.

(2) Farmers' Market, Temporary

a. The farmers' market shall operate only with written permission from the owner of the property on which it is located.

b. The farmers' market shall operate for no more than 50 days in any 12 month period.

c. The farmers' market shall be open only during daylight hours.

d. The farmers' market may operate inside a building only during the months of December through March for a period not to exceed a total of 30 days; otherwise, the farmers' market shall operate in an open area or parking lot.

e. The farmers' market shall provide adequate ingress, egress, and off-street parking areas.

f. Sales shall be limited to the retail sale of agriculture, aquaculture, and horticulture products produced by the vendor, including the sale of products made by the vendor from such products (e.g., baked goods, jams and jellies, juices, cheeses) and incidental sales of crafts or similar home-made products made by the vendor.

g. The market shall have an established set of operating rules addressing the governance structure of the market, hours of operation, and maintenance and security requirements and responsibilities.

h. The market shall have a manager authorized to direct the operations of all participating vendors during all hours of operation.

(3) Food Truck

a. Food trucks must be located on private property with the written consent of the property owner or authorized agent.

b. Food trucks shall not operate for more than four hours between 12:00 p.m. and 9:00 p.m. in any one day at any one location, including set-up and break-down.

c. A maximum of three food trucks are permitted at any one location at the same time, unless otherwise approved as part of a temporary event.

d. The parking of food trucks in fire lanes, travel lanes, or vehicular surface area aisles is prohibited.

e. The operation of food trucks in Residential districts shall be limited to lots containing Public, Civic, and Institutional uses.

(4) Garage/Yard Sale

a. Garage/Yard sales shall be limited to four occurrences within any 12 month period.

b. Each occurrence of a garage/yard sale shall be not exceed two days and shall be limited to the daylight hours.

(5) Portable Storage Container

a. Storage containers shall not exceed 160 square feet in floor area or be taller than eight feet.

b. Containers shall be located within a driveway, parking, or loading area. In cases where the driveway, parking, or loading area extends behind the front façade of a building, the container shall be placed behind the front façade to the extent practicable.

c. In cases where improved driveways, parking, or loading areas are not present, containers shall be located so as to minimize their visibility from streets or adjacent residential areas, to the extent practicable.

d. Nothing in these standards shall limit the placement of more than one container on a lot or site, provided compliance with all other applicable standards is maintained.

e. Except for storage containers located on construction sites, storage containers shall not be located on an individual parcel or site for more than 30 consecutive days per site per occurrence. The Zoning Administrator may approve an extension of that period for an additional period of up to 30 days after receiving a written request from the applicant prior to the expiration of the initial 30 days.

f. Storage containers may be placed on a residential site a maximum of two occurrences within any six-month period.

g. A minimum period of six months is required between the removal of a storage container from a nonresidential site and the subsequent placement of a storage container on the site.

(6) Real Estate Office (Model Home/Unit)

a. A model home/unit may be used as a real estate sales or leasing office in a new residential development.

b. Temporary real estate offices in model homes/units cease operation when 90 percent of the homes in the development have been sold.

c. The maximum number of employees utilizing the office at any one time shall be four.

(7) Real Estate Office (Trailer or Modular Unit)

a. One temporary structure, such as a construction trailer or temporary modular unit, may be used as a real estate sales or leasing office in any new construction project.

b. Temporary real estate offices in construction trailers or temporary modular units may remain on the site for a maximum of 12 months, until a model unit is built, or until one-half of the units for the project are completed, whichever occurs first.

(8) Temporary Event

a. All additional permits and inspections required by the building code or fire officials must be received.

b. In approving a temporary use permit for the temporary event, the Zoning Administrator is authorized to impose such conditions upon the premises benefited by the permit as may be necessary to reduce or minimize any potential adverse impacts upon other property in the area, as long as the condition relates to a situation created or potentially created by the proposed temporary event. The Zoning Administrator is authorized, where appropriate, to require:

1. Provision of temporary parking facilities, including vehicular access and egress.

2. Control of nuisance factors, such as but not limited to, the prevention of glare or direct illumination of adjacent properties, noise, vibrations, smoke, dust, dirt, odors, gases, and heat.

3. Regulation of temporary buildings, structures and facilities, including placement, height and size, location of equipment and open spaces, including buffer areas and other yards.

4. Provision of sanitary and medical facilities.

5. Provision of solid waste collection and disposal.

6. Provision of security and safety measures.

7. Use of an alternative location or date for the proposed special event.

8. Modification or elimination of certain proposed activities.

9. Regulation of operating hours and days, including limitation of the duration of the special event to a shorter time period than that requested or specified in this subsection.

10. Submission of a performance guarantee to ensure that any temporary facilities or structures used for such proposed temporary event will be removed from the site within a reasonable time following the event and that the property will be restored to its former condition.

(9) Temporary Use of Accessory Structure as Principal Dwelling

An existing structure that is accessory to an existing principal dwelling that has been damaged or destroyed by a fire, hurricane, or other physical catastrophe may be temporarily used as the principal dwelling on the lot while the damaged or destroyed principal dwelling is being repaired or reconstructed, provided it complies with the following standards:

a. The building or inhabited part shall meet all applicable building, health, and other regulations for a habitable dwelling.

b. The building shall comply with any additional standards set forth in a Declaration of Emergency issued by authorized officials in response to the catastrophe.

c. The building shall be removed or converted to an authorized accessory use within 30 days after issuance of the certificate of zoning compliance for the permanent principal dwelling. In no case shall the building be used as the principal dwelling for more than four years unless authorized by a longer time period set forth in a

Declaration of Emergency issued by authorized officials in response to the catastrophe.

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ARTICLE 26-5. GENERAL DEVELOPMENT STANDARDS

Commentary

Article 26-5: General Development Standards, organizes all the development standards related to the physical layout of development, except for the subdivision standards. It includes 15 sections.

Section 26-5.1, Access, Mobility, and Connectivity, includes access and driveway standards, requirements for internal and external connectivity for new development, cross-access requirements between adjoining developments, Traffic Impact Assessment requirements, and standards for roads, sidewalks, bicycle facilities, and transit facilities.

Section 26-5.2, Off-Street Parking and Loading Standards, establishes standards for parking areas for automobiles, bicycle parking, and loading areas.

Section 26-5.3, Landscaping, sets out standards for landscaping and tree protection.

Section 26-5.4, Open Space Set-Asides, establishes a comprehensive set of standards for open space to be set aside for the occupants and users of new developments. The standards apply to all new development (residential, mixed-use, and nonresidential).

Section 26-5.5, Cluster Development, includes a set of optional standards for new single-family detached and manufactured home development in certain districts, providing more flexible dimensional standards where a minimum amount of conservation areas and features are preserved.

Section 26-5.6, Design and Form Standards, includes standards to ensure that new multi-family, mixed-use, commercial, and light industrial development contributes to greater livability and sustainability, and achieves a minimum development quality.

Section 26-5.7, Neighborhood Compatibility, includes standards to protect the character of established single-family neighborhoods from impacts of new nonresidential, mixed-use, and multi-family development.

Section 26-5.8, Agricultural Compatibility, establishes standards to address compatibility issues between existing agricultural uses and activities in the AG District and new adjacent development.

Section 26-5.9, Fences and Walls, includes basic standards for fence and wall location, height, materials, and other aspects that impact appearance and safety.

Section 26-5.10, Signs, establishes standards for signage.

Section 26-5.11, Exterior Lighting, establishes a comprehensive set of exterior lighting standards to minimize light pollution in the night sky, reduce glare, and improve safety.

Section 26-5.12, Water Quality, consolidates and carries forward provisions pertaining to water quality buffer requirements, stormwater management and SWPPPs, and the NPDES Municipal Separate Storm Sewer System (MS4) program.

Section 26-5.13, Green Development Incentives, provides incentives for developers to include green building elements in new development and major expansions of existing development.

Section 26-5.14, General Performance Standards, carries forward general standards for the generation of noise, odors, etc.

Section 26-5.15, Road Naming and Addressing, sets forth provisions related to naming roads and posting addresses.

Sec. 26-5.1. Access, Mobility, and Connectivity

(a) Purpose

The purpose of this section is to ensure that developments are served by a coordinated multimodal transportation system that permits the safe and efficient movement of motor vehicles, emergency vehicles, transit, bicyclists, and pedestrians within the development and between the development and external transportation systems, neighboring development, and local destination points such as places of employment, schools, parks, and shopping areas. Such a multimodal transportation system is intended to:

(1) Provide transportation options;

(2) Increase the effectiveness of local service delivery;

(3) Reduce emergency response times;

(4) Promote healthy walking and bicycling;

(5) Facilitate use of public transportation;

(6) Contribute to the attractiveness of the development and community;

(7) Connect neighborhoods and increase opportunities for interaction between neighbors;

(8) Reduce vehicle miles of travel and travel times;

(9) Reduce greenhouse gas emissions;

(10) Improve air quality;

(11) Minimize congestion and traffic conflicts; and

(12) Preserve the safety and capacity of the County's transportation systems.

(b) Applicability

(1) General

The standards in this section apply to all new development in the County.

(2) Timing of Review

Review for compliance with the standards in this section shall occur during review of an application for a planned development (see Sec. 26-2.5(c)), special exception (see Sec. 26-2.5(d)), land development permit (major or minor) (see Sec. 26-2.5(e)), subdivision (major or minor) (see Sec. 26-2.5(f)), permitted use with special requirements (see Sec. 26-2.5(h)), or certificate of zoning compliance (see Sec. 26-2.5(m)), as applicable.

(3) Developer Responsible for Access and Circulation Improvements

a. The developer shall provide road, street, bikeway, sidewalk, and other access and circulation improvements in accordance with the standards for design and construction in this section, and shall dedicate any required rights-of-way or easements.

b. A developer shall submit a phasing plan if the developer proposes constructing improvements required by this section in phases. The Zoning Administrator shall only approve a phasing plan on finding it provides adequate facilities in each phase to support the development planned for each phase. If the Zoning Administrator

approves the phasing plan, the developer shall construct all improvements in accordance with the approved phasing plan, except as otherwise provided by subsection c below.

c. The Zoning Administrator may require, at the time the developer applies to begin any phase of the development project, that the developer construct improvements scheduled for a later phase if the Zoning Administrator determines the improvements are necessary to ensure the transportation system provides reasonable access and flow of traffic.

(c) Access, Mobility, and Circulation Standards

(1) Multimodal Access and Circulation System

a. All new development shall be served by a system of sidewalks, paths, roadways, accessways, and other facilities designed to provide for multiple travel modes (vehicular, transit, bicycle, and pedestrian), as appropriate to the development's size, character, relationship to surrounding development and development patterns, and existing and planned community transportation systems. Vehicular, transit, bicycle, and pedestrian access and circulation systems shall be coordinated and integrated so as to provide transportation choices within and to and from the proposed development, as appropriate.

b. Convenient access to places of public assembly such as parks and schools shall be provided in all new development.

(2) Vehicular Access

a. General Access Standards

1. All residential subdivisions and/or subdivision lots shall have direct access to a public or private right-of-way which complies with the requirements of this section.

2. Except for minor subdivisions, all subdivision lots, including outparcels in commercial projects, shall have access only via interior subdivision roads.

3. All commercial subdivision lots shall have direct access to a public or private road via a facility that meets one of the following standards:

(a) A minimum 50-foot-wide right-of-way and minimum 20-foot-wide passable surface approved by the County Engineer; or

(b) A minimum 30-foot-wide recorded cross-access easement, approved by the County fire marshal, which connects the public or private road to the site.

4. The Zoning Administrator may, with the consent of the County Engineer:

(a) Require shared access agreements among adjacent parcels, installation of marginal access roads, and/or consolidation of existing access points if determined necessary to ensure safe operation of the transportation network;

(b) Require a developer to install raised medians if t necessary to ensure safe vehicular and pedestrian access to adjacent property;

(c) If requested by the applicant, modify any of the requirements of this section provided the applicant demonstrates:

(1) All physically possible alternative development plans have been evaluated in an effort to comply with the standards of this section and the applicant is not able to comply with the standards; and

(2) The applicant's inability to comply with the standards of this section is not the result of self-imposed actions, including the purchase of the parcel, natural features or topography of the site, and/or the geometry of the existing roadway; and

(3) The modification is the minimum necessary to address the reason for the applicant's inability to comply with the standards.

5. If the Zoning Administrator determines that a proposed change of use on a developed site may affect the amount, type, or intensity of traffic generated by the site, the Zoning Administrator shall, with the consent of the County Engineer, require written documentation from SCDOT regarding the adequacy of the existing access points to safely accommodate the traffic generated by the proposed change of use prior to approval of any development approval or permit under this Ordinance.

b. Location of Access Points

1. Access point connections to public roadways must be separated by the minimum distance set forth in Table 26-5.1(c)(2)a.2(a): Access Point Separation Standards, based on the posted speed limit and traffic volume (Annual Average Daily Traffic, or AADT) of the roadway and the peak hour trips to be generated by the access point, or, on SCDOT-maintained roads, as otherwise required by SCDOT standards.

Table 26-5.1(c)(2)a.2(a): Access Point Separation Standards

Posted Speed Limit (mph)	Minimum Access Point Separation (ft) [1]	
	Roadway traffic volume exceeding 2,000 AADT or access point generating more than 50 peak hour trips	All other roadways and access points
30	160	75
35	220	125
40	275	175
45	325	225
50+	400	275

NOTES:
[1] Measured from the nearest driveway edges.

2. Access points shall be set back from intersections by the minimum distances set forth in Table 26-5.1(c)(2)a.2(b): Minimum Setback from Intersection, or, on SCDOT-maintained roads, as otherwise required by SCDOT standards.

Table 26-5.1(c)(2)a.2(b): Minimum Setback from Intersection	
Street Designation	**Required Distance from Intersection (ft) [1]**
Collector or Arterial Street	150
Local or Neighborhood Street	100

NOTES:
[1] Measured from the nearest driveway edge.

c. Number of Access Points

1. All new subdivisions must provide a minimum number of access points from the development to the road system outside the development in accordance with Table 26-5.1(c)(3): Required Development Access Points, based on the proposed number of units or area of the site, as applicable.

Table 26-5.1(c)(3): Required Development Access Points [1]	
Development Type	**Minimum Number of Access Points**
Residential Use Types (By Number of Units)	
≤ 100 units	1
101 – 200 units	2
> 200 units	As determined by the Fire Marshall, County Engineer, and/or SCODT
All Other Use Types (By Site Area)	
< 5 acres	1
5 – 20 acres	2
> 20 acres	2 + 1 per every additional 20 acres or portion thereof

NOTES:
[1] New subdivisions shall provide emergency access as required by the Fire Marshall; however, limited access points for use by fire/emergency vehicles shall not count toward the minimum number of access points.

2. Where feasible, access points shall connect to different streets.

3. Development shall be exempted from these standards if it is demonstrated that one of the following conditions apply:

(a) No other road access points can be located due to existing lot configurations, absence of connecting roads, or environmental or topographic constraints; or

(b) The appropriate permitting agency owning the road being accessed will not authorize the required number of entrances.

d. Driveway Standards

1. Driveways (see Sec. 26-9.3, Definitions) shall meet the standards of Table 26-5.1(c)(4)(a): Driveway Installation Standards. The Zoning Administrator shall determine the appropriate driveway classification for each project.

Table 26-5.1(c)(4)(a): Driveway Installation Standards

Driveway Classification [1]	Projected Trips	Minimum Width (ft)	Minimum Radius Return (ft)
Low Volume	1-20 AADTs, or 1 - 5 peak hour trips	10 – 24	2
Medium Volume	6 – 100 peak hour trips	24 – 40 [2]	30 – 40
High Volume	> 101 peak hour trips	Determined by TIA	Determined by TIA

NOTES:

[1] Although the Zoning Administrator will determine the appropriate driveway classification for a specific application, this nonexclusive list of examples provides guidance regarding the types of project that may fall within each classification:

- Low Volume: Single-family or duplex residence
- Medium Volume: Subdivision, apartment complex, or small commercial development
- High Volume: Convenience store, gas station, or shopping center

[2] A 40-ft driveway is typically marked with three lanes — two 12-foot-wide exit lanes (left and right), and one 16-foot-wide entrance lane. If a median divider is used at the entrance, the driveway width shall be increased accordingly.

2. Driveways shall not have direct access to an arterial street unless:

(a) There is no alternative means of access to the development (such as via an alley or parallel access street); and

(b) It is unreasonable or impractical to require the applicant to construct a parallel access street.

3. Driveways shall not have direct access to a collector street unless there is no reasonable access to a local street.

4. Driveways that enter a collector or arterial street shall have one entrance lane and two exit lanes.

5. Driveways on collector or local streets shall align with any extant driveways on the opposite side of the street.

6. In residential districts, lots with less than 50 feet of frontage on the adjoining road shall not have driveway access onto that road. In such cases, access shall be provided by alleys or other means.

7. For driveways providing access to single-family, two-family, three-family, and four-family dwellings and manufactured homes, the use of pervious materials and two-track and shared driveway designs are permitted and encouraged.

(3) Connectivity

a. External Street Connectivity

1. Street layouts of new developments shall be designed to integrate with and continue the existing road layout outside the development, and to provide for future extension of the development's street network to provide the maximum number of interconnections and points of ingress and egress.

2. Where feasible, the arrangement of streets in a development shall provide for the alignment and continuation of existing streets:

(a) To provide access to adjacent existing developments and subdivisions platted for street connections; and

(b) Into adjoining lands where the adjoining lands are undeveloped and deemed appropriate for future development.

3. Where practicable and feasible, road connections or stubs shall be provided for development in each direction (north, south, east, and west), separated by no more than 1,800 feet, for development that abuts vacant lands.

4. A development shall not include reserve strips adjoining road rights-of-way that prevent access to adjoining property.

5. A cul-de-sac shall not be used to provide access to parcels along the edge of a development unless required due to natural features or other site constraints, or if appropriate to separate disparate land uses.

6. Where a proposed street is designed to link with an existing street that is identified for widening in the County's thoroughfare plan, the Zoning Administrator may require that the width of the proposed street and/or its right-of-way be increased to match the future cross-section identified in the thoroughfare plan.

7. The Development Review Team may permit an applicant to forego construction of a street segment connecting to adjacent property in accordance with the following:

(a) The applicant shall reserve the right-of-way for the connection and shall establish an escrow account in favor of the County in an amount the County Engineer determines is adequate to cover all anticipated costs of construction, including the County's reasonable costs of administering construction.

(b) If the County later constructs the connection, any unused reserved property shall be conveyed to adjoining property owners and the balance of the escrow account refunded to the applicant.

(c) If the adjoining property is later developed in such a way that a connection to the proposed street segment is impractical or unnecessary, the reservation shall be terminated and the proceeds of the escrow account refunded to the applicant.

(d) For ten years after establishment of the escrow account, and every ten years thereafter, if the connection has not been constructed, the Development Review Team shall evaluate the continued need for the connection. If the Development Review Team determines the connection is impractical or unnecessary, the reservation shall be terminated and the proceeds of the escrow account refunded to the applicant. If the Development Review Team determines the connection is neither impractical nor unnecessary, the reservation and escrow shall be maintained for an additional ten years.

8. If a street segment is built to provide connectivity to adjoining undeveloped property and the adjoining property is later developed in such a way that a connection to the constructed street segment is impractical or unnecessary, the

street segment may be abandoned and the property divided proportionally among adjoining landowners.

b. Connectivity Index

1. Minimum Connectivity Index Score Required

New subdivisions where at least 50 percent of the developed land area is dedicated to single-family dwelling units shall achieve an internal street connectivity index score set forth in Table 26-5.1(c)(3)(b): Minimum Street Connectivity Index, based on the zoning district where the proposed subdivision is located.

Table 26-5.1(c)(3)b: Minimum Street Connectivity Index

Zoning District	Minimum Connectivity Index Score
AG and HM Districts	No Minimum
RTand R1 Districts	1.3
All other zoning districts	1.5

2. Connectivity Index Score Calculation

The connectivity index score for a development is calculated by dividing its links by its nodes. Figure 26-5.1(c)(3)(b): Street Connectivity Index Illustration, provides an example of how to calculate the connectivity index.

(a) A "link" refers to that portion of a street or alley defined by a node at each end or at one end. Approved stubs to adjacent property shall be considered links.

(b) A "node" refers to the terminus of a street or the intersection of two or more streets, except that intersections that use a roundabout shall not be counted as a node.

Figure 26-5.1(c)(3)(b): Street Connectivity Index Illustration

3. Street links and nodes within the collector or thoroughfare streets providing access to a proposed subdivision shall not be considered in computing the connectivity ratio.

4. The minimum connectivity index required by subsection 1 above, may be reduced by the Zoning Administrator if the applicant demonstrates it is infeasible to achieve due to natural features, existing road configurations, or adjacent existing development patterns. In these instances, street design shall achieve as high a connectivity ratio as reasonably practical, especially by providing stub-outs and other potential connections that may be made in the future, including through public infrastructure improvements.

c. Block Lengths

Development must comply with the block length requirements of Sec. 26-6.3(b), Block Length and Width, and Sec. 26-3.6(f)(5)h, Land Development (Subdivision) Standards (for PD-TND districts), as applicable.

d. Cul-de-sacs

The use of cul-de-sacs in new development is discouraged and is subject to the following standards:

1. Cul-de-sacs shall not be used to avoid connections with existing roads or adjoining property as required by this Sec. 26-5.1(c)(3).

2. The maximum length of a cul-de-sac shall be 500 feet, and the end of any cul-de-sac may be no more than 500 feet from a general circulation street as measured by the centerline of the street.

(4) Cross-Access Between Adjoining Developments

a. An internal vehicular circulation system in new nonresidential and mixed-use development shall be designed and constructed to provide vehicular and pedestrian cross-access between any parking lots within the development and any parking lots on adjoining parcels containing nonresidential or mixed-use development, and to the boundary of adjoining vacant land located in a zoning district that allows non-residential or mixed-use development on the land (see Figure 26-5.1(c)(4): Example of Parking Lot Cross-Access).

b. The cross-access shall consist of a single drive or drive aisle that is at least 22 feet wide or two one-way driveways or aisles that are at least 14 feet wide, and shall include a sidewalk that meets the standards of Sec. 26-5.1(c)(5)d.

Figure 26-5.1(c)(4): Example of Parking Lot Cross-Access

c. Easements allowing cross-access to and from lands served by cross-access in accordance with this section, as well as agreements defining maintenance responsibilities of landowners pertaining to the cross-access, shall be recorded in the office of the Richland County Register of Deeds.

d. The Zoning Administrator may waive or modify the requirement for cross-access if the Zoning Administrator determines that such cross-access is impractical or undesirable due to the presence of topographic conditions, natural features, or vehicular safety factors.

e. Should the applicant be unable to execute a cross-access agreement, then access roads and parking shall still be oriented so as to facilitate future cross-access connections with adjacent parcels, and property owners shall be required to enter into the requisite cross-access easement at a later date.

(5) Sidewalk and Accessway Requirements

a. Sidewalks meeting the specifications of this section are required as follows:

1. In Nonresidential and Mixed-Use districts and Planned Development districts, and in the R4, R5, and R6 districts, sidewalks are required on both sides of all streets within a new development and along the entire frontage of the development on an existing street that is not a controlled access facility.

2. In the RT, R1, R2, and R3 districts, a sidewalk is required on one side of all streets within a new development and along the entire frontage of the development on an existing street that is not a controlled access facility.

3. Where a new development fronts an existing street with insufficient right-of-way width to accommodate installation of a required sidewalk along the frontage, the developer shall install a sidewalk on the development site within a dedicated public easement running parallel and adjacent to the public street.

b. An applicant shall be exempt from the requirement to install particular sidewalk segments under subsection a above, where:

1. SCDOT or the County Engineer, in a written determination letter provided to the Zoning Administrator prior to plan approval, states that it will not allow sidewalks within their respective right-of-way due to lack of connectivity; or
2. The County Engineer, in conjunction with the Zoning Administrator, determines that unusual existing site conditions would create a safety hazard for sidewalk users or that the sidewalk segment is impractical or infeasible due to the presence of topographic conditions or natural features, such as steep grades that do not allow connections to be made without stairs, or for other good causes, particularly if the applicant proposes an alternative system that provides improved connectivity.

c. Sidewalks shall be constructed to specifications established by the County Engineer and shall also meet the following standards:

1. The minimum width of all sidewalks shall be five feet;
2. Pervious material may be used.
3. A grassed area or planting strip at least one and a half feet wide shall be provided to separate the sidewalk from the adjacent curb or edge of street pavement.
4. Sidewalks shall match the grade or elevation of adjacent sidewalk at the property lines; if there is no adjacent sidewalk, the sidewalk shall be six inches above the adjacent edge of the pavement grade at the property line.
5. Sidewalks shall be constructed to meet the minimum requirements of the Americans with Disabilities Act (ADA).

d. Accessways shall be constructed to specifications established by the County Engineer and shall also meet the following standards:

1. The minimum width of all accessways shall be 15 feet, and
2. Accessways shall be constructed to meet the minimum requirements of the ADA.

e. The Zoning Administrator may approve a trail network proposed by the applicant in lieu of a standard sidewalk if the trail network provides at least equivalent connectivity.

f. New residential subdivisions containing cul-de-sacs or other street turnarounds shall include a right-of way at least eight feet wide for pedestrian and bicycle access between each cul-de-sac head or street turnaround and the sidewalk system of the closest street or the closest pedestrian path (see Figure 26-5.1(c)(5)c: Pedestrian Connection through Cul-de-Sac) if practicable, and if the cul-de-sac or street turnaround:

1. Is in close proximity (defined generally as within a half-mile) to significant pedestrian generators or destinations such as schools, parks, trails, greenways, employment centers, mixed use development, retail centers, or similar features; or
2. Creates an unreasonable impediment to pedestrian circulation (defined generally as a walking distance between uses on the cul-de-sac and uses on the closest street that is at least four times the actual physical distance between these two uses).

Figure 26-5.1(c)(5)c: Pedestrian Connection through Cul-de-Sac

(6) Bicycle Facilities

Except in the AG and HI districts, new development shall include bike lanes, bike paths, or other bicycle facilities sufficient to allow safe and efficient bicycle access and circulation within the development. For purposes of this section, alleys and local streets shall be considered bicycle facilities.

(7) Transit Facilities

Any new nonresidential or mixed-use development that includes more than 20,000 square feet of gross floor area and any new residential or mixed-use development that includes more than 35 dwelling units, shall provide a transit stop if it abuts a public transportation route, unless the Central Midlands Regional Transit Authority determines that a transit stop is not necessary. The transit stop shall be constructed in accordance with any applicable standards issued by the Central Midlands Regional Transit Authority or the County Engineer.

(d) Road Standards

(1) The roadway standards in the County's Land Development Manual (LDM), including Chapter 7, are incorporated into this section by reference.

(2) Except where specifically exempted in this section, roadways required by this section that are proposed to be turned over to the County or state for maintenance shall follow the applicable standards promulgated by the County Engineer for County roads or SCDOT for state roads, as applicable.

(3) To the extent there is any inconsistency between the standards included in the LDM and the standards promulgated by the County Engineer or SCDOT, as applicable, the more restrictive standards apply unless otherwise specified.

(e) Traffic Impact Assessment

(1) Purpose and Intent

The purpose of a Traffic Impact Assessment (TIA) is:

a. To provide the information necessary to assess the transportation implications on County-maintained roads of traffic associated with a proposed development project;

b. To address the transportation-related issues on County-maintained roads associated with development proposals that may be of concern to neighboring property owners and residents; and

c. To provide a basis for the negotiation regarding improvements and funding alternatives to accomplish the identified mitigation measures.

(2) Applicability

a. A TIA is required for all proposed land development projects (or phases thereof) or Planned Development for which the estimated cumulative effect is anticipated to:

1. Cause the AADT on County-maintained roadways adjacent to the project site to increase by more than 15 percent of the roadways' design capacity;

2. Cause the Volume-to-Capacity ratio on any County-maintained road adjacent to the project to exceed 1.35;

3. Result in 100 or more PM peak hour trips on County-maintained roads;

4. Result in 100 or more AM peak hour trips on County-maintained roads, for projects involving public and private schools only; or

5. As required by SCDOT for a non County-maintained road.

(3) Requirements

a. The applicant shall submit all information specified in the Traffic Impact Assessment checklist maintained by the Zoning Administrator.

b. The applicant shall complete a mandatory pre-application conference to determine the study area, project phasing timetable, and other applicable TIA parameters.

c. No later than 15 days after submission of the TIA, the Zoning Administrator shall provide the applicant with a sufficiency determination, including identification of any deficiencies or additional analysis that may be required.

d. No later than 30 days after submission of the TIA, unless delayed by a "not sufficient" determination, the Zoning Administrator shall provide a written summary of the TIA findings and recommendations to the applicant.

(4) Traffic Mitigation Agreement

a. The applicant, County, and/or SCDOT may enter into a voluntary agreement to effectuate completion of the identified mitigation improvements attributed to the proposed project. The County Administrator is authorized to execute a traffic mitigation agreement on behalf of the County.

b. The Traffic Mitigation Agreement shall include, at minimum:

1. A specific list of the required mitigation measures and cost estimates;

2. A timetable by which improvements will be phased and/or completed;
3. A proportionate cost sharing agreement for such improvements; and
4. The designation of each party or parties responsible to ensure each recommended improvement is completed in a timely manner.

Sec. 26-5.2. Off-Street Parking and Loading

(a) Purpose and Intent

The purpose of this section is to ensure provision of off-street parking and loading facilities in proportion to the generalized parking and loading demand of different uses allowed by this Ordinance in the zoning districts established by this Ordinance. The standards in this section are intended to provide for adequate off-street parking and loading while supporting walkability in appropriate locations, and allowing the flexibility needed to accommodate alternative parking solutions. The standards are also intended to achieve County policies of supporting redevelopment of commercial corridors, accommodating appropriate infill development, and avoiding excessive paved surface areas that negatively impact the environment.

(b) Applicability

(1) New Development

All new development shall provide off-street parking and loading areas in accordance with the standards of this section.

(2) Existing Development

a. Change in Use

1. Except as provided in subsection 2 below, any change in use of existing development shall be accompanied by provision of any additional off-street parking and loading spaces required for the new use by this section.

2. Additional off-street parking is not required for a change in use for which fewer than five additional parking spaces would be required and for which less than a five percent increase in parking spaces would be required, based on the parking spaces required prior to the change in use.

b. Expansion

If an existing structure or use is expanded or enlarged (in terms of the number of dwelling units, floor area, or seating capacity), any additional off-street parking and loading spaces that may be required shall be provided in accordance with the requirements of this section as applied only to the expanded or enlarged part of the structure or use.

c. Upgrading of Nonconforming Parking

Nonconforming parking facilities on the site of an enlarged or expanded structure or use area are subject to Sec. 26-7.6, Nonconforming Off-Street Parking and Landscaping.

(3) Timing of Review

Review for compliance with the standards of this section shall occur during review of an application for planned development (see Sec. 26-2.5(c)), special exception (see Sec. 26-2.5(d)), land development permit (major or minor) (see Sec. 26-2.5(e)), subdivision (major or minor) (see Sec. 26-2.5(f)), permitted use with special requirements (see Sec. 26-2.5(h)), or certificate of zoning compliance (see Sec. 26-2.5(m)), as applicable.

(4) Parking Plan Required

All development applications subject to review for compliance with the standards of this section shall include a parking plan. The parking plan shall designate the number and location of required parking spaces, access aisles, and driveways, and the relation of the off-street parking facilities to the development they are designed to serve, including any vehicular, pedestrian, bicycle, and transit circulation systems for the development.

(c) General Standards for Off-Street Parking and Loading Areas

(1) Use of Parking and Loading Areas

a. General

Off-street vehicular parking areas required by this section shall be used solely for the parking of licensed motorized vehicles in operating condition. Except as part of a temporary use approved in accordance with the requirements of this Ordinance, parking spaces and loading berths required by this section shall not be used for the display of goods for sale or for the sale, lease, storage, dismantling, or service of any vehicles, boats, motor homes, campers, mobile homes, building materials, equipment, or supplies.

b. Identified as to Purpose and Location

Off-street parking areas of three or more spaces and all off-street loading areas shall include painted lines, wheel stops, or other methods of identifying individual parking spaces and loading berths, and distinguishing such spaces or berths from aisles. Specific dimensional and marking standards are set out in Sec. 26-5.2(c)(4), Marking and Barriers, and Sec. 26-5.2(e), Dimensional Standards for Parking Spaces and Aisles.

c. Certain Vehicles in Residential Zoning Districts

1. Travel or Camping Vehicles

(a) In Residential districts, a maximum of one travel or camping vehicle per family living on the premises shall be permitted to be parked on a lot.

(b) Travel or camping vehicles shall not be parked in any required front yard or side yard of a lot or in front of the principal structure on the lot.

(c) Travel or camping vehicles shall not be occupied temporarily or permanently while it is parked or stored, except in an authorized recreational vehicle park.

2. Boats or Travel Trailers

In Residential districts, a boat or travel trailer shall not be parked in any required front or side yard or parked in front of the principal structure of the lot.

(2) Surfacing

a. General

All off-street parking and loading areas shall be surfaced with an all-weather, dustless surface material of sufficient thickness and consistency to support anticipated volume and weight. The surface shall be maintained in a smooth, well-graded, clean, orderly, and dust-free condition.

b. Pervious or Semi-pervious Surfacing

1. The use of pervious or semi-pervious parking lot surfacing material, including but not limited to pervious asphalt and concrete, open joint pavers, and reinforced grass/gravel/shell grids may be approved for off-street parking and loading areas, provided the applicant provides a maintenance plan and commits to an ongoing maintenance program (e.g. sweeping, annual vacuuming, repair of surface damage).

2. Any pervious or semi-pervious surfacing used for aisles within or driveways to parking and loading areas shall be certified as capable of accommodating anticipated traffic loading stresses and maintenance impacts.

3. Grass may be used as a parking lot surface only for overflow parking in accordance with an approved development approval or permit.

c. Certain Residential Uses

Off-street parking spaces and driveways for single-family, two-family, three-family, or four-family dwellings or manufactured homes have the option of providing surfacing that meets one the following requirements:

1. Covered with pervious material such as crushed stone, gravel, or mulch, if such material is:

(a) Confined to the parking space and/or driveway with a device expressly designed for such purposes including but not limited to bricks, railroad ties, and plastic/PVC landscaping boarders; and

(b) Renewed or replaced as reasonably necessary to maintain a neat and orderly appearance; and

(c) Designed and maintained so as to not direct stormwater onto adjacent properties.

2. Includes surfacing in two strips (tire ribbons) of a material specified in subsections a or b above, designed to provide a driving surface for the wheels of an automobile along the length of the parking space and/or driveway, provided the overall parking space meets the minimum dimensional requirements in this section.

(3) Location and Arrangement

a. Safe and Convenient Access

1. Except for off-street parking areas serving single-family, two-family, three-family, or four-family dwellings or manufactured homes, off-street parking areas shall be arranged so vehicles shall not be required to back onto a public road when leaving the premises.

2. Except for off-street parking areas serving single-family, two-family, three-family, or four-family dwellings or manufactured homes, off-street parking areas shall be arranged so an automobile may be maneuvered into and out of any parking space without moving another automobile, unless within an automated or mechanical parking deck or garage or part of valet or tandem parking in accordance with Sec. 26-5.2(f), Off-Street Parking Alternatives.

3. Off-street parking areas shall be designed so no parking or maneuvering incidental to parking shall occur on a public street or sidewalk.

4. If a nonresidential use is adjacent to a residential zoning district where that use is not permitted, the entrance or exit to the off-street parking area serving that use shall not be located within 15 feet of any lot within that residential district.

b. Efficient Circulation

Off-street parking areas shall be designed to ensure efficient circulation of vehicles and pedestrians. Dead-end drive aisles shall be minimized to the extent practical.

(4) Marking and Barriers

a. Except for parking areas serving single-family, two-family, three-family, or four-family dwellings or manufactured homes, each required off-street parking area and space, and each off-street loading area and berth, shall be identified by surface markings that are arranged to provide for orderly and safe loading, unloading, parking, and storage of vehicles. Such markings—including striping, directional arrows, lettering on signs and in accessible-designated areas, and labeling of the pavement—shall be maintained so as to be readily visible at all times.

b. One-way and two-way accesses into required parking facilities shall be identified by directional arrows. Any two-way access located at any angle other than 90 degrees to a street shall be marked with a traffic separation strip running the length of the access. This requirement does not apply to parking lot drive aisles.

(5) Exterior Lighting

Lighted off-street parking and loading areas shall comply with Sec. 26-5.10, Exterior Lighting

(6) Landscaping

a. Vehicular surface areas (parking lots) shall comply with Sec. 26-5.3, Landscaping.

b. Wheel stops, when used, shall be made of concrete, wood, metal, rubber, or other material of comparable durability, and shall be at least six feet long and at least six inches high

c. Except for parking areas serving single-family, two-family, three-family, four-family, or townhouse dwellings or manufactured homes, a rail, fence, curb, or other continuous barricade sufficient to retain the parked vehicles completely within the property shall be provided, except at the entrance and exit drives.

d. Curbing shall be installed between all parking spaces bordering the street right-of-way and perimeter landscape areas. In parking facilities without curbing, stops or other design features shall be used such that parked vehicles do not overhang more than two feet into perimeter landscape areas.

(7) Maintained in Good Repair at All Times

All off-street parking and loading areas shall be maintained in safe condition and good repair at all times so as not to constitute a hazard to public safety or a visual or aesthetic nuisance to surrounding land.

(8) Large Vehicular Surface Areas (300 or More Spaces)

Vehicular surface areas containing 300 or more parking spaces shall be organized into a series of parking bays surrounding by buildings, landscaping, or accessways designed to appear as streets, and configured in accordance with the following standards:

a. Primary Drive Aisle

Primary drive aisles within vehicular surface areas shall be designed to appear as an extension of the public street network extending from the public right-of-way along the full length of the primary façades of structures being served by the drive. The primary drive aisle(s) shall comply with the following standards (see Figure 26-5.2(c)(8)a: Location of Primary Drive Aisle):

1. Have a minimum cross section width between curbs to serve two travel lanes;
2. Include a sidewalk or curb-delineated pedestrian passageway along the front façade of a building when the drive aisle is aligned parallel to that building façade; and
3. Provide street trees along both sides of the primary drive aisle with a maximum spacing of 40 feet on-center. Small-maturing trees may be used adjacent to the building façade within 40 feet of building entrances.

Figure 26-5.2(c)(8)a: Location of Primary Drive Aisle

b. Pedestrian Pathways

Improved pedestrian pathways shall be provided within the parking area in accordance with the following standards:

1. One minimum five-foot wide pathway providing access from the parking area to an entrance to the use served by the parking is required at a minimum, every six parallel parking rows (every three double-row parking bays) or every 200 feet, whichever is the lesser dimension;
2. A landscaping strip shall be provided along one or both sides of each pathway and shall be planted with shade trees spaced at a maximum average distance of 40 feet on center, measured linearly along the pathway;
3. For parking areas serving retail uses, pathways shall be at the same grade as the abutting parking surface, or shall provide access points for persons pushing shopping carts spaced a minimum of one every 75 feet along each side of the pathway;

4. Pathways shall be aligned with and perpendicular to the primary entrance into the building served by the parking lot, to the maximum extent practicable; and
5. Pathways shall be paved with asphalt, cement, brick, or other comparable material, and shall be distinguished by contrasting color or materials when crossing drive aisles.

Figure 26-5.2(c)(8)b.1: Walkways Through Vehicular Parking Area

(9) Completion

All off-street parking and loading areas shall be completed prior to the issuance of a certificate of occupancy for the development they serve. In the case of phased development, off-street parking and loading areas are only required to be provided for the phase being developed.

(d) Off-Street Parking Space Standards

(1) Minimum Number of Off-Street Parking Spaces

Except as otherwise provided in this Ordinance, all new development and any change in use or expansion shall provide the minimum number of off-street parking spaces set forth in Table 26-5.2(d)(1): Minimum Number of Off-Street Parking Spaces, based on the principal use(s) involved and the extent of development. Interpretation of the off-street parking space standards for principal uses with variable parking demands or unlisted principal uses shall be in accordance with Sec. 26-5.2(d)(4), Unlisted Uses.

Table 26-5.2(d)(1): Minimum Number of Off-Street Parking Spaces

Principal Use Category	Principal Use Type	All Other Districts Proposed	MU3 and MU2 Proposed
Agriculture			
Agriculture	Agriculture	1 per 1,000 sf GFA of offices or sales area	n/a

Table 26-5.2(d)(1): Minimum Number of Off-Street Parking Spaces

Principal Use Category	Principal Use Type	All Other Districts Proposed	MU3 and MU2 Proposed
	Community garden	No minimum	No minimum
	Forestry	No minimum	n/a
	Poultry farm	No minimum	n/a
	Swine farm	No minimum	n/a
Agriculture and Forestry Related	Agriculture research facility	No minimum	n/a
	Agritourism		n/a
	Equestrian center	No minimum	n/a
	Farm distribution hub	1 per 1,000 sf GFA	n/a
	Farm supply and machinery sales and service	1 per 2,500 sf of gross outdoor display area	1 per 2,500 sf of gross outdoor display area
	Farm winery	1 per 1,000 sf GFA	n/a
	Riding or boarding stable	1 per 2 stalls	n/a
	Rural retreat	No minimum	n/a
Residential			
Household Living	Dwelling, Live-Work	2 per du	1.5 per du
	Dwelling, Mansion apartment	2 per du	n/a
	Dwelling, Multi-family	2 per du	n/a
	Dwelling, Single-family detached	2 per du	n/a
	Dwelling, Three-family	1.5 per du	n/a
	Dwelling, Townhouse	2 per du	n/a
	Dwelling, Two-family	2 per du	n/a
	Group home, Family	0.75 per unit	0.75 per unit
	Manufactured home	2 per du	n/a
	Manufactured home park	2 per du	n/a
Group Living	Continuing care community	1 per 4 residents	n/a
	Dormitory	0.75 per bedroom	n/a
	Fraternity or sorority house	1 per 2 bedrooms	n/a
	Group home, Large	3 per 4 units	n/a
	Rooming or boarding house	1 plus 1 per 2 rooms	1 plus 1 per 2 rooms
Public, Civic, and Institutional			
Community Service	Animal shelter	1 per 500 sf	n/a
	Community food services	3 per 1,000 sf GFA	2.5 per 1,000 sf GFA
	Community recreation center	3 per 1,000 sf GFA	2.5 per 1,000 sf GA
	Correctional facility	1 per 6 beds	n/a
	Cultural facility	3 per 1,000 sf GFA	2.5 per 1,000 sf GFA
	Day care facility	1 per 8 children	1 per 8 children
	Government office	3 per 1,000 sf GFA	3 per 1,000 sf GFA
	Hospital	1 per bed	n/a
	Library	3 per 1,000 sf	2.5 per 1,000 sf GFA
	Membership organization facility	3 per 1,000 sf	
	Nursing care facility	1 per 4 beds and 1 per 500 sf GFA of general office space	1 per 4 beds and 1 per 600 sf GFA of general office space
	Children's Residential Care Home	1 per 4 rooms	n/a
	Place of worship	1 per 5 seats	1 per 6 seats

Table 26-5.2(d)(1): Minimum Number of Off-Street Parking Spaces

Principal Use Category	Principal Use Type	All Other Districts Proposed	MU3 and MU2 Proposed
	Public recreation facility	3 per 1,000 sf	
	Public safety facility	3 per 1,000 sf GFA	3 per 1,000 sf GFA
	Short-term or transitional housing	0.75 per bedroom	0.75 per bedroom
Education	College or university	1 per 2 faculty/FTE plus 1 per 500 sf of classroom and research space	1 per 2 faculty/FTE plus 1 per 500 sf of classroom and research space
	Elementary, Middle, or High School	1 per 6 students under 10th grade; 1 for every 2 students 10th grade and above	1 per 6 students under 10th grade; 1 for every 2 students 10th grade and above
	School, business or trade	3 per 1,000 GFA	2.5 per 1,000 GFA
Funeral and Mortuary Services	Cemetery	No minimum	No minimum
	Funeral home or mortuary	1 per 4 seats	1 per 4 seats
Parks and Open Space	Arboretum or botanical garden	No minimum	No minimum
	Park or greenway	No minimum	No minimum
	Zoo	No minimum	n/a
Transportation	Airport	No minimum	n/a
	Transit stop	No minimum	No minimum
	Fleet terminal	Study required	n/a
	Passenger terminal, surface transportation	Study required	Study required
Utilities and Communication	Antenna	No minimum	No minimum
	Broadcasting studio	1 per 200 sf GFA	1 per 200 sf GFA
	Power generation facility	2 per 1,000 sf GFA	n/a
	Solar energy conversion system, Large scale	1 per 500 sf office facilities	n/a
	Transmitting tower	No minimum	No minimum
	Utility, major	1 per 500 sf office facilities	n/a
	Utility, minor	1 per 500 sf office facilities	1 per 500 sf office facilities
	Wind energy conversion system, Large scale	1 per 500 SF office facilities	n/a
Commercial			
Animal Services	Kennel	3 per 1,000 sf GFA	2.5 per 1,000 sf GFA
	Pet grooming	3 per 1,000 sf GFA	2.5 per 1,000 sf GFA
	Veterinary hospital or clinic	3 per 1,000 sf GFA	2.5 per 1,000 sf GFA
Commercial services	Artist studio	3 per 1,000 sf GFA	2.5 per 1,000 sf GFA
	Auction house	2 per 1,000 sf GFA	n/a
	Bank, Retail	3 per 1,000 sf GFA	2.5 per 1,000 sf GFA
	Catering	2 per 1,000 sf GFA	2 per 1,000 sf GFA
	Commercial services	3 per 1,000 sf GFA	2.5 per 1,000 sf GFA
	Consumer goods repair	3 per 1,000 sf GFA	2.5 per 1,000 sf GFA
	Contractor's office	1 per 600 sf GFA	1 per 700 sf GFA
	Lawn, tree, or pest control services	3 per 1,000 sf GFA	2.5 per 1,000 sf GFA
	Linen or uniform supply	2 per 1,000 sf GFA	n/a

Table 26-5.2(d)(1): Minimum Number of Off-Street Parking Spaces

Principal Use Category	Principal Use Type	All Other Districts Proposed	MU3 and MU2 Proposed
	Medical, dental, and health practitioner	3 per 1,000 sf GFA	2.5 per 1,000 sf GFA
	Non-depository personal credit institution	3 per 1,000 sf GFA	2.5 per 1,000 sf GFA
	Office	3 per 1,000 sf GFA	2.5 per 1,000 sf GFA
	Personal services	3 per 1,000 sf GFA	2.5 per 1,000 sf GFA
	Rental center	3 per 1,000 sf GFA	2.5 per 1,000 sf GFA
	Self-service storage facility	1 per 2,500 sf rentable storage area	1 per 2,500 sf rentable storage area
	Sightseeing tour services	3 per 1,000 sf GFA	2.5 per 1,000 sf GFA
	Tattoo services	2 per 1,000 sf GFA	2 per 1,500 sf GFA
Eating and Drinking Establishments	Bar	8 per 1,000 sf seating area	7.5 per 1,000 sf seating area
	Restaurant	8 per 1,000 sf seating area	7.5 per 1,000 sf seating area
	Restaurant, Carry-out	4 per 1,000 sf GFA	4 per 1,000 sf GFA
	Restaurant, drive-through	8 per 1,000 sf seating area	n/a
Recreation/ Entertainment	Arena, stadium, or outdoor theater	1 per 5 seats, or 1 per 50 sf GFA if no seats	1 per 5 seats, or 1 per 50 sf GFA if no seats
	Commercial recreation, Indoor	5 per 1,000 sf GFA	5 per 1,000 sf GFA
	Commercial recreation, Outdoor	5 per 1,000 sf activity area	5 per 1,000 sf activity area
	Fitness or training center/studio	5 per 1,000 sf GFA	4.5 per 1,000 sf GFA
	Golf course	4 per hole	n/a
	Hunt club	No minimum	n/a
	Marina	0.5 per slip	n/a
	Performing arts center	1 per 4 seats	1 per 5 seats
	Racetracks and drag strips	1 per 5 seats, or 1 per 50 sf GFA if no seats	n/a
	Sexually Oriented Business	3/1,000 sf GFA	n/a
	Shooting range, indoor	2 per lane or target	n/a
	Shooting range, outdoor	2 per lane or target	n/a
	Smoking place	8 per 1,000 sf seating area	7.5 per 1,000 sf seating area
Retail Sales	Bakery	4 per 1,000 sf GFA	3.5 per 1,000 sf GFA
	Building supply sales	2 per 1,000 sf GFA	n/a
	Consumer goods store	4 per 1,000 sf GFA	3.5 per 1,000 sf GFA
	Consumer goods store, Large	2 per 1,000 sf GFA	n/a
	Convenience store	4 per 1,000 sf GFA	3.5 per 1,000 sf GFA
	Drugstore	4 per 1,000 sf GFA	3.5 per 1,000 sf GFA
	Farmer's market	1 per 1,000 sf selling area	1 per 1,000 sf selling area
	Flea market	1 per 1,000 sf selling area	n/a
	Garden center or retail nursery	4 per 1,000 sf GFA	3.5 per 1,000 sf GFA
	Grocery/Food store	4 per 1,000 sf GFA	3.5 per 1,000 sf GFA
	Manufactured home sales	2 per 1,00 sf GFA	n/a
	Outdoor power equipment store	2 per 1,000 sf GFA	n/a

Table 26-5.2(d)(1): Minimum Number of Off-Street Parking Spaces

Principal Use Category	Principal Use Type	All Other Districts Proposed	MU3 and MU2 Proposed
	Pawn shop	4 per 1,000 sf GFA	n/a
Traveler Accommodations	Bed and breakfast	1 plus 1 per guest room	1 plus 1 per guest room
	Campground	1 per campsite	n/a
	Hotel or motel	1 per guest room plus 1 per 800 sf of restaurant space or meeting area	0.8 per guest room plus 1 per 1,000 sf of restaurant space or meeting area
	Short-term rental	1 per 2 bedrooms	1 per 2 bedrooms
Vehicle Sales and Services	Car wash	2 pre 1,000 sf GFA	n/a
	Heavy vehicle wash	No minimum	n/a
	Parking, Commercial	No minimum	No minimum
	Vehicle fueling station	3 per 1,000 sf GFA of building	2.5 per 1,000 sf GFA of building
	Vehicle parts and accessories store	2 per 1,000 sf GFA	n/a
	Vehicle repair, major	3 per 1,000 sf GFA plus 3 per service bay	n/a
	Vehicle repair, minor	3 per 1,000 sf GFA plus 3 per service bay	n/a
	Vehicle sales and rental	2 per 1,000 sf GFA of building	n/a
	Vehicle towing	2 per 1,000 sf GFA of building	n/a
Industrial			
Extraction Freight Movement, Warehousing, and Wholesale Distribution	Borrow pit	No minimum	n/a
	Mining/Extraction	No minimum	n/a
	Warehouse/Distribution facility	1.5 per 1,000 sf GFA	1.25 per 1,000 sf GFA
	Motor freight facility	0.8 per 1,000 sf GFA	n/a
	Rail transportation facility	1.5 per 1,000 sf GFA office facilities	n/a
	Timber and timber products wholesale sales	2 per 1,000 sf GFA	n/a
Industrial Service	Commercial and industrial equipment repair	1.5 per 1,000 sf GFA	n/a
	Contractor's yard	1.5 per 1,000 sf GFA	n/a
	Fuel sales (non-vehicular)	1.5 per 1,000 sf GFA	n/a
	Large vehicle and specialized equipment repair	1.5 per 1,000 sf GFA	n/a
Production of Goods	Artisan goods production	1.5 per 1,000 sf GFA	1.5 per 1,000 sf GFA
	Manufacturing, assembly, and fabrication, General	1.5 per 1,000 sf GFA	n/a
	Manufacturing, assembly, and fabrication, Intensive	1.5 per 1,000 sf GFA	n/a
	Manufacturing, assembly, and fabrication, Light	1.5 per 1,000 sf GFA	n/a
Waste and Recycling Facilities	Recycling collection station	3 per 1,000 sf GFA	n/a
	Recycling sorting facility	3 per 1,000 sf GFA	n/a
	Scrapyard	1.5 per 1,000 sf GFA office facilities	n/a

Table 26-5.2(d)(1): Minimum Number of Off-Street Parking Spaces

Principal Use Category	Principal Use Type	All Other Districts Proposed	MU3 and MU2 Proposed
	Construction and inert debris landfill	1.5 per 1,000 sf GFA office facilities	n/a
	Hazardous waste collection, storage, and disposal	1.5 per 1,000 sf GFA office facilities	n/a
	Non-hazardous waste collection, storage, and disposal	1.5 per 1,000 sf GFA office facilities	n/a

(2) Excess Parking

a. A development that provides more than 120 percent of the minimum parking spaces required for the development's use(s) in Table 26-5.2(d)(1): Minimum Number of Off-Street Parking Spaces, shall include one of the following features:

1. A water quality feature such as bioretention or other Low Impact Development Practices, as specified by the BMP Manual; or

2. Five percent of the entire vehicular storage area shall incorporate a water quality feature such as bioretention or other Low Impact Development Practices, as specified by the BMP Manual.

b. An applicant proposing to include water quality features in accordance with subsection a above, shall provide a maintenance plan for the features that complies with the BMP Manual.

c. Any parking spaces provided in excess of 150 percent of the minimum parking spaces required for the use(s) in Table 26-5.2(d)(1): Minimum Number of Off-Street Parking Spaces, shall be constructed using pervious material. The applicant shall provide a maintenance plan and program for such spaces that meets the requirements of Sec. 26-5.2(c)(2)b above.

d. The requirements of this section (2) may not be met by providing retention or detention ponds.

(3) Maximum Parking

Notwithstanding subsection (2) above, in the MU3 and MU2 districts, the maximum number of off-street parking spaces allowed for new commercial development is 120 percent of the minimum parking standard for the use(s) in all other districts specified in subsection (1) above.

(4) Unlisted Uses

An applicant proposing to develop a principal use that is unlisted in Table 26-5.2(d)(1): Minimum Number of Off-Street Parking Spaces, shall propose the amount of required parking by one of the three methods in subsections a through c below. On receiving the application with a proposed amount of parking for a principal use not expressly listed in Table 26-5.2(d)(1): Minimum Number of Off-Street Parking Spaces, the Zoning

Administrator shall determine the amount of required parking using the method selected by the applicant or using any of the following methods:

a. Apply the minimum off-street parking space requirement specified in Table 26-5.2(d)(1): Minimum Number of Off-Street Parking Spaces, for the listed use that the Zoning Administrator deems most similar to the proposed use;

b. Establish the minimum off-street parking space requirement by reference to standard parking resources published by the Institute for Transportation Engineers (ITE), Urban Land Institute (ULI), National Parking Association, or the American Planning Association (APA); or

c. Require the applicant to conduct a parking demand study to demonstrate the appropriate minimum off-street parking space requirement. The study shall estimate parking demand based on the recommendations of the ITE, ULI or another acceptable source of parking demand data. This demand study shall include relevant data collected from uses or combinations of uses that are the same or comparable to the proposed use in terms of density, scale, bulk, area, type of activity, and location.

(5) Mixed-Use Development

a. An applicant for a development containing more than one use may calculate minimum parking requirements based on the potential to share parking between uses, thus reducing the overall parking footprint that would result from each individual use meeting minimum standards. These provisions shall not limit the opportunity for an applicant to reduce the minimum number of required off-street parking spaces through approval of an alternative parking plan in accordance with Sec. 26-5.2(f), Off-Street Parking Alternatives, Sec. 26-5.2(g), Reduced Parking Standards for Parking Demand Reduction Strategies, or other provisions of this Ordinance.

b. The following methodology shall be used to calculate the required parking:

1. The applicant shall determine the minimum parking required for each component use in the development in accordance with Table 26-5.2(d)(1): Minimum Number of Off-Street Parking Spaces.

2. The applicant shall apply the time-of-day demand factors for each component use in accordance with Table 26-5.2(d)(4): Shared Parking Time-of-Day Parking Ratios.

3. The applicant shall calculate the sum of each column in the resulting table (rounding up all fractions). These sums represent the total estimated shared demand for each time period throughout a typical day.

4. The highest of the sums of the columns shall be used as the minimum amount of parking required for the development.

Table 25-5.2.5(a)(2): Time of Day Demand Factors						
Use Classification, Category, or Type	Weekday			Weekend		
	2:00 a.m. to 7:00 a.m.	7:00 a.m. to 6:00 p.m.	6:00 p.m. to 2:00 a.m.	2:00 a.m. to 7:00 a.m.	7:00 a.m. to 6:00 p.m.	6:00 p.m. to 2:00 a.m.
Office	20%	100%	20%	5%	10%	0%
Retail Sales	0%	100%	80%	0%	100%	60%
Restaurant	20%	80%	100%	20%	80%	100%
Residential	100%	60%	100%	100%	80%	100%
Hotel or motel	100%	60%	100%	100%	60%	100%
Personal services	20%	100%	40%	0%	60%	0%
All other uses	Use 100% of requirements from Table 26-5.2(d)(1)					

(6) Reduction Allowed for Landscaping

Where the expansion of a building requires the installation of additional parking spaces, the Zoning Administrator may allow up to a ten percent reduction in the number of additional off-street parking spaces otherwise required to be provided by Table 26-5.2(d)(1): Minimum Number of Off-Street Parking Spaces, if the applicant demonstrates such a reduction is necessary for the applicant to comply with landscaping requirements in accordance with Sec. 26-5.3(b)(2), Expansion or New Service of Existing Vehicular Surface Area .

(e) Dimensional Standards for Parking Spaces and Aisles

(1) General Requirements

Except as otherwise provided in subsection (2) below, standard vehicle parking spaces and aisles shall comply with the minimum dimensional standards established in Table 26-5.2(e)(1): Dimensional Standards for Parking Spaces and Aisles. An illustration of the measurements is included in Figure 26-5.2(e)(1): Measurement of Parking Space and Aisle Dimension.

TABLE 26-5.2(e)(1): Dimensional Standards for Parking Spaces and Aisles [1]					
Parking Angle (degrees)	Stall Width (ft)	Stall Depth Perpendicular to Curb (ft)	Aisle Width (ft) [2]	Stall Length along Curb (ft)	Double Row + Aisle, Curb to Curb (Ft)
A	B	C	D	E	F
0	8	8	11	22	27
45	9	19	12	13	50
60	9	20	15	10.5	55
90	9	18	22	9	58

NOTES:
[1] Dimensional standards may be modified by the Zoning Administrator for ramped parking structures to ensure adequate room is provided for maneuvering vehicles.
[2] For one-way traffic. Aisles for two-way traffic shall be at least 22 feet wide for all parking angles.

Figure 26-5.2(e)(1): Measurement of Parking Space and Aisle Dimensions

(2) Smaller Parking Spaces for Compact Cars, Tandem Parking, and Certain Uses

a. Up to 25 percent of required off-street parking spaces may be designated for use by compact cars. The dimensions of such designated off-street parking stalls may be reduced to a width of eight feet and a depth/length of 16 feet per vehicle.

b. The dimensions of off-street parking stalls may be reduced to a width of eight feet and a depth/length of 18 feet per vehicle where the parking stalls are:

1. Used for tandem parking (see Sec. 26-5.2(f)(6), Valet and Tandem Parking); or

2. Located within a development consisting of Industrial Service, Production of Goods, or Freight Movement, Warehousing, and Wholesale Distribution uses.

(3) Vertical Clearance

All off-street parking spaces shall have a minimum overhead clearance of seven feet for vehicle parking and 8.2 feet for van accessible parking.

(4) Vehicle Overhang and Wheel Stops

a. In parking lots without perimeter curbing, wheel stops or other design features shall be used so that parked vehicles do not overhang more than two feet into perimeter landscape areas.

b. The wheel-facing side of a wheel stop shall not be more than 18 inches from the front of the parking space.

(5) Accessible Parking

Development required to provide off-street parking spaces shall ensure that a portion of the total number of required off-street parking spaces are specifically designated, located,

and reserved for use by persons with physical disabilities, in accordance with the standards of this section.

a. Number of Accessible Spaces

The number of accessible spaces provided shall meet the standards in Table 26-5.2(e)(4): Accessible Parking for Physically Disabled.

TABLE 26-5.2(e)(4): Accessible Parking for Physically Disabled

Total Required Spaces in Lot	Minimum Total Number of Accessible Spaces | Minimum Number of Van-Accessible Spaces [1]
Up to 25	1 | 1
26 to 50	2 | 1
51 to 75	3 | 1
76 to 100	4 | 1
101 to 150	5 | 1
151 to 200	6 | 1
201 to 300	7 | 1
301 to 400	8 | 1
401 to 500	9 | 2
501 to 1,000	2 percent of total | 1/8 of accessible spaces
Over 1,000	20, plus 1 for each 100 over 1,000 | 1/8 of accessible spaces

NOTES:

[1] For example, a project that is required to provide 230 parking spaces will be required to provide seven accessible parking spaces. Of those seven accessible parking spaces, one must be van accessible, and the remaining six do not need to be van accessible.

b. Location of Accessible Spaces

1. Accessible parking spaces shall be located on the shortest accessible route of travel from adjacent parking to an accessible building entrance, or to the accessible pedestrian entrance if the parking facility does not serve a particular building.
2. Where buildings have multiple accessible entrances with adjacent parking, accessible parking spaces shall be dispersed and located near multiple accessible entrances.

c. Accessible Aisle Requirement

1. Each accessible parking space shall be served by a parking access aisle that provide an accessible route to the closest building entrance or pedestrian entry.
2. Accessible access aisles shall extend the full length of the parking spaces they serve.
3. Accessible access aisles shall be at the same level as the parking spaces they serve.
4. Accessible parking spaces and access aisles shall have a maximum slope of 1:50.
5. Two accessible parking spaces may share a common accessible access aisle.

d. Dimensional Requirements of Accessible Spaces

1. Accessible parking spaces shall be a minimum of 96 inches wide.
2. Accessible parking spaces shall comply with the dimensional and other requirements of the federal Americans with Disabilities Act Accessibility Guidelines.
3. Van-accessible spaces shall have a minimum 96-inch access aisle, and all other accessible parking spaces shall have a minimum 60-inch access aisle.

e. Signage

Accessible parking spaces shall be identified by signs including the International Sign of Accessibility. Van-accessible parking spaces shall be marked with signage designated them as van accessible.

(f) Off-Street Parking Alternatives

(1) Alternative Parking Plan

The Zoning Administrator is authorized to approve an alternative plan that proposes alternatives to providing the off-street parking spaces by Table 26-5.2(d)(1): Minimum Number of Off-Street Parking Spaces, in accordance with the following standards. The alternative parking plan shall be submitted with an application for planned development (see Sec. 26-2.5(c), Planned Development), major and minor land development (see Sec. 26-2.5(e), Land Development Permit), or major and minor subdivision (see Sec. 26-2.5(f), Subdivision), as applicable.

(2) Shared Parking for Single-Use Developments

An applicant for a single-use development may use an alternative parking plan to meet a portion of the minimum number of off-street parking places required for that use by Sec. 26-5.2(d)(1), Minimum Number of Off-Street Parking Spaces, through parking shared with other existing uses, in accordance with the requirements set forth below.

a. Maximum Shared Spaces

Up to 50 percent of the number of parking spaces required for the use may be shared with other uses, provided that parking demands to not overlap.

b. Location

1. Shared parking spaces shall be located within a maximum walking distance of the primary pedestrian entrances to the uses served by the parking, in accordance with Table 26-5.2(f)(2): Allowed Distance for Shared Parking.

TABLE 26-5.2(f)(2): Allowed Distance for Shared Parking

Primary Use	Maximum Allowed Distance (feet) [1]
Residential Uses (including mixed-use dwellings)	660
All other uses	800

NOTES:
[1] Distance shall be measured by the actual distance via a pedestrian walkway from the shared parking area to the primary pedestrian entrance(s), not a straight-line, point-to-point distance.

2. Shared parking spaces shall not be separated from the use they serve by an arterial street unless pedestrian access across the arterial street is provided by appropriate traffic controls (e.g. signalized crosswalk) or a separated pedestrian walkway (such as a bridge of tunnel).

c. Pedestrian Access

Adequate and safe pedestrian access shall be provided between the shared parking areas and the primary entrances to the uses served by the parking, by a walkway protected by landscape buffer or a curb separation and elevation from the street grade.

d. Signage Directing to Parking Spaces

Signage complying with the standards in Sec. 26-5.9, Signs, shall be provided to direct the public to the shared parking spaces.

e. Justification

The alternative parking plan shall include justification of the feasibility of shared parking among the proposed uses. Such justification shall address, at a minimum, the size and type of the uses proposed to share off-street parking spaces, the composition of their tenants, the types and hours of their operations, the anticipated peak parking and traffic demands they generate, and the anticipated rate of turnover in parking space use. The methodology for mixed-use shared parking in Sec. 26-5.2(d)(5), Mixed-Use Development, may be used to calculate the proposed reduction in required off-street parking.

f. Shared Parking Agreement

1. An approved shared parking arrangement shall be enforced through written agreement among all the owners or long-term lessees of lands containing the uses proposed to share off-street parking spaces.
2. The agreement shall provide all parties the right to joint use of the shared parking area and shall ensure that as long as the off-site parking is needed to comply with this Ordinance, land containing either the off-site parking area or the served use will not be transferred except in conjunction with the transfer of land containing the other.
3. The agreement shall state that no party can cancel the agreement without first sending notice via certified mail to the Zoning Administrator, at least 30 days prior to the termination of the agreement.
4. The agreement shall be submitted to the Zoning Administrator for review and approval before execution.
5. An attested copy of an approved and executed agreement shall be recorded with the Register of Deeds before issuance of a building permit for any use to be served by the shared parking area.
6. The agreement shall be considered a restriction running with the land and shall bind the heirs, successors, and assigns of the landowner.
7. A violation of the agreement shall constitute a violation of the Ordinance, which may be enforced in accordance with Article 26-8: Enforcement.
8. No use served by the shared parking arrangement may be continued if the shared parking becomes unavailable to the use permanently or for longer than

30 days, unless substitute off-street parking spaces are provided in accordance with this section.

(3) Off-Site Parking

An alternative parking plan may be proposed to meet a portion of the minimum number of off-street parking spaces required for a use with off-site parking, such as off-street parking spaces located on a parcel or lot separate from the parcel or lot containing the use, in accordance with the following standards.

a. Zoning District Classification

The zoning district classification of the off-site parking shall be one that allows the use proposed by the project or that allows the parking as a principal use.

b. Location

1. Off-site parking spaces shall be located within a walking distance of the primary pedestrian entrances to the uses served by the parking, in accordance with Table 26-5.2(f)(3): Allowed Distances for Off-Site Parking.

TABLE 26-5.2(f)(3): Allowed Distances for Off-Site Parking

Primary Use	Maximum Allowed Distance (feet) [1]
Residential Uses (including mixed-use dwellings)	660
All other uses	800

NOTES:
[1] Distance shall be measured by the actual distance of the pedestrian walkway from the shared parking area to the primary pedestrian entrance(s), not a straight-line, point-to-point distance.

2. Off-site parking spaces shall not be separated from the use they serve by an arterial street unless pedestrian access across the arterial street is provided by appropriate traffic controls (e.g. signalized crosswalk) or a separated pedestrian walkway (such as a bridge or tunnel).

c. Spaces Clearly Marked

Each off-site parking space shall be clearly marked with signage that:

1. Indicates the space is reserved for the exclusive use of the use being served, and that violators may be towed;

2. Does not exceed two square feet in sign area; and

3. Does not include any commercial message.

d. Pedestrian Access

Adequate, safe, and well-illuminated pedestrian access shall be provided between the off-site parking area and the primary pedestrian entrances to the use served by the off-site parking.

e. Off-Site Parking Agreement

If land containing the off-site parking area is not under the same ownership as land containing the principal use served, or if both lands are under the same ownership at the time the off-site parking area is established and ownership of one is

subsequently transferred independent of the other, then the off-site parking arrangement shall be established in a written agreement between the owners of land containing the off-site parking area and owner of the land containing the served use that complies with the following requirements:

1. The agreement shall provide the owner of the served use the right to use the off-site parking area and shall specify that the parking spaces are for the exclusive use of the served use, including any customers and employees.
2. The agreement shall state that no party can cancel the agreement without first sending notice via certified mail to the Zoning Administrator, at least 30 days prior to the termination of the agreement.
3. The agreement shall be submitted to the Zoning Administrator for review and approval before execution.
4. An attested copy of an approved and executed agreement shall be recorded with the Register of Deeds before issuance of a building permit for any use to be served by the off-site parking area.
5. The agreement shall be considered a restriction running with the land and shall bind the heirs, successors, and assigns of the landowner.
6. A violation of the agreement shall constitute a violation of the Ordinance, which may be enforced in accordance with Article 26-8: Enforcement.
7. No use served by the off-site parking may be continued if the off-site parking becomes unavailable to the use permanently or for longer than 30 days, unless substitute off-street parking spaces are provided in accordance with this section.

(4) On-Street Parking

In the MU3, MU2, and INS districts, an alternative plan may propose to provide 15 percent or 6 spaces, whichever is less, of the minimum number of off-street parking spaces required through on-street parking along streets that are adjacent to the development.

(5) Deferred Parking

An alternative parking plan may propose to defer construction of up to 25 percent of the number of off-street parking spaces required by Table 26-5.2(d)(1): Minimum Number of Off-Street Parking Spaces, in accordance with the following standards:

a. Justification

The alternative parking plan shall include a study demonstrating that because of the location, nature, or mix of uses, there is a reasonable probability the number of parking spaces actually needed to serve the development is less than the minimum required by Table 26-5.2(d)(1): Minimum Number of Off-Street Parking Spaces.

b. Reserve Parking Plan

The alternative parking plan shall include a reserve parking plan identifying the amount of off-street parking being deferred and the location of the area to be reserved for future parking, if future parking is needed.

c. Parking Demand Study

1. The alternative parking plan shall provide assurance that within 24 months after the initial certificate of occupancy is issued for the proposed development, an off-street parking demand study evaluating the adequacy of the existing parking spaces in meeting the off-street parking demand generated by the development will be submitted to the Zoning Administrator. However, if the Zoning Administrator determines that additional time beyond 24 months is needed to determine whether the supply of parking is adequate to meet demand, the Zoning Administrator has discretion to delay the preparation of the parking study for up to 24 additional months.
2. If the Zoning Administrator determines that the study demonstrates the existing parking is adequate, then construction of the remaining number of parking spaces shall not be required. If the Zoning Administrator determines the study indicates additional parking is needed, such parking shall be provided consistent with the reserve parking plan and the standards of this section.

d. Limitations on Reserve Areas

Areas reserved for future parking shall be brought to the finished grade and shall not be used for buildings, storage, loading, or other purposes. Such area may be used for temporary overflow parking, provided such use is sufficiently infrequent to ensure maintenance of its ground cover in a healthy condition.

e. Landscaping of Reserve Areas Required

Areas reserved for future off-street parking shall be landscaped with an appropriate ground cover, and if ultimately developed for off-street parking, shall be landscaped in accordance with Sec. 26-5.3, Landscaping.

(6) Valet and Tandem Parking

An alternative parking plan may propose to use valet and tandem parking to meet a portion of the minimum number of off-street parking spaces required for commercial uses in accordance with the following standards:

a. Number of Valet or Tandem Spaces

A maximum of 35 percent of the total number of parking spaces provided may be designated for valet or tandem spaces except for restaurants, where up to 50 percent of spaces may be designated for valet parking, and hotels, where up to 60 percent of parking spaces may be designated for valet parking

b. Drop-Off and Pick-Up Areas

The development shall provide a designated drop-off and pick-up area. The drop-off and pick-up area may be located adjacent to the building served, but may not be located in a fire lane or where its use would impede vehicular and/or pedestrian circulation, cause queuing in a public street, or impede an internal drive aisle serving the development. Drop-off and pick-up areas shall not be allowed to use sidewalks for any stationing of vehicles.

c. Valet or Tandem Parking Agreement

1. Valet or tandem parking may be established and managed only in accordance with a valet or tandem parking agreement. The agreement shall be for a

minimum of 10 years, and include provisions ensuring that a valet parking attendant will be on duty during hours of operation of the uses served by the valet parking.

2. The agreement shall be submitted to the Zoning Administrator for review and approval before execution.
3. An attested copy of an approved and executed agreement shall be recorded with the Register of Deeds before issuance of a building permit for any use to be served by the valet or tandem parking.
4. The agreement shall be considered a restriction running with the land and shall bind the heirs, successors, and assigns of the landowner.
5. A violation of the agreement shall constitute a violation of the Ordinance, which may be enforced in accordance with Article 26-8: Enforcement.
6. No use served by valet or tandem parking may be continued if the valet or tandem service becomes unavailable permanently or for more than 30 days, unless substitute off-street parking spaces are provided in accordance with this section.

(g) Reduced Parking Standards for Parking Demand Reduction Strategies

Use of alternative transportation and transportation demand reduction strategies allows development to reduce the amount of off-street parking provided below the requirements of Table 26-5.2(d)(1): Minimum Number of Off-Street Parking Spaces. These strategies are only available to projects proposed in the MU3, MU2, EMP, and INS districts. Parking reductions are not exclusive and may be applied cumulatively. The total amount of parking reduction available is listed in Table 26-5.2(g): Parking Demand Reduction Strategies, and discussed in detail below.

TABLE 26-5.2(g): Parking Demand Reduction Strategies

Strategy	Maximum Available Reduction	Reference
Transit Accessibility	5 percent	Sec. 26-5.2(g)(1)
Transportation Demand Management Plan	30 percent	Sec. 26-5.2(g)(2)
Special Facilities for Bicycle Commuters	5 percent	Sec. 26-5.2(g)(3)
Other Eligible Alternatives	10 percent	Sec. 26-5.2(g)(4)

NOTES:
[1] The reduction in parking requirements is calculated from the minimum off-street parking requirement for the use identified in Table 26-5.2(d)(1): Minimum Number of Off-Street Parking Spaces and is subject to the requirements of this section.

(1) Transit Accessibility

A five percent reduction in the minimum number of off-street parking spaces required by Sec. 26-5.2(d), Off-Street Parking Space Standards, is allowed for uses located within one-quarter mile of any station, stop, or other transit facility served by scheduled transit with weekday peak-level frequencies of 15 minutes or less and weekday off-peak frequencies of 20 minutes or less.

(2) Transportation Demand Management

The Zoning Administrator may, through approval of a Transportation Demand Management (TDM) plan, authorize up to a 30 percent reduction in the minimum number of off-street parking spaces required by Sec. 26-5.2(d), Off-Street Parking Space Standards, for nonresidential or mixed-use developments having a floor area of at least 25,000 square feet, in accordance with the following standards.

a. TDM Plan Requirements

The required TDM plan shall include facts, projections, an analysis (e.g. type of development, proximity to transit and/or other multi-modal systems, anticipated number of employees and/or patrons, minimum parking requirements) and indicate the types of transportation demand management activities that will be instituted to reduce single-occupant vehicle use and reduce traffic congestion. The plan shall identify the amount by which parking requirements have been reduced from the amounts otherwise required by this section.

b. Transportation Demand Management Activities

The TDM Plan shall be required to provide the following TDM activities:

1. A Guaranteed Ride Home program that offers emergency ride services to each employee with an allowance of no fewer than four rides per year, which an applicant may establish to serve the development or in partnership with other developments or uses.
2. Written disclosure of transportation information and educational information to all employees that makes transportation and ride-sharing information available to employees.
3. Formation of transportation demand reduction programs such as carpooling, vanpooling, ridesharing, subsidy of employee bus passes, teleworking, and shuttle service programs.

c. Two Transportation Demand Management Options Required

The TDM plan shall implement at least two of the following transportation demand management strategies:

1. Establishment of a development-specific website that provides multi-modal transportation information such as real-time travel/traffic information, bus schedules and maps, and logging of alternative commutes (e.g., bicycle, pedestrian, carpool, and vanpool). Specific information will vary depending on the specific services and transportation infrastructure available in the vicinity of the development, but in general will allow tenants or customers to compare travel modes available.
2. In lieu of the website described in 1 above, installation of a real-time visual display screen or other display device of this type that provides multi-modal transportation information.
3. A parking cash-out or transportation stipend, or provision of a cash incentive to employees not to use parking spaces otherwise available to tenants of a development.

4. Unbundling of parking from leases, or issuing tenant leases that do not include parking as an integral part of a floor-area space lease and require parking to be leased, purchased, or otherwise accessed through separate payment.
5. Creation of a Preferential Parking Management Plan that specifically marks spaces for registered carpool and/or vanpool vehicles that are located near building entrances or in other preferential locations.
6. Institution of off-peak work schedules that allow employees to arrive and depart at times other than the peak morning commute period (defined as 7:00 a.m. to 9:00 a.m.) and peak evening commute period (defined as 5:00 p.m. to 7:00 p.m.).
7. Any other transportation demand management activity as may be approved by the Zoning Administrator as a means of complying with the parking reduction provisions of this section.

d. Recording of TDM Plan

A copy of the approved TDM plan shall be recorded with the Register of Deeds before issuance of a building permit for the development to be served by the plan. The TDM plan shall be recorded against the land, and the applicant and/or successors in interest in the land shall be responsible for implementing the plan in perpetuity.

e. TDM Program Coordinator

1. The applicant shall appoint a TDM program coordinator to oversee transportation demand management activities.
2. The TDM program coordinator shall be a licensed engineer, certified planner, or a traffic consultant who is also a qualified or trained TDM professional.
3. The TDM program coordinator shall be appointed prior to issuance of a building permit for the buildings to be served by the TDM program.

f. TDM Report

1. The TDM program coordinator shall submit to the Zoning Administrator a report on a biennial basis that details implementation of the approved TDM plan and the extent to which it has achieved the target reduction in drive-alone trips that justified the original reduction in parking. The report shall include, but is not limited to, the following:
   - **(a)** A description of transportation demand management activities undertaken;
   - **(b)** An analysis of parking demand reductions based on employee and/or resident use of ridership programs or alternative transportation options;
   - **(c)** Changes to the TDM plan to increase bus ridership, bicycle ridership, and other commuting alternatives, as defined in g below and
   - **(d)** The results of an employee transportation survey.

g. Amendments

The Zoning Administrator may approve amendments to an approved TDM plan in accordance with the procedures and standards for its original approval. Changes in transportation options subsequent to the approval of the original plan that allow a

development to meet the reduction targets identified in the original plan, such as introduction of new transit service to a development area, shall not require amendments to the plan so long as annual reports can demonstrate that these services are contributing to the plan's intent.

h. Parking Required if TDM Terminated

If the applicant or successor in interest in the development subject to a TDM plan stops implementing the plan or fails to submit a TDM report within one year of the regularly scheduled date the biennial report is due, the TDM plan shall be terminated and become null and void. Any such termination of the TDM plan does not negate the parties' obligations to comply with parking requirements of this section and this Ordinance, and thus shall constitute a violation of this Ordinance. No use served by the TDM plan may be continued unless another TDM plan is approved or all required off-street parking spaces are provided in accordance with this section and this Ordinance, within 120 days of termination of the TDM plan.

(3) Special Facilities for Bicycle Commuters

A five percent reduction in the minimum number of off-street parking spaces required by Sec. 26-5.2(d), Off-Street Parking Space Standards, is allowed for developments that comply with the bicycle parking standards in Sec. 26-5.2(i), Bicycle Parking Standards, and provide both of the following:

a. Additional enclosed (indoor or locker) and secure bicycle parking spaces equal to at least five percent of the number of vehicle parking spaces provided; and

b. Shower and dressing areas for employees.

(4) Other Eligible Alternatives

The Zoning Administrator may authorize up to a 10 percent reduction in the minimum number of off-street parking spaces required by Sec. 26-5.2(d), Off-Street Parking Space Standards, if an applicant submits an alternative parking plan that will effectively reduce parking demand on the site of the subject development, provided the applicant also demonstrates that the proposed development plan will do as least as good a job in protecting surrounding neighborhoods, maintaining traffic-circulation patterns, and promoting quality urban design as would strict compliance with the otherwise applicable off-street parking standards.

(h) Vehicle Stacking Spaces and Lanes

(1) Drive-Through and Similar Facilities

a. Required Number of Stacking Spaces

In addition to meeting the off-street parking standards in Table 26-5.2(d)(1): Minimum Number of Off-Street Parking Spaces, uses with drive through facilities and other auto-oriented uses where vehicles queue up to access a service facility shall provide at least the minimum number of stacking spaces established in Table 26-5.2(h)(1): Minimum Stacking Spaces for Drive-Through and Similar Facilities.

TABLE 26-5.2(h)(1): Minimum Stacking Spaces for Drive-Through and Similar Facilities		
Use or Activity	**Minimum Number of Stacking Spaces**	**Measured From**
Bank, Retail, or Bank, Finance, Insurance Office, Consumer Goods, or Personal Service use with drive-through facility	4 per lane	Agent/teller window or teller machine
Day Care facility	4 spaces	Primary location for child pick-up/drop-off
Elementary, Middle, or High School	6	Primary building entrance, if this is the primary location for student pick-up/drop-off
	8	Designated student waiting area, if this is the primary location for student pick-up/drop off
Gated driveway (for any principal use)	3	Gate
Nursing care facility	3	Building Entrance
Personal Vehicle Repair and Maintenance, specifically with Car Wash and Auto Detailing, automatic	4 per bay	Bay entrance
Personal Vehicle Repair and Maintenance, specifically with Car Wash and Auto Detailing, self-service	2 per bay	Bay entrance
Personal Vehicle Repair and Maintenance, specifically with oil change/lubrication shop	4 per bay	Bay entrance
Recycling center	3 per bay	Bay entrance
Restaurant, drive-through [1]	4	Order box
	4	Between order box and pick-up window
Truck Wash	3 per bay	Bay entrance
Vehicle Fueling Station	1	Each end of the outermost gas pump island

NOTES:
[1] A total of eight stacking spaces are required (four between the entrance and order box, and four between order box and pick-up window)

b. Stacking Space Standards

Required stacking spaces shall:

1. Be a minimum of 10 feet wide and 20 feet long;
2. Be contiguous;
3. Not impede onsite or offsite vehicular traffic movements or movements into or out of off-street parking spaces;
4. Not impede onsite or offsite bicycle or pedestrian traffic movements; and
5. Be separated from access aisles and other vehicular surface areas by raised medians if necessary for traffic movement and safety.

(2) Vehicular Surface Area Entrance Driveways

Multi-family dwellings; Public, Civic, and Institutional uses; Commercial uses; and Industrial uses shall provide stacking lanes between the edge of the street right-of-way and entrances into off-street parking areas in accordance with the minimum stacking lane

distance established in Table 26-5.2(h)(2): Minimum Stacking Lane Distance for Vehicular Surface Area Entrance Driveway (see Figure 26-5.2(h)(2): Measurement of Stacking Lane Distance for Vehicular Surface Area Entrance Driveway).

TABLE 26-5.2(h)(2): Minimum Stacking Lane Distance for Vehicular Surface Area Entrance Driveway

Number of Off-Street Parking Spaces [1]	Minimum Stacking Lane Distance (ft) [2]
1 – 49	25
50 – 249	50
250 – 499	100
500 or more	100 + 15 ft for every additional 50 spaces beyond 500

NOTES:
[1] Entrances into parking structures may be credited towards the stacking lane distance standard provided the parking structure entrance is accessed from a development driveway and not a primary drive aisle.
[2] Stacking lane distance is measured from the intersection of the drive with the street right-of-way, along the centerline of the stacking lane, to its intersection with the centerline of the first entrance into a parking area or other internal intersecting driveway.

Figure 26-5.2(h)(2): Measurement of Stacking Lane Distance for Vehicular Surface Area Entrance Driveway

(i) Bicycle Parking Standards

(1) Minimum Bicycle Parking Required

In the R5, R6, MU1, MU3, MU2, EMP, and INS districts, the following shall include bicycle parking spaces in accordance with Table 26-5.2(i)(1): Bicycle Parking Standards:

a. All new development; and

b. Any individual expansion or alteration of a building existing prior to May 2nd, 2022 if the expansion increases the building's gross floor area by 50 percent or more, or if the alteration involves 50 percent or more of the building's gross floor area (including interior alterations), provided no long-term bicycle parking is required if the building has a gross floor area of less than 2,500 square feet after the expansion or alteration.

TABLE 26-5.2(i)(1): Bicycle Parking Standards

Principal Use Type	Required Bicycle Parking Spaces [1] [2] (R5, R6, MU3, MU1, MU2, EMP, and INS Districts only)
Residential Uses	
Dwelling, Multi-family	1 for every 20 dwelling units
Dormitory, or Fraternity or Sorority house	1 for every 16 bedrooms
Rooming or boarding house	1 for every 10 required automobile parking spaces
Use Types in the Residential Uses category not elsewhere listed	No minimum
Public, Civic, and Institutional Uses	
Place of Worship	1 for every 2,500 gfs of assembly area
Use Type in the Community Service Uses category not elsewhere listed	1 for every 5,000 sf GFA
Elementary, middle, or high school	1 for every 20 students of planned capacity
Airport	No minimum
Parking, commercial	1 for every 20 automobile parking spaces
Passenger terminal, surface transportation	1 for every 40 projected am peak period daily riders
Utility facility, minor	No minimum
Use type in the Public, Civic, and Institutional Uses category not otherwise listed	1 for every 20,000 sf GFA
Commercial Uses	
Uses in the Animal Use category	2
Bank, Retail	1 for every 3,000 sf GFA
Use in the Eating and Drinking Establishments category	1 for every 4,000 sf GFA
Arena, stadium, or outdoor theater	1 per 40 seats, or 1 per 4,000 sf GFA if no seats
Commercial recreation, Indoor and Commercial Recreation, Outdoor	1 per 4,000 sf of activity area
Performing arts center	1 per 40 seats
Use Types in the Recreation/Entertainment category not elsewhere listed	1 per 40 rooms
Use Types in the Retail Sales Uses category	1 for every 4,000 sf GFA (no minimum)
Campground	No minimum
Short-term rental	No minimum
Use types in the Travel Accommodations classification not otherwise listed	2
Use Types in the Vehicle Sales and Services Category	2
Agricultural Uses	
All Agricultural Uses	No minimum
Industrial Uses	
All Industrial Uses	No minimum

NOTES:
GFA = gross floor area
[1] The required number of spaces shall be rounded up from the base calculation (for example, a performing arts center with 87 seats would be required to provide at least three bicycle parking spaces).
[2] "No minimum" indicates that no bicycle parking is required.

(2) Reduction Based on Alternative Bicycle Parking Plan

The Zoning Administrator may authorize up to a 25 percent reduction in the minimum number of bicycle parking spaces required by Table 26-5.2(i)(1): Bicycle Parking Standards, if the applicant submits an alternative bicycle parking plan that:

a. Demonstrates the demand and need for bicycle parking on the site is less than required by Table 26-5.2(i)(1): Bicycle Parking Standards, because of the site's location, the site design, proximity to transit, or other factors; or

b. Offers a strategy that demonstrates other non-auto and non-bicycle travel modes will be used by occupants and users of the development that reduces the demand for bicycle parking spaces.

(3) Bicycle Parking Space Design Standards

a. A bicycle parking space shall be located on a paved or similar hard, all-weather surface, having a slope not greater than three percent.

b. Lighting shall be provided for bicycle parking spaces that are accessible to the public or bicyclists after dark.

c. Bicycle parking is encouraged to be visible from the main entrance of the building it serves; however, directional signage shall be provided where a bicycle parking space is not visible from a main entrance to the building for which the bicycle parking space is required.

d. The minimum dimensional requirements for a bicycle parking space, except where valet services or bicycle lockers are provided, are:

1. Six feet long by two feet wide (See Figure 26-5.2(i)(3)d.1: Example of Bicycle Parking Space and Rack Dimensional Standards); or

2. If designed for vertical storage, four feet long by two feet wide by eight feet high (see Figure 26-5.2(i)(3)d.2: Example of Vertical Bicycle Parking Dimensional Standards).

Figure 26-5.2(i)(3)d.1: Example of Bicycle Parking Space and Rack Dimensional Standards

Figure 26-5.2(i)(3)d.2: Example of Vertical Bicycle Parking Dimensional Standards

e. A bicycle parking space shall be accessible without moving another parked bicycle.

f. Not more than 35 percent of required bicycle parking spaces may be vertical or wall-mounted parking, unless bicycle parking and retrieval services are provided.

g. A bicycle parking rack shall:

1. Allow for the securing of the frame and at least one wheel of a bicycle in a bicycle parking space to the rack with an industry-standard U-shaped bike lock;

2. Provide each bicycle parking space with support for a bicycle in a stable position with direct support to the bicycle frame;

3. Be securely anchored to the ground or to a structural element of a building or structure;

4. Be designed and located so it does not block pedestrian circulation systems and pedestrian movements;
5. Be constructed of materials designed to withstand cutting, severe weather, and permanent exposure to the elements, such as powder-coated steel or stainless steel;
6. If bicycles must be moved onto or off of the rack parallel to their direction of travel, provide an aisle having a minimum width of five feet between all bicycle parking spaces served by the rack and any bicycle spaces served by another bicycle parking rack, vehicular surface areas, or obstructions, including but not limited to fences, walls, doors, posts, columns, or landscaping areas (see Figure 26-5.2(i)(3)d.1: Example of Bicycle Parking Space and Rack Dimensional Standards, and Figure 26-5.2(i)(3)d.2: Example of Vertical Bicycle Parking Dimensional Standards);
7. Be located at least three feet from any vertical surface, such as another bicycle parking rack, the side of a building, a tree, or a fence or wall (see Figure 26-5.2(i)(3)d.1: Example of Bicycle Parking Space and Rack Dimensional Standards); and
8. Be separated from any abutting vehicular surface area by at least three feet and a physical barrier, such as bollards, curbing, wheel stops, reflective wands, or a fence or wall.

h. Bicycle parking areas shall be maintained free of inoperable bicycles (such as bicycles with flat tires or missing parts) and debris. Bicycle parking racks shall be maintained in good repair, securely anchored, and free of rust.

i. Unless otherwise provided by subsection 1 or 2 below, bicycle parking spaces shall be located within 75 feet of a public entrance to the building for which the space is required, measured along the most direct pedestrian access route.

1. A bicycle parking space that is located in a bicycle parking area serving more than one use shall be located within 150 feet of a public entrance to the building for which the space is required, measured along the most direct pedestrian access route.
2. Long-term bicycle parking that provides enhanced protection from weather, theft, and vandalism, such as bicycle lockers or designated and secured indoor storage areas, shall be located within 500 feet of a public entrance to the building for which the space is required, measured along the most direct pedestrian access route.

(j) Loading Area Standards

(1) Minimum Number of Off-Street Loading Berths

Any new development involving the routine vehicular delivery or shipping of goods, supplies, or equipment to or from the development shall provide a sufficient number of off-street loading berths to accommodate the delivery and shipping operations of the development's uses in a safe and convenient manner. Table 26-5.2(j): Minimum Number of Off-Street Loading Berths, sets forth the minimum number of loading berths for the different principal uses for which loading berths are required. For proposed uses not listed in Table 26-5.2(j), the requirement for a use most similar to the proposed use shall

apply. The off-street loading berth shall be arranged so that vehicles shall maneuver for loading and unloading entirely within the property lines of the site.

Table 26-5.2(j): Minimum Number of Off-Street Loading Berths

Principal Use Classification/Category	Gross Floor Area	Minimum Number of Loading Berths
Non-Industrial Uses		
Household Living Uses (Multi-family only) and Group Living Uses	Between 100 and 299 dwelling units Each additional 200 dwelling units or major fraction thereof	1 Add 1
Health Care Uses, Commercial Services Uses, Office Uses, Personal Service Uses, and Visitor Accommodations Uses (Hotel or Motel only)	At least 10,000 sf up to 1000,00 sf Each additional 100,000 sf or major fraction thereof	1 Add 1
Commercial Uses not listed elsewhere	At least 2,000 but less than 20,000 sf	1
	At least 20,000 sf but less than 60,000 Each additional 60,000 or major fraction thereof	2 Add 1
Industrial Uses		
All Industrial Uses	Up to 25,000 sf	1
	At least 25,000 but less than 40,000 sf	2
	At least 40,000 but less than 99,000 sf	3
	At least 100,000 but less than 160,000 sf	4
	At least 240.000 sf but less than 320,000 sf	5
	At least 240,000 but less than 320,000 sf	6
	At lest 320,000 but less than 400,000 sf Each additional 90,000 sf	7 Add 1

NOTE:
sf = square feet

(2) Dimensional Standards for Loading Areas

a. Each loading berth shall be of sufficient size to accommodate the types of vehicles likely to use the loading area. The minimum loading berth size that presumptively satisfies loading berth needs is at least 12 feet wide and 45 feet long in general industrial, distribution, or warehousing uses. For all other uses, a berth as short as 33 feet may be allowed. The Zoning Administrator may require a larger loading berth or allow a smaller loading berth on determining that the characteristics of the particular development warrant such increase or reduction and the general standard is met.

b. Each loading berth shall have a least 15 feet of overhead clearance.

(3) Location of Loading Areas

a. To the maximum extent practicable, loading areas should be located to the rear of the use they serve (see Figure 26-5.2(j): Loading Area Configuration).

b. Loading areas should be located adjacent to the building's loading doors, in an area that promotes their practical use.

c. Loading areas should be located and designed so vehicles using them can maneuver safely and conveniently to them from a public street and complete loading without

obstructing or interfering with any public right-of-way or any parking space or parking lot aisle.

Figure 26-5.2(j): Loading Area Configuration

Sec. 26-5.3. Landscaping

(a) Purpose and Intent

The purpose of this section is to establish standards for landscaping in the County that contribute to a high quality of life and enhance the appeal and economic value of residential and business properties by providing adequate separation between lands, roads, and dissimilar uses and around parking lots. In particular, the landscape guidelines contribute to the public health, safety, and welfare through:

(1) Improved air quality;

(2) Beneficial climate modification;

(3) Reduction of glare, noise, odors, and dust;

(4) Reduction of stormwater runoff and flooding;

(5) Screening of undesirable uses;

(6) Shelter and food for birds and other wildlife; and

(7) The aesthetic enjoyment provided by a diverse and dynamic planted landscape.

(b) Applicability

(1) General

a. Unless exempted by subsection (4) below, and except as otherwise provided in subsections (2) and (3) below, all new development shall comply with the standards in this section (Sec. 26-5.3).

b. The standards in this section are cumulative, unless otherwise stated.

c. The standards in Sec. 26-5.3(i), Tree Protection, apply to all development and activities within the County, to the extent stated in Sec. 26-5.3(i)(2), Applicability.

(2) Expansion or New Service of Existing Vehicular Surface Area

a. Existing Vehicular Surface Area Serving New Building

Any existing vehicular surface area that is used to satisfy the minimum parking requirements (see Sec. 26-5.2, Off-Street Parking and Loading) for a new building shall comply in full with Sec. 26-5.3(d), Transitional Buffer Yards, and Sec. 26-5.3(e), Street Protective Yards.

b. Vehicular Surface Parking Area Expansion

All new, additional, or expanded portions of vehicular surface areas must fully comply with the standards in Sec. 26-5.3(f), Vehicular Surface Areas. In addition, if the surface parking area is increased by a number of spaces greater than 35 percent of the existing number of spaces:

1. The existing portion of the vehicular service area shall achieve a minimum 50 percent compliance with the standards in Sec. 26-5.3(f)(4), Interior Plantings; and

2. The entire vehicle surface area shall comply fully with Sec. 26-5.3(d), Transitional Buffer Yards; Sec. 26-5.3(e), Street Protective Yards; and the

screening requirements for trash collection, loading, and display areas in Sec. 26-5.3(h), Screening.

(3) Alteration or Expansion of Existing Structure

When an existing structure is altered or expanded, any landscaping that does not conform to the standards in this section shall be brought into conformity with this section to the extent required by Sec. 26-7.6, Nonconforming Off-Street Parking and Landscaping.

(4) Exemptions

The following are exempt from the standards in this section:

a. Single-family and two-family dwellings and manufactured homes on individual lots that are not part of a major land development or major subdivision approved after May 2nd, 2022.

b. Public and private utilities, except when a land development permit or subdivision approval is required in accordance with Sec. 26-2.5(e), Land Development Permit, or Sec. 26-2.5(f), Subdivision, respectively. Such utilities may include but are not limited to storm drainage installation, road construction, water and sewer construction, and installation of electric, gas, communications, and similar services.

(5) Timing of Review

Review for compliance with the standards of this section shall occur during review of an application for a planned development (see Sec. 26-2.5(c)), special exception (see Sec. 26-2.5(d)), land development permit (major or minor) (see Sec. 26-2.5(e)), subdivision (major or minor) (see Sec. 26-2.5(f)), permitted use with special requirements (see Sec. 26-2.5(h)), tree removal permit (see Sec. 26-2.5(i)), land disturbance permit (Sec. 26-2.5(l)), or certificate of zoning compliance (see Sec. 26-2.5(m)), as applicable.

(6) Landscaping Plan Required

A landscaping plan, prepared by a landscape architect or other qualified landscape designer, shall be submitted with any application for development subject to the requirements of this section. The landscaping plan shall include all necessary information in sufficient detail to demonstrate compliance with the requirements of this section, including the following:

a. Utility plans, if applicable;

b. Irrigation plans, if applicable;

c. Documentation of existing trees and a tree protection plan that complies with Sec. 26-5.3(i), Tree Protection; and

d. Any additional information determined necessary by the Zoning Administrator.

(7) Alternative Compliance

a. Where the application of the standards in this section would result in unreasonable or impractical situations due to unusual site conditions, such as may be caused by streams, natural rock formations, topography, lot configuration, or utility easements, the Zoning Administrator may approve an alternate plan on finding the alternate plan:

1. Results in landscaping of similar quality, effectiveness, durability, and performance;

2. Is consistent with the purpose and intent of this section, taking into account the number of plantings, the species, arrangement and coverage proposed, the location of planting on the development site, the level of screening achieved, and the height, spread, and canopy of the proposed plantings at maturity; and
3. Does not result in the removal of a grand tree which would otherwise be required to be preserved.

b. The Zoning Administrator's decision to approve or deny an alternative landscaping plan may be appealed in accordance with Sec. 26-2.5(r), Appeal of Administrative Decision.

(c) General Landscaping Standards

(1) Installation of Required Landscaping

a. All landscaping shall be installed in accordance with the approved landscaping plan unless revisions are approved by the Zoning Administrator and noted in writing on the plan, prior to the following:

1. The issuance of a certificate of occupancy or a business license for any business or use on a site; and
2. Any use of a site.

b. Existing vegetation in good health that meets all applicable standards in this section may be used to satisfy any planting requirements, provided the vegetation is protected before and during development in the same manner required for a protected tree by Sec. 26-5.3(i)(7), Tree Protection During Construction.

(2) Maintenance

a. The owner or lessee of the property where landscaping is required shall be responsible for the maintenance and protection of all plant and screening material and fencing and shall maintain all landscaped areas in good condition.

b. Required landscaped areas shall not be used for accessory structures, trash collection, parking, or other functional use unless otherwise allowed by this LDC.

c. In the event that any vegetation or physical element functioning to meet the standards of this section is severely damaged due to an unusual weather occurrence or natural catastrophe, or other natural occurrence such as damage by wild or domestic animals, such that the element ceases to meet the standards of this section, the owner or other responsible party shall replant and make repairs as necessary to ensure the element complies with the standards of this section. The Zoning Administrator shall consider the type and location of the landscape buffer or required vegetation area as well as the propensity for natural re-vegetation in making a determination on the extent of replanting requirements. The owner or other responsible party shall replace or replant in accordance with the Zoning Administrator's determination within one growing season of the determination.

d. All required trees shall be allowed to reach their mature size and shall be maintained at their mature size. Except for trimming and pruning within a utility easement in accordance with applicable policies of the affected utility, required plants shall not be cut or severely pruned or otherwise damaged so that their natural form is

impaired. Any tree (including, but not limited to crape myrtles) that has been severely pruned, sheared, topped, or shaped as a shrub, shall be considered as damaged vegetation in need of replacement in accordance with subsection c above.

(3) Irrigation

a. Mechanical irrigation shall be used in all required planting areas, except stormwater management areas in residential subdivisions and areas within developments containing fewer than ten parking spaces.

b. Irrigation systems shall meet the following requirements:

1. Bubbler or drip irrigation systems shall be used to reduce water consumption and overspray onto pedestrian and vehicle-use areas; and

2. Systems shall first make use of all available surface runoff or other retained or detained stormwater as a water supply source.

c. Mechanical irrigation is not required in detention ponds, retention ponds, or other similar holding areas if the area is manually watered with water bags for at least one year after installation to ensure that the plantings are established.

d. Areas that are not required to have irrigation systems shall have an exterior water source, such as a hose bib, located within 100 feet of all required planting areas.

e. An irrigation plan must be provided for all project areas required to be irrigated, or the following statement provided on the site and landscaping plans: "All planting areas shall be mechanically irrigated."

(4) Species

a. All vegetative material, including trees and shrubs, shall be adapted to the site conditions where they will be planted. The use of native, drought-resistant vegetation is encouraged.

b. Species shall be from the list of preferred species prepared by the Community Planning and Development Department or other non-invasive species approved by the Community Planning and Development Department.

c. To curtail the spread of disease or insect infestation in a species, new shrub and tree plantings shall provide at least the minimum number of different genuses listed in Table 26-5.3(c)(5): Required Shrub and Tree Genus Diversity. Each of the required genuses of shrub or tree shall be planted in roughly identical portions with any other required genus of shrub or tree.

Table 26-5.3(c)(5): Required Shrub and Tree Genus Diversity

Minimum Number Required on Site	Minimum Number of Genuses Required on Site
Shrubs	
40 or fewer	2
More than 40 but fewer than 70	3
70 or more	4
Trees	
20 or fewer	2
More than 20 but fewer than 40	3
40 or more	4

(5) Trees

a. Trees shall meet or exceed minimum industry standards as described in American Nursery Stock Standards, ANSI Z60.1 (latest edition), including the height-to-trunk caliper ratio, root ball sizes, and spread relationship for any tree.

b. Tree planting shall be performed according to specifications described in Best Management Practices for Tree Planting (latest edition), published by the International Society of Arboriculture.

c. Trees to be planted shall meet the following additional requirements:

1. Unless otherwise exempted, all large and medium-maturing trees planted in accordance with the requirements of this section shall be a minimum of ten feet in height when planted.

2. All small-maturing trees shall be a minimum of eight feet in height when planted.

3. All trees must be at least two inches in caliper (measured six inches above ground level) when planted, except that new trees greater than 4 inches in caliper shall be measured 12 inches above ground level.

4. All multi-trunk trees must be in "tree form" with a maximum of five stems or trunks and a minimum height of eight feet at planting.

(6) Shrubs

a. All shrubs planted to meet the requirements of this section, unless required to be larger as set forth elsewhere, shall be a minimum of three gallon container size, 18 inches in height, or 15 inches in spread (depending on whether the growth habit is upright or spreading) measured from the top of the root zone.

b. Shrubs with between 15 to 23 inches of spread shall be planted on three foot centers.

c. Shrubs with greater than 23 inches of spread shall be planted on five foot centers.

d. In no event shall spacing exceed five feet on center, nor shall plants be closer than two feet to the edge of pavement.

(7) Berms

a. Berms shall comply with the following standards:

1. The slope shall not exceed a two-to-one ratio (horizontal to vertical);

2. The berm shall have a top width at least one-half the berm height; and

3. The berm shall have a maximum height of eight feet above the toe of the berm.

b. All berms, regardless of size, shall be stabilized with a ground cover or other suitable vegetation.

c. Berms proposed to be placed along street right-of-way shall be designed and constructed to provide adequate sight distances at intersections and along the street.

d. Berms shall not damage the roots of existing healthy vegetation designated to be preserved.

(8) Mulch

All planted materials shall be mulched with organic matter, such as leaves, straw, or peat, at least four inches in depth to prevent the evaporation of moisture, the freezing of roots, and the growth of weeds.

(d) Transitional Buffer Yards

(1) Purpose

A buffer transition yard is a landscaped area that provides separation and screening between two land uses of different types to mitigate any potential negative impacts.

(2) Applicability

a. Except as otherwise provided by subsection b below, all new development shall comply with the standards in this section.

b. A buffer transition yard is not required between uses or lots within a single mixed-use development or between a proposed development and abutting street right-of-way.

(3) Dimensional and Planting Requirements

a. Buffer Types

Table 26-5.3(d)(3)a: Buffer Type Assignment, identifies the type of transitional buffer yard, if any, required between a proposed use identified from the column on the left, and an existing adjacent use identified in the table heading rows. If the adjacent property is vacant but a development approval or permit has been approved for a use on the property, the approved use is considered existing on the adjacent property. If adjacent property is vacant and a development approval or permit has not been approved for a use on the property, its use shall be determined by assigning it the highest level of impact among the uses allowed in its zoning classification.

Table 26-5.3(d)(3)a: Buffer Type Assignment					
Proposed Use	Existing Adjacent Use				
	Single-family and Duplexes (except in R6) and Passive Recreational Uses	Single-family in R6; Manufactured Home Parks; Multi-family Residential, 3-10 units	Institutional and Office-Commercial uses, 25,000 sf and less	Multi-family Residential, more than 10 units	Institutional and Office-Commercial Uses, more than 25,000 sf; Industrial uses; Active Recreational Uses
Single-family and Duplexes (except in R6) and Passive Recreational Uses		Type B	Type C	Type C	Type D
Single-family in R6; Manufactured Home Parks; Multi-family Residential, 10 units or less	Type B		Type C	Type B	Type D
Institutional (public and semi-public) and office-commercial uses, 25,000 sf and less	Type C	Type C		Type B	Type A
Multi-family Residential, more than 10 units	Type C	Type B	Type B		Type C
Institutional and office-commercial uses, more than 25,000 sf; Industrial uses; Active recreational uses	Type D	Type D	Type A	Type C	

b. Minimum Width and Plantings

The standards for each transitional buffer yard type are described in Table 26-5.3(d)(3)a: Buffer Type Assignment.

1. Minimum Width

The minimum width of any required transitional buffer yard is ten feet.

2. Plantings

(a) Plantings shall be provided in a transitional buffer yard in the amount shown in Table 26-5.3(d)(3)b: Required Plantings by Buffer Width and Type, based on the buffer width and the type of buffer required, and equally spaced in a staggered formation along the length of the required landscape buffer or placed so as to create 100 percent opacity at plant material maturity.

Table 26-5.3(d)(3)b: Required Plantings by Buffer Width and Type

Buffer width (ft) [4]	Trees and Shrubs Required Per 100 Square Feet of Buffer Area [1] [2]											
	Type A Buffer			Type B Buffer			Type C Buffer			Type D Buffer [3]		
	Large Trees	Medium Trees	Shrubs	Large Trees	Medium Trees	Shrubs	Large Trees	Medium Trees	Shrubs	Large Trees	Medium Trees	Shrubs
10 – 15 ft	0.33	0.25	2.00	0.33	0.40	2.00	0.33	0.50	4.00	0.33	0.50	4.00
16 – 20 ft	0.25	0.22	2.00	0.25	0.31	1.33	0.25	0.40	2.00	0.25	0.44	2.00
21 – 30 ft	0.20	0.20	1.33	0.20	0.25	1.33	0.20	0.33	2.00	0.20	0.36	2.00
31 – 50 ft	0.17	0.18	0.80	0.17	0.22	0.80	0.17	0.29	1.33	0.17	0.31	1.33
51+ ft	0.13	0.17	0.50	0.13	0.20	0.50	0.13	0.25	0.80	0.13	0.27	0.80

NOTES:

[1] Required plantings are calculated by dividing the buffer area in square feet by 100, then multiplying that value by the corresponding number of large trees, medium trees, and shrubs based on the buffer width, then rounding up to the nearest whole number. For example, a Type B buffer having a width of 20 feet and an area of 1,200 square feet would require 3 large trees (1,200/100 = 12; 12 x 0.25 = 3), 4 medium trees (1,200/100 = 12; 12 x 0.31 = 3.72, rounded up to 4), and 16 shrubs (1,200/100 = 12; 12 x 1.33 = 15.96, rounded up to 16).

[2] Large trees means large-maturing trees. Medium trees means medium-maturing and small-maturing trees.

[3] An eight-foot stockade fence shall be provided for a Type D buffer that is 15 feet or less in width.

[4] Buffer widths that include a fraction of a foot shall be rounded up to the next whole number.

(b) Trees

Trees counted to meet the requirements of Table 26-5.3(d)(3)b shall:

(1) Be large maturing trees; provided that if the tree is within 15 feet of an overhead power line, small maturing trees that will not exceed 20 feet in height at maturity shall be required;

(2) Be constituted of 50 percent locally adopted evergreen species;

(3) Be distributed throughout the yard to minimize gaps and spaced at least ten feet apart.

(c) Shrubs

Shrubs counted to meet the requirements of Table 26-5.3(d)(3)b shall:

(1) Be evergreen or other approved species;

(2) When planted, be a minimum of 18 inches in height with a minimum crown width of 15 inches; and

(3) Be spaced not greater than five feet on center.

c. Reduction in Buffer Width and Required Plantings

1. The width of a transitional buffer yard and the quantity of plantings required by subsection b above, may be reduced in accordance with this section, subject to the following:

(a) Only one width reduction is allowed along any length of a transitional buffer yard.

(b) No required transitional buffer yard may be less than ten feet in width.

2. The width of and plantings in a transitional buffer yard may be reduced through use of a fence, wall, or natural or man-made grade separation to the extent

specified in Table 26-5.3(d)(3)c: Width Reduction from Fence, Wall or Berm, based on whether a fence, wall, or berm is provided, and only if the fence, wall, or berm complies with the requirements in Table 26-5.3(d)(3)c.

Table 26-5.3(d)(3)c: Buffer Yard Width and Planting Reduction with Use of Fence, Wall, or Berm

Element of Buffer, Fence, Wall, or Berm	Fence	Wall	Berm (natural or man-made)
Allowed Reduction of Transition Buffer Yard			
Allowed Width Reduction	50 percent	50 percent	25 percent
Allowed Planting Reduction	50 percent [1]	50 percent [2]	None [3]
Fence, Wall, and Berm Requirements			
Minimum Height (ft.) [4]	8	6	6
Arrangement	Finished side of fence shall face away from property to be screened, shall be solid and opaque, and shall include provision for access to all landscape materials.		The developing property must be located at an elevation lower than the properties from which it is to be screened.
Materials	Materials shall be consistent with materials commonly used in surrounding neighborhoods. Rot-resistant wood is an acceptable material. Chain-link fencing is not permitted.	Materials shall be brick, stone, stucco, or textured block. The exterior surface of the wall shall not be of cinder block.	
Construction	Buffer fence installation shall be incorporated as early as possible in construction sequence.		Side slopes must be no greater than 3:1 unless retained by a structurally sound retaining wall that meets relevant engineering standards

NOTES:
[1] At least 50 percent of required plantings shall be installed and maintained on the side facing the less intensive use.
[2] Shrubs not required, and small-maturing trees may replace 50 percent of required shade trees. At least 50 percent of the remaining trees shall be evergreen, per Sec. 26-5.3(d)(3)b.2(b), Trees.
[3] Required plantings shall be located at the top of the slope of the berm, to maximize the effectiveness of the screening.
[4] Required minimum height for fences and walls shall be measured on the side facing away from the property to be screened.

(4) Location

a. Transitional buffer yards shall:

1. Be located on the property of the proposed or changing land use that is to be screened;
2. Be placed between the property line and any vehicular surface areas, buildings, storage, service areas, or other areas of activity on the property; and
3. Extend along the entire property line abutting the less intensive land use.

b. Transitional buffer yards may extend into any required front, side, or rear yards (setbacks).

(5) Planting and Screening in Easements

a. Vegetative screening or fencing that is required by this section shall not be planted inside utility and/or drainage easements, excluding overhead easements, without the consent of the Zoning Administrator and the easement holder.

b. If plantings or fences inside utility and/or drainage easement areas are allowed, these plantings and fences shall be maintained in accordance with the terms of consent and any applicable maintenance provisions.

(6) Development within Transitional Buffer Yards

The following development is allowed in a transitional buffer yard provided that the general separation of land uses is achieved, the number of required plantings is met, and the view of motorists using any road, driveway, or parking aisle is not obstructed in a manner that obscures oncoming traffic:

a. Entry columns and gates;

b. Flagpoles;

c. Lamp or address posts;

d. Mailboxes;

e. Public utility wires and poles; and

f. Fences, retaining walls, and similar structures.

(e) Street Protective Yards

(1) Purpose

A street protective yard is a landscaped area abutting and parallel to a public road right-of-way designed to:

a. Provide more pleasing views along travel ways;

b. Provide for continuity of vegetation;

c. Reduce the amount of impervious surface and thereby reduce stormwater runoff; and

d. Provide shade.

(2) Applicability

All new development shall comply with the standards in this section, except development that consists solely of a change in land use, and development (other than vehicular surface areas) in a zoning district that has a minimum front setback or front build-to line of zero feet.

(3) Location

a. Street protective yards shall be located within 20 feet of all existing or proposed rights-of-way that are adjacent to the proposed development.

b. Required street protective yards shall be located on private property and not within any road right-of-way.

c. Portions of the yard abutting the right-of-way that are used for a driveway in accordance with Sec. 26-5.1(c), Access, Mobility, and Circulation Standards, are not included in the street protective yard and are not factored into the calculation of required area or required plantings.

(4) Dimensional Requirements

a. Minimum Width

1. If the minimum front-yard setback is greater than ten feet, the minimum width of the street protective yard shall be seven feet.

2. If the minimum front-yard setback is ten feet or less, the minimum width is 70 percent of the front-yard setback.

b. Minimum Area

1. The minimum area of the street protective yard shall be calculated by multiplying the length in linear feet of the property adjacent to the right-of-way by ten feet (or, if the required setback is less than ten feet, the number of feet of the required setback).

(5) Minimum Plantings

A street protective yard shall comply with the following:

a. Each street protective yard shall contain at least one large-maturing tree unless overhead utility lines are present. Any tree planted within the right-of-way of an overhead utility line shall be a small-maturing tree.

b. Within the street-protective yard, at least one large-maturing tree for every 35 linear feet of frontage is required, or at least one small- or medium-maturing tree for every 25 linear of feet of street frontage is required.

c. Existing trees two-inch caliper or greater within the street protective yard and right-of-way will be counted towards meeting the minimum street protective yard tree requirement.

d. Except for mulched areas directly around each tree, a street protective area shall be covered with living material, including ground cover and/or shrubs, so that no soil is exposed.

(6) Visual Screening for Thoroughfares and Arterial Roadways

In residential zoning districts, development that abuts a thoroughfare or arterial roadway shall provide enhanced screening within the street protective yard abutting the thoroughfare or arterial roadway that meets the requirements of a Type B buffer that is 15 to 20 feet wide, as set out in Table 26-5.3(d)(3)b: Required Plantings by Buffer Width and Type.

(7) Development within Street Protective Yards

Vehicular storage areas and storage, utility surface, display, loading or service areas are prohibited within a street protective yard. Development in a street protective yard shall be limited to the following:

a. Entry columns and gates;

b. Flagpoles;

c. Lamp or address posts;

d. Mailboxes;

e. Public utility wires and poles; and

f. Fences, retaining walls, and similar structures.

(f) Vehicular Surface Areas

(1) Purpose

The standards set forth in this section for the provision of landscaping in and around vehicular surface areas are designed to:

a. Facilitate the transition from automobile-oriented to pedestrian-oriented built environments;

b. Enhance parking lot appearance;

c. Provide shade to reduce heat and glare reflected by paving and reduce the heat island effect;

d. Reduce stormwater runoff; and

e. Reduce the glare of headlights and noise on surrounding properties.

(2) Applicability

The standards of this section apply to all new development and to expansions of existing vehicular surface areas in accordance with Sec. 26-5.3(b), Applicability.

(3) Screening

a. Adjacent Properties

Where a vehicular surface area is within 20 feet of an abutting property and no transitional buffer yard is required (see Sec. 26-5.3(d), Transitional Buffer Yards), and the neighboring properties are not businesses that share parking or driveways, the following screening shall be provided:

1. A planting strip no less than five feet wide shall be located between the parking, loading, or other vehicular surface area and the abutting property, except along allowed driveway openings.

2. For every 20 linear feet of property line that parallels the vehicular surface area, the planting strip shall contain five evergreen or deciduous shrubs, at least 24 inches in height and maintained at 36 inches in height.

3. The remainder of the planting strip shall be mulched or planted in a variety of evergreen plants, hydro-seed, or sod.

b. Screening and Separation

In addition to the requirements of Sec. 26-5.3(d), Street Protective Yards, screening that complies with the following standards shall be provided along the frontage of a vehicular surface area on a road, sidewalk, or alley:

1. The minimum width of the landscaped area where the screening is to be located shall be five feet, or the width of the required street protective yard in accordance with Sec. 26-5.3(d), Street Protective Yards, whichever is greater.

2. Within the landscaped area required by subsection 1 above, continuous screening shall be provided that is at least 50 percent opaque and at least three feet high. The screening shall be comprised of plant material either alone or incorporating berms, fences, walls, or grade changes.

3. For every five linear feet of screening, or every eight linear feet if a fence or wall is included, the vegetative buffer shall include at least one evergreen or deciduous shrub that is at least 24 inches in height and maintained at a height of 36 inches.

4. Any berms or grade changes shall be completely covered with vegetation.

c. Ground Cover

Grass or other ground cover shall cover all areas within all perimeter landscape areas not occupied by other landscape material or permitted access ways.

(4) Interior Plantings

Each surface vehicular area shall include interior planting areas in accordance with the following standards:

a. Size

Each interior planting area shall be a minimum of 200 square feet in area, and shall not be less than five feet in width or length.

b. Configuration

1. Each parking space shall be within 50 feet of a tree trunk of a shade tree planted in a planting area (see subsection 2 below). Distances between trees and parking spaces separated by an intervening building shall not be considered in meeting this requirement.

2. Planting areas shall be located as follows:

(a) Within or adjacent to the vehicular surface area as tree islands;

(b) At the end of parking bays;

(c) Inside medians that are eight feet or greater in width; and

(d) As part of a street protective yard (see subsection (3)b above) or as screening from abutting properties (see subsection (3)a above).

c. Plantings

1. General

(a) A minimum of 60 percent of each planting area shall contain living plants, trees, shrubs, groundcover, or turf, and all other portions of the planting area shall be mulched. A minimum of 75 percent of the area designated on

the landscaping plan for grass or ground cover shall be covered by established grass or ground cover.

(b) Trees and plants that are planted in parking lot islands that function as stormwater quality treatment BMPs shall consist of native trees and plants.

2. Trees

(a) One large shade tree shall be planted for every 20 parking spaces.

(b) Each interior planting area shall contain at least one large-maturing shade tree, except within 15 feet of overhead power lines where two small-maturing trees shall be substituted for the each large-maturing tree.

(c) When planted in groupings, trees shall be planted no less than 25 feet apart.

(d) Each planted tree shall be between two and three inches in caliper.

(e) Only species identified on an approved site plan or project approval may be used.

d. Large Vehicular Surface Areas

Vehicular surface areas larger than two acres, except for storage, loading, and maneuvering areas serving Industrial uses, shall incorporate continuous planted medians that meet the following additional requirements:

1. For every two acres of vehicular surface area (rounded to the closest two-acre increment), four planted medians, each having a minimum 1,134 feet of planted area, shall be provided. Any of the medians may serve as a pedestrian accessway required by Sec. 26-5.2(c)(8)b, Pedestrian Pathways, if it meets the requirements of Sec. 26-5.2(c)(8)b.

2. The minimum width of each planted median shall be eight feet, exclusive of any pedestrian pathways.

3. Each planted median shall be continuous and uninterrupted except for points of access.

(5) Vehicular Display Areas

A vehicular display area shall comply with the requirements of (4) above, provided:

a. No stored vehicle shall be located farther than 40 feet from the edge of any landscaped planting area; and

b. Small maturing trees may be substituted for required shade trees within interior landscaped planting areas.

(g) Site Landscaping

(1) Purpose

The standards in this section are intended to soften the visual impact of building foundations and provide for dispersal of required trees and shrubs across a development site.

(2) Applicability

a. Unless exempted by subsection b below, all development shall comply with the standards in this section.

b. The following are exempt from the standards in this section:

1. Development in the OS, AG, MU3, MU2, and HI districts;

2. Development that consists solely of a change in land use;

3. Single-family detached dwellings;

4. Two-family dwellings;

5. Townhouses; and

6. Agricultural uses.

(3) Minimum Plantings

Site landscaping shall be provided in the amount listed in Table 26-5.3(g)(3): Required Site Landscaping Plantings, based on the proposed use (see Figure 26-5.3(g)(4): Site Landscaping).

Table 26-5.3(g)(3): Required Site Landscaping Plantings

Use Type	Minimum Required Plantings
Residential use	8 trees, including a minimum 5 evergreen trees, per acre + 1 shrub per each 10 feet of building perimeter
Public, Civic, and Institutional use	7 trees, including a minimum 2 evergreen trees, per acre + 1 shrub per each 10 feet of building perimeter
Commercial use or mixed-use	5 trees, including a minimum 1 evergreen tree, per acre, + 1 shrub per each 10 feet of building perimeter
Industrial use	2 trees, including at least 1 evergreen tree, per acre + 1 shrub per every ten feet of building wall facing a public right-of-way

NOTES:

[1] Each evergreen tree meeting the minimum size standards of this section shall count as two caliper inches towards the total number of required shade tree caliper inches

Figure 26-5.3(g)(4): Site Landscaping

(4) Planting Standards

Trees and shrubs used to meet the requirements in Table 26-5.3(g)(3): Required Site Landscaping Plantings, shall comply with the following standards (see Figure 26-5.3(g)(4): Site Landscaping):

a. Trees

Trees shall be dispersed across the development site in accordance with good planting practice and the following priority listing:

1. In yards between a building façade and a street right-of-way where no vehicular surface area landscaping is required;
2. Between a building and an adjacent lot with an existing use that provides more than 50 percent of the vegetative material associated with a required transitional buffer yard;
3. Between a building façade and an abutting lot with the same or a more intense zoning district classification where no transitional buffer yard is required;
4. Within open-space set-aside areas with no existing or reforested trees;
5. Adjacent to on-site areas of pedestrian or vehicular circulation where no other vegetative material is required (e.g., drive-throughs or stacking lanes); or
6. Other areas near accessory structures or accessory uses.

b. Shrubs

1. A minimum of 50 percent of required shrubs shall be evergreen shrubs.

2. Required shrubs shall be placed around each building perimeter so as to not obscure walkways and with emphasis placed on any portions of the building foundation visible from the public right-of-way. Required shrubs shall be placed at the following distances from the building:

(a) A maximum of three feet from the building if there is no sidewalk located between the planting area and the building wall; or

(b) A maximum of 15 feet from the building if there is a sidewalk located between the planting area and the building wall.

(h) Screening

(1) Purpose

The screening standards in this section are designed to minimize the negative impacts of areas to be screened on surrounding properties and improve the visual quality of the County.

(2) Applicability

Unless already screening by an intervening building or transitional buffer yard, the following shall be screened from view when visible from a public road or adjacent property lines in accordance with the standards in this section:

a. Loading areas;

b. Trash collection areas, including dumpsters;

c. Outdoor storage display areas (except for vehicular display areas, see Sec. 26-5.3(f)(5), Vehicular Display Areas);

d. Utility service areas;

e. Stormwater management areas not designated as an integral part of a landscaping plan or used as a site amenity; and

f. Thoroughfares and arterial roadways.

(3) Loading, Trash Collection, Outdoor Storage Display, and Utility Service Areas

Screening for loading, trash collection, outdoor storage display, and utility service areas shall consist of one of the following, at minimum:

a. A continuous hedge of evergreen and/or densely twigged deciduous shrubs, planted in a five-foot-wide strip. The shrubs shall be spaced a maximum of five feet on center, shall be planted at a minimum height of four feet, and shall exceed the height of the receptable by at least six inches at the plants' maturity.

b. A row of evergreen trees, planted in a five-foot-wide strip and spaced a maximum of eight feet on center.

c. A fence or wall that matches the height of the receptacle and has its finished side facing the abutting road or property. If the fence is longer than 25 linear feet, it shall be landscaped with trees and/or shrubs planted in a continuous (except around access areas) five-foot-wide planting area, spaced a maximum of eight feet on center, such that at least 50 percent of the fence or wall is screened from view.

(4) Stormwater Management Areas

Stormwater management areas shall be screened in accordance with the following minimum standards:

a. Evergreen shrubs that are expected to reach four feet in height within three years of planting, at a maximum spacing of five feet on center; and

b. Trees, at least 50 percent of which are an evergreen species, at a maximum spacing of 25 feet on center.

(i) Tree Protection

(1) Purpose

The purpose of this section is to establish standards for the protection of trees that have particular significance in the County, to achieve a higher quality of life, enhance the appeal and economic value of properties in the County, and otherwise contribute to the public health, safety, and welfare.

(2) Applicability

a. General

Except as provided in subsection b below, no protected tree shall be cut, relocated, removed, or destroyed, except with approval of a Tree Removal Permit (see Sec. 26-2.5(i)) and in accordance with the standards of this section.

b. Exceptions

The following activities are exempt from the standards of this section:

1. The removal or modification of any tree located on an individual lot on which an existing single-family detached or two-family dwelling is located;

2. Routine or seasonal pruning in accordance with Sec. 26-5.3(c)(2), Maintenance;

3. The removal or pruning, after providing documentation to the Zoning Administrator of the condition of the tree(s), of any of the following:

(a) Dead or naturally fallen trees;

(b) Trees damaged during a hurricane, tornado, ice or wind storm, flood, wildfire or any other such act of nature; and

(c) Trees that are found by the Zoning Administrator to be a threat to the public health, safety, or welfare;

4. The selective and limited removal or pruning of trees or vegetation necessary to obtain clear visibility at driveways or intersections;

5. The removal or pruning of trees within a utility easement by a utility company;

6. The removal of trees when required by the Federal Aviation Administration;

7. The removal or pruning of trees or vegetation on land zoned or lawfully used for commercial cultivation of trees to be sold for transplantation, outside of any right-of-way, transitional buffer yard, street protective yard, or interior planting area in a vehicular surface area;

8. Ongoing agricultural activity; and

9. Forestry activities shielded from local development regulation in accordance with S.C. Code § 48-23-205. The land owner shall have the burden of proving by

clear and convincing evidence that a forestry activity is an exempt activity under S.C. Code § 48-23-205. Development applications that would result in in a change of site of the forestry activities from forest land to non-forest or nonagricultural use shall not be considered for a period of one year after the conclusion of such forestry activities.

(3) General

a. Protected Trees

For purposes of this section, a protected tree includes the following:

1. Any grand tree (see Sec. 26-9.3, Definitions); and
2. Any tree in fair or better condition that is six inches in diameter (DBH) or larger that is located in a transitional buffer yard (see Sec. 26-5.3(d)), street protective yard (see Sec. 26-5.3(e)), or open space set-aside consisting of natural features (see Sec. 26-5.4(d), Areas Counted Toward Set-Aside Requirement).

b. Documentation of Existing Trees

Documentation of existing trees on the site, through a tree inventory or tree survey, shall be submitted with a landscaping plan (see Sec. 26-5.3(b)(6), Landscaping Plan Required) in accordance with the following:

1. Infra-red or aerial photography, which may include drone imagery, or LIDAR data, no more than five years old may be used to assist in the location of protected trees.
2. If photographs or LIDAR data are inadequate to document existing trees, the Zoning Administrator may require a site visit or a tree survey or inventory of the affected area. The required tree survey shall be prepared by a certified arborist, licensed engineer, forester, landscape architect, or surveyor that will determine the size, species, health, condition, and structural integrity of forest trees and whether or not said trees are in good enough condition and safe enough to live beyond construction activity.

c. Tree Protection Plan

A tree protection plan that identifies what tree protection methods will be utilized shall be submitted with a landscaping plan (see Sec. 26-5.3(b)(6), Landscaping Plan Required. The plan shall include the following:

1. The footprint or proposed footprint of any building or structure;
2. Areas of clearing, grading, trenching, and other earth-moving activities;
3. Protected trees and/or groupings of trees designed to be saved (including estimated number and average diameter or circumstances); and
4. Tree protection zones, ponds, creeks, wetlands, and other important natural features.

d. Tree Protection Zone Established

Except as otherwise provided in this section, the tree protection zone of a protected tree consists of the largest of the following:

1. The area located within a distance of one foot for each one inch of tree diameter (DBH) of the tree;

2. The area surrounding the tree within a distance of one-half the tree's height;
3. The area within a distance of six feet of the tree; or
4. The area located within the drip line of the tree.

e. Trenching Prior to Clearing

The removal of trees adjacent to tree protection zones can cause inadvertent damage to the protected trees. Prior to clearing activities, trenches with a minimum width of one-and-one-half inches and a minimum depth of 12 inches shall be cut along the limits of land disturbance, outside of any tree protection zones, so as to cut, rather than tear tree roots.

(4) Prohibited Activity in Tree Protection Zone

a. Compaction of the soil within a tree protection zone over more than ten percent of the area of the tree protection zone is prohibited, except where necessary for pedestrian walkways. Where possible, mulch shall be used to mitigate soil compaction in areas of the tree protection zone where activity on the site may result in soil compaction.

b. Utility and grading plans shall not modify or disturb the tree protection zone, provided, utilities may be located within a tree protection zone if:

1. There is no alternative location for the utilities;
2. Any tunneling or boring for utility lines occurs at a depth that avoids significant damage to the roots of the protected tree and is at least 25 inches below the ground;
3. Any excavation is limited in extent to the minimum necessary and is accomplished using hand excavation methods that remove soil around tree roots without severing them; and
4. All proposed activity within the tree protection zone is shown on an approved tree protection plan.

(5) Removal of Protected Trees

A tree removal permit (see Sec. 26-2.5(i)) may be issued, and protected trees may be removed from a development site, if the landowner demonstrates development on the site cannot be located and designed to allow for a reasonable use, after exploration of applicable alternatives for relief including submission and approval of an alternative landscaping plan (See Sec. 26-5.3(b)(7), Alternative Compliance) and if mitigation is provided in accordance with subsection (6) below. Protected trees removed without tree removal permit shall require additional mitigation as set forth in subsection (6) below.

(6) Replacement/Mitigation of Protected Trees

a. Tree Removal in Accordance with Tree Removal Permit

The removal of protected trees in accordance with an approved tree removal permit (see subsection (5) above) shall be mitigated as follows:

1. The protected trees removed shall be replaced with new trees:
   (a) In the ratio of 6:1 (six new trees for every one removed tree) for grand trees; and

(b) In the ratio of 3:1 (three new trees for every one removed tree) for other protected trees.

2. The replacement trees shall have a caliper size of between two and three inches.

3. The replacement trees shall be planted in appropriate areas of the development site in accordance with subsection b below, and shall be clustered to the maximum extent practicable as a means of reestablishing existing tree canopy.

4. The replacement trees shall be planted with sufficient room to accommodate future growth.

b. Location of Replacement Trees

Required replacement trees shall be planted on the lot where the protected trees were located prior to their removal and, to the extent practical, within the area that constituted the tree protection zone (see Sec. 26-5.3(i)(3)d, Tree Protection Zone Established) of the removed trees or adjacent to right-of-way.

c. Establishment Period

Required replacement trees shall be maintained through an establishment period of three years from the time of their planting.

d. Protected Tree Removal without Tree Removal Permit

1. Any grand or protected trees removed without prior approval of a tree removal permit for the removal shall be replaced by 150 percent the number of trees required by subsection a above.

2. No certificate of occupancy shall be issued for any development until all applicable restoration conditions have been met.

(7) Tree Protection During Construction

a. During construction, the landowner or developer shall be responsible for the erection of any and all barriers necessary to protect trees within a tree protection area, and any other existing vegetation to be retained, from damage both during and after construction. Protective barriers shall be installed prior to, and maintained throughout, the land disturbance and construction process. Such barriers shall:

1. Be installed along the outer edge of and completely surrounding all tree protection zones;

2. Consist of:

(a) A minimum four-foot-high wooden post and rail fence with two-inch by four-inch posts and a double one-inch by four-inch rail;

(b) A minimum four-foot-high orange polyethylene laminar safety fencing mounted on wooden posts; or

(c) A similar fencing method approved by the Zoning Administrator.

b. Be posted with warning signs that:

(a) Are posted not more than 150 feet apart;

(b) Are clearly visible from all sides of the tree protection area;

(c) Have a minimum area of four square feet per sign; and

(d) Identify the fenced area as a tree protection zone and direct construction workers not to encroach into the area (e.g., "Tree Protection Zone: Do Not Enter").

c. Construction site activities, including but not limited to parking, equipment or material storage, bury pits, concrete washout, or burning of debris, are prohibited within tree protection zones.

d. Trees located within a tree protection zone shall be protected from chemical contamination from liquids or other materials, including but not limited to paint, chemical solvents, gasoline, oil, diesel fuel, hydraulic fluid, concrete spoils, or rinse water from vehicle cleaning, including rinsing of concrete truck tanks and chutes.

e. Prior to machinery passing over any area within a tree protection zone during construction, the area shall be cushioned using plywood sheeting covered by a minimum four-inch-thick layer of wood mulch, or materials providing an equivalent minimum degree of cushioning, as shown on an approved landscaping plan.

f. Any violation of the tree protection standards in this section is a violation of this Ordinance and may result in remedies and penalties in accordance with Sec. 26-8.6, Remedies and Penalties. Any action in violation of this section that results in damage to a protected tree that jeopardizes its survival shall be deemed removal of a protected tree.

Sec. 26-5.4. Open Space Set-Asides

(a) Purpose

Open space set-asides are intended for the use and enjoyment of a development's residents, employees, and users. Open space set-asides serve several purposes, including preserving the County's natural resources, ensuring access to open areas and active recreation, reducing the heat island effect of developed areas, providing civic and meeting spaces, enhancing storm water management, and providing other public health benefits.

(b) Applicability

(1) General

Unless exempted in accordance with subsection (2) below, all new development in the County shall comply with the standards in this section.

(2) Exemptions

The following development is exempted from the standards in this section:

a. Single-family and two-family dwellings and manufactured homes on individual lots that are not part of a major land development or major subdivision;

b. Utility Uses;

c. Agricultural Uses; and

d. Development where the total minimum open space set-aside required in accordance with this section, including all phases of development, would be 20 square feet or less (see Sec. 26-5.4(c), Amount of Set-Aside Required).

(3) Timing of Review

Review for compliance with the standards of this section shall occur during review of an application for a planned development (see Sec. 26-2.5(c)), special exception (see Sec. 26-2.5(d)), land development permit (major or minor) (see Sec. 26-2.5(e)), subdivision (major or minor) (see Sec. 26-2.5(f)), permitted use with special requirements (see Sec. 26-2.5(h)), or certificate of zoning compliance (see Sec. 26-2.5(m)), as applicable.

(4) Open Space Set-Aside Plan Required

All development applications subject to review for compliance with the standards of this section shall include an open-space set-aside plan. The plan shall designate all open-space areas, including the amount of each type of open space set-aside provided and the relation of each set-aside area to the constructed areas of the site, including all buildings and pedestrian and bicycle circulation systems.

(c) Amount of Set-Aside Required

Development subject to these standards shall provide open space set-asides in an amount that meets or exceeds the minimum area in Table 26-5.4(c): Required Open Space Set-Aside, based on the use and zoning district where the development is proposed.

Table 26-5.4(c): Required Open Space Set-Aside						
Use Type	Minimum Open Space Set-Aside (as a Percentage of Development Site Gross Area in Each District)					
	MU2, MU3 Districts	Planned Development Districts	OS, AG, HM Districts	RT, R1Districts	R2, R3, R4, R5, R6 Districts	All Other Base Districts
Residential Uses, Except Multi-family	15%	25%	45%	30%	25%	15%
Residential, Multifamily	15%	25%	n/a	n/a	25%	25%
Public, Civic, and Institutional Uses	15%	25%	30%	15%	15%	15%
Commercial Uses and Mixed-Use Development	15%	25%	15%	15%	15%	10%
Industrial Uses	10%	25%	10%	10%	n/a	10%

(d) Areas Counted Toward Set-Aside Requirement

(1) Qualifying Types of Open Space

The features and areas identified as counting toward open space set-asides in Table 26-5.4(d): Open Space Set-Aside Features, shall be credited towards compliance with the amount of open space set-aside required by subsection (c) above, if designed and maintained in accordance with Table 26-5.4(d) and if they comply with all other requirements in this section.

(2) Features and Areas Not Counted as Open Space Set-Asides

The following features and areas shall not be counted as open space set-aside areas for purposes of this section:

a. Private yards on individual lots not subject to an open space or conservation easement;

b. Street rights-of-way or private access easements, including sidewalks located within those rights-of-way or easements;

c. Open parking areas and driveways;

d. Land covered by structures, unless designed for active recreational uses;

e. Designated outdoor storage areas;

f. Stormwater ponds not located and designed as a site amenity (stormwater ponds with low fencing, vegetative landscaping, gentle slopes, fountain or other visible water circulation device, and pedestrian access or seating may count as open space set aside); and

g. Parking lot interior landscaping.

Table 26-5.4(d): Open Space Set-Aside Features [1]

Area Counted as Common Open Space Set-Asides, and Design and Maintenance Requirements

Natural Features

Description: Native mixed forests, monoculture pine forests, wildlife habitat areas, areas with groupings of grand trees, natural vegetation, streams, rivers, ponds, lakes, wetlands, steep slopes, drainageways, riparian buffers, other riparian areas, and flood hazard areas.

Design and Maintenance Requirements: Maintenance is limited to the minimum removal and avoidance of hazards, nuisances, and unhealthy conditions. Special monitoring and maintenance provisions apply to Natural Features — see Sec. 26-5.4(g) below.

Passive Recreation Areas

Description: Formally planned and regularly maintained open areas that provide passive recreation opportunities, including arranged plantings, gardens, community gardens, green roofs, gazebos, and similar structures.

Design and Maintenance Requirements: Passive recreation areas shall have at least one direct access to a building or to a street, bikeway, or walkway accessible to the development's occupants and users. All vegetation shall be maintained in a healthy condition. All structures shall be properly weatherproofed and maintained in a state of good repair. Passive recreation areas shall be maintained free of litter.

Required Landscape Areas, Tree Protection Areas, Screening, and Buffers

Description: All areas occupied by required landscape areas, tree protection areas, vegetative screening, and water quality buffers, except for landscape areas within parking lots.

Design and Maintenance Requirements: See Sec. 26-5.3, Landscaping.

Table 26-5.4(d): Open Space Set-Aside Features [1]

Area Counted as Common Open Space Set-Asides, and Design and Maintenance Requirements

Stormwater Management Areas Treated as Site Amenities

Description: Up to 75 percent of the land area occupied by stormwater management facilities (including retention and detention ponds and other bioretention devices) may be included, when such features are treated as an open space site amenity.

Design and Maintenance Requirements: Stormwater management facilities treated as an open space site amenity shall support passive recreation uses by providing access, pedestrian elements such as paths and benches, gentle slopes (less than 3:1), and vegetative landscaping. Maintenance of the facilities shall comply with the BMP Manual.

Public Access Easements with Paths or Trails

Description: Public access easements that include paths or trails that are available for passive recreational activities such as walking, running, and biking.

Design and Maintenance Requirements: Such access easements shall include at least one improved access from a public street, sidewalk, or trail that includes signage designating the access point. All hard surfacing shall be maintained in good repair and free of debris. Vegetation shall be maintained so there is a minimum vertical clearance of eight feet above all paths and trails. These easements shall be maintained free of litter.

Active Recreational Areas

Description: Land occupied by areas and facilities used for active recreational purposes, such as ballfields, playgrounds, tennis courts, pools, jogging trails, community buildings and clubhouses, and land dedicated for parks.

Design and Maintenance Requirements: Land shall be compact and contiguous unless used to link or continue an existing or planned open space resource. Areas shall have at least one direct access to a building or to a street, bikeway, or walkway accessible to the public or the development's occupants and users. All vegetation shall be maintained in a healthy condition. All structures shall be properly weatherproofed and maintained in a state of good repair. Active recreation areas shall be maintained free of litter.

Table 26-5.4(d): Open Space Set-Aside Features [1]	
Area Counted as Common Open Space Set-Asides, and Design and Maintenance Requirements	
	Squares, Forecourts, and Plazas **Description:** Flat, open areas immediately in front of a building or framed by buildings or streets that provide gathering places, opportunities for outdoor dining, and other similar activities. **Design:** A square, forecourt, or plaza shall be at least 200 square feet, but no more than one acre, in area. It shall have at least one direct access to a principal building, or to a street, bikeway, or walkway accessible to the public or the development's occupants and users. Surrounding principal buildings shall be oriented toward the square, forecourt, or plaza where possible. To the extent practical, a square, forecourt, or plaza shall use (1) surfacing materials that are pervious or semi-pervious, or (2) low impact design features, such as swales and rain gardens, to provide for the infiltration of stormwater. Surfacing shall be maintained in good repair and free of debris. All stormwater facilities shall be maintained in accordance with the BMP Manual. A square, forecourt, or plaza shall be maintained free of litter.

NOTES:

[1] Images are for illustrative purposes only. The limitations on the amount and type of open space that meet the standards of this section very depending on the applicable zoning district and proposed use as set forth in Sec. 26-5.4(c) and Sec. 26-5.4(d).

(e) Design Standards for Open Space Set-Asides

(1) Location

Open space set-asides shall be located so as to be readily accessible by occupants and users of the development, to the maximum extent practicable. In residential subdivisions, open space set-asides shall be located within one-half mile of all residential lots. To the extent practicable, a portion of the open-space set-aside area should provide focal points for the development through prominent placement or easy visual access from streets.

(2) Configuration

a. Open space set-asides shall be compact and contiguous, unless a different configuration is needed to continue an existing trail or accommodate preservation of natural features.

b. If the development site is adjacent to existing or planned public trails, parks, or other public open space area, the open space set-asides shall, to the maximum extent practicable, be located to adjoin, extend, and enlarge the trail, park, or other public open space area (see Figure 26-5.4(e): Example Open Space Set-Aside Configuration).

c. Pedestrian access to open space set-asides shall be provided from sidewalks or other pedestrianways within the development.

d. If a passive recreation open space set-aside area with a minimum width of 20 feet or more abuts an existing or planned open space area, no perimeter buffer shall be established between the two open space areas, even if otherwise required by Sec. 26-5.3, Landscaping.

Figure 26-5.4(e): Example Open Space Set-Aside Configuration

(3) Orientation of Adjacent Buildings

To the extent practicable, buildings adjacent to required open-space set-asides shall have at least one entrance facing the open-space set-aside.

(4) Prioritization of Areas and Features

a. If located on the site, the following must be included in the required open space set-asides, up to the maximum area required by Sec. 26-5.4(c), Amount of Set-Aside Required, in the following priority order:

1. Floodways and 100-year floodplains;

2. Jurisdictional lines and associated buffer zones;

3. Highly erodible soils on steep slopes of 25 percent or greater, except minimal changes may be allowed for necessary access or impacts (e.g., wetlands, jurisdictional or non-jurisdictional) of less than 0.25 acres;

4. Federal and state listed rare, endangered, or threatened species' habitats;

5. Archeological features eligible for or listed in the National Register of Historic Places;

6. Human cemeteries or burial grounds (see Sec. 26-6.3(g), Natural Resource Inventory); and

7. Open water.

b. In addition to any features on the site identified in subsection a above, except as otherwise provided in subsections c and d below, required open space set-asides shall also be located and organized to include the following, up to the maximum open space set-side required by Sec. 26-5.4(c), Amount of Set-Aside Required, in the following order of priority:

1. Natural features such as riparian areas and buffers, shorelines, wildlife habitation as identified as part of the NRI for endangered or threatened species (see Sec. 26-6.3(g), Natural Resource Inventory), and woodland areas as described under Natural Features per Table 26-5.4(d): Open Space Set Aside Features.

2. Protected trees, including grand trees, and other mature trees.

3. Parks and trails (regardless of public or private ownership).

4. Lands with active agricultural uses and activities.
5. Perimeter buffers or visual transitions between different types or intensities of uses.
6. Areas that accommodate multiple compatible open space set-aside uses rather than a single use.
7. Squares, forecourts, plazas, and similar open space amenities.

c. Subsection a notwithstanding, in the MU3 and MU2 districts, the highest priority for required open space set-asides shall be the squares, forecourts, plazas, or similar urban open space amenities, followed by parks and trails. A minimum of 30 percent of the required open space set-aside for the site shall consist of one or a group of these elements. The priority of the remaining types of open space set-asides shall be the same as listed in subsection b above.

d. Subsection a notwithstanding, in proposed multi-family development, a minimum of 40 percent or one acre of the total open space required to be set aside, whichever is smaller, shall consist of features other than Natural Features as listed in Table 26-5.4(d): Open Space Set-Aside Features.

(5) Development Allowed within Set-Aside

Development within open-space set-asides shall be in accordance with the description and purposes of the type of open space set-aside (see Table 26-5.4(d): Open Space Set-Aside Features). Where appropriate, such development may include, but is not limited to, walking, jogging, and biking paths or trails; benches or other seating areas; meeting areas; tables, shelters, grills, and other picnicking facilities; docks and other facilities for fishing; environmental education guides and exhibits; gazebos and other decorative structures; fountains or other water features; play structures for children; garden or seasonal planting areas; pools; athletic fields and courts; and associated clubhouses.

(f) Ownership, Management, and Maintenance

To ensure that open space set-asides are managed and maintained as permanent open space, the following requirements apply to all required open space set-asides.

(1) General Requirements

a. All open space set-asides shall include deed restrictions, covenants, or other legal instruments that ensure continued use of the land for its intended open-space purposes, in perpetuity, and provide for the continued and effective management, operation, and maintenance of the land and facilities.

b. All open space set-asides shall be shown and labeled on all required plans or plats.

c. All deed restrictions, covenants, or other legal instruments relating to the maintenance of open space set-aside land shall provide the County with an independent right of entry for enforcement of the open-space maintenance and management provisions required by this section.

d. A property owners' or homeowners' association that is responsible for the continuous and perpetual protection, management, maintenance, and annual monitoring of any open space areas shall meet the following requirements:

1. Membership in the association must be mandatory and automatic for all property owners in the subdivision, and their successors;
2. The association shall have lien authority to ensure the collection of dues from all members; and
3. The association shall be responsible for informing each property owner at the time of closing of the location of the open space areas, the association's maintenance obligations, and the special or protected nature of any open space areas.

e. The owner of the open space set-aside area may establish criteria governing public use of open space areas protected under this section.

f. The owner of the open space set-aside area shall assume the responsibility for the continuous and perpetual protection, management, maintenance, and annual monitoring of all open space areas in a manner consistent with the guidance contained in the Richland County Open Space Management Manual.

(2) Retention by Property Owner

The property owner may choose to retain the property being set-aside for open space, subject to the following additional requirements:

a. The property owner shall retain ownership of the open space set-aside areas in a deed that shall be recorded and delivered prior to, or concurrent with, the recording of the bonded plat for the first phase of the subdivision.

b. The deed shall include the following language: "The open space benefits of the areas conveyed by deed and shown on the Final Plat shall remain permanently protected as open space and managed and maintained as is without modification without prior approval of a development approval or permit. The open space areas identified in this covenant are intended for public benefit, but for use by residents and invitees of the development, and this covenant shall run in perpetuity."

(3) Transfer to Property Owners' or Homeowners' Association

The applicant/property owner may transfer the property being set-aside for open space to a property owners' or homeowners' association for perpetual management and maintenance, subject to the following additional requirements:

a. The property being retained as open space set-aside areas shall be conveyed to a property owners' or homeowners' association in fee simple.

b. The deed conveying the property shall be recorded and delivered prior to, or concurrent with, the recording of the bonded plat for the first phase of the subdivision.

c. The deed and covenants of the property owners' or homeowners' association shall include the following language: "The open space benefits of the areas conveyed by deed and shown on the Final Plat shall remain permanently protected as open space and managed and maintained as is without modification without prior approval from the Community Planning and Development Department. The open space areas identified in this covenant are intended for public benefit, but for association members use, and this covenant shall run in perpetuity."

(4) Transfer to Richland County

The applicant/property owner may transfer a conservation easement in all or some of the open space set-aside to the County, subject to the following additional requirements:

a. Richland County must agree to accept a conservation easement on the subject open space area.

b. The property owner or, if deeded, property owners' or homeowners' association shall agree to pay a one-time stewardship fee, established by the County, to cover the cost of annual monitoring, compliance, and enforcement of the conservation easement in perpetuity.

c. The property owners' or homeowners' association may establish criteria governing public use of open space areas protected under this section.

d. The property owners' or homeowner's association shall retain the remaining ownership interests in the open space set-aside areas and the general responsibility for management and maintenance of the open space areas.

(5) Transfer to Third Party Environmental or Civic Organization

With approval of the Zoning Administrator, the applicant/property owner may transfer a conservation easement to a third party beneficiary such as an environmental or civic organization that is organized for, capable of, and willing to accept responsibility for managing and maintaining the land for its intended open-space purposes in perpetuity. The instrument conveying the easement shall state that the open space set-aside area shall remain permanently protected as open space and managed and maintained as is without prior approval of a development approval or permit, and such area is intended for public benefit, but for use by residents and invitees of the development, in perpetuity. The instrument conveying the easement shall be recorded and delivered prior to, or concurrent with, the recording of the bonded plat for the first phase of the subdivision.

(g) Additional Requirements for Natural Features Preserved as Open Space Set-Asides

(1) General

a. As discussed in subsection (e)(4) above, "Natural Features" such as riparian areas and buffers, shorelines, flood hazard areas, floodplains, steep slopes, wildlife habitation, and woodland areas are the highest priority for open space preservation in the all zoning districts except the MU3 and MU2 districts, and the third-highest priority in the MU3 and MU2 districts. Such features provide important environmental benefits by decreasing the volume of surface runoff, reducing stormwater pollutant loads to streams, and reducing soil erosion and sediment delivery.

b. The requirements in this section establish additional standards to ensure the protection and preservation of Natural Feature areas that are credited as open space set-asides under this section.

(2) Applicability

The requirements of this section apply to all open space set-aside areas identified as "Natural Features" in Table 26-5.4(d): Open Space Set-Aside Features.

(3) Other Provisions

For an area that is classified as Natural Feature and qualifies as a conservation area in accordance with the standards of Sec. 26-5.5, Cluster Development, the standards of both this section and Sec. 26-5.5, Cluster Development, apply. In case of conflict, the more restrictive standards apply.

(4) Requirements

a. Protection During Construction

The following steps shall be taken during the site plan and site construction process to protect Natural Feature areas:

1. Natural Feature areas shall be clearly identified on all plan submittals and construction drawings and marked with the statement "Natural Feature Area. Do Not Disturb or Encroach."
2. Natural Feature areas cannot be encroached upon or disturbed at any time, unless in accordance with Sec. 26-5.12(a)(2)c, Exemptions, or Sec. 26-5.12(a)(2)d, Waiver, or following approval from the County.
3. Natural Feature areas must be clearly marked with a warning barrier prior to any construction activities. The marking(s) shall be maintained until completion of all construction activities. All contractors and others working on the construction site must be made aware of the existence of the open space areas and the restrictions on disturbing these areas.
4. All Natural Feature areas must be left in their existing condition upon completion of construction activities. Should any activities during construction, including encroachment, cause damage or degradation to any of the Natural Feature areas, these areas must be restored based upon preexisting conditions or to conditions acceptable through a Richland County-approved restoration plan.
5. If any trees are allowed to be removed from a Natural Feature area, the tree location shall be shown and a note shall be provided stating that the tree must be hand cleared.
6. Where stormwater is concentrated into a Natural Feature area, best management practices must be used to protect the Natural Feature area, as approved by the County.

b. Open Space Baseline Surveys

The applicant shall conduct a baseline survey of each Natural Feature area prior to any earth-moving, tree clearing, infrastructure installation, or home construction on the site, in accordance with these requirements:

1. The baseline survey shall use sufficient photos to adequately document the condition of the entire open space prior to the activities listed in subsection a above. Each photo shall be geocoded to indicate the location and bearing of the photograph.
2. The survey shall be submitted to the Zoning Administrator. Each original digital photographic file shall be submitted to the Zoning Administrator electronically in a high-resolution format which includes geocoding data.

c. Open Space Annual Reporting

The entity responsible for maintenance and management of the open space set-asides shall prepare (or retain the services of a qualified entity to prepare) an annual report to monitor the condition of each Natural Feature area, in accordance with the following requirements:

1. The annual report shall include photos taken at the same location and bearing as the photos in the original baseline survey. Each photo shall be geocoded to indicate the location and bearing of the photograph. Aerial photography or drone video footage may be submitted as supporting documentation.
2. The annual report shall document any violations or changes that have taken place since the baseline survey or the previous annual report, such as:
   - (a) Homeowner or POA encroachment;
   - (b) Removal of sand, gravel, loam, rock, etc.;
   - (c) Trash accumulation, dumping, organic debris;
   - (d) Alteration of the open space;
   - (e) Storm damage, erosion, etc.;
   - (f) Construction of roads, parking lots, utility lines, trails;
   - (g) Removal or planting of trees or other vegetation;
   - (h) Invasion of non-native species; and
   - (i) Current use of adjacent properties and whether there are any problems with encroachment and/or trespassing.
3. The annual report shall be submitted to the Zoning Administrator. Each original digital photographic file shall be submitted to the Zoning Administrator electronically in a high-resolution format which includes geocoding data.

d. Signage

1. Permanent boundary markers are required to be installed around each Natural Feature area to ensure that property owners are aware of their protected status.
2. Natural Feature area boundary markers shall be located in such a manner as to accurately delineate the boundary. Markers shall be posed every 100 feet along a Natural Feature area boundary in commercial developments, and at the intersection of every other lot line and a Natural Feature area boundary in residential subdivisions. The Zoning Administrator has discretion to reduce the number of required signs.
3. Each sign shall meet the following requirements:
   - (a) Mounted on a treated wood or metal signpost or on a non-grand tree. The post must extend at least 24 inches below ground;
   - (b) Placed four to six feet above the ground;
   - (c) Be at least eight inches by 12 inches;
   - (d) Include the statement “Open Space Area — Do Not Disturb or Encroach”;
   - (e) Include a telephone number for an ombudsman to call for encroachment or other issues; and

(f) Use contrasting, highly-visible lettering and background colors (e.g., black lettering on a white or yellow background).

e. Plat Requirements

All preliminary plans and bonded and final plats prepared for recording and all right-of-way plats submitted under this section shall clearly:

1. Delineate and label all Natural Feature areas;
2. Provide a note to state: "All Natural Feature areas shown on the plat shall remain permanently protected as open space and managed and maintained as is without prior approval from the Community Planning and Development Department. There shall be no clearing, grading, disturbance or construction, or construction runoff impacts to the Natural Feature areas except as allowed by the County Engineer.";
3. Provide a note indicating ownership of the Natural Feature areas, and
4. Show the location of all permanent Natural Feature boundary marker signs.

Sec. 26-5.5. Cluster Development

(a) Purpose and Intent

The purpose of these cluster development standards is to ensure that new residential development in certain rural and lower density residential districts:

(1) Protects the character of rural lands in the County;

(2) Preserves contiguous areas of green space;

(3) Reduces impervious cover;

(4) Reduces soil erosion and sediment delivery by reducing the amount of clearing and grading on a site while increasing overall infiltration;

(5) Reduces stormwater pollutant loads to streams, receiving streams, and bodies of water;

(6) Reduces the capital and long-run maintenance costs of development; and

(7) Reduces the cost and improves the efficiency of public services needed by the development.

(b) Applicability

(1) The following shall comply with the standards in this section:

a. In the AG, HD, RT, and R1 districts:

1. All new residential major and minor subdivisions; and

2. All new development that includes three or more dwelling units for which a land development permit (major or minor) is required.

b. Any development type within any other Residential district may apply under the standards of this section.

(c) Cluster Development Standards

For development subject to the requirements of this section, areas located outside of required open space set-asides (see Sec. 26-5.4, Open Space Set-Asides) ("developed areas") shall comply with following standards:

(1) **Buffer Transition Yards**

A minimum 25-foot-wide Type B buffer transition yard (see Sec. 26-5.3(d), Transitional Buffer Yards) is required along any lot line that abuts a lot outside of the proposed development having an existing residential use or for which a development approval or permit for residential development has been approved by the County, except where streets or pedestrianways are proposed to provide connectivity between adjoining developments.

(2) **Required Screening**

All development shall be screened from view from all roadways external to the development that have a functional classification of collector or higher.The screening shall be by a street protective yard that complies with the minimum dimensional standards and planting requirements in Sec. 26-5.3(e), Street Protective Yards, and with Sec. 26-5.3(c), General Landscaping Standards.

(3) **Configuration of Developed Area**

a. Residential lots shall be clustered into one or multiple groupings surrounded by open space set-asides to minimize the amount of road, utility, and other infrastructure needed to serve the development, and to maximize the contiguity of open space.

b. Where practical, the development shall be oriented to provide views into open space set-aside areas from developed areas.

Sec. 26-5.6. Design and Form Standards

(a) Purpose

The purpose of the form and design standards in this section is to:

(1) Establish a minimum level of development quality for multi-family, mixed-use, commercial, and light industrial development within the County's mixed-use corridors and activity centers as identified within Plan Richland County and this LDC;

(2) Provide improved pedestrian friendliness in key areas within the County; and

(3) Improve development quality by providing landowners, developers, architects, builders, business owners and others clear parameters to guide development design.

(b) Applicability

(1) General

a. The standards of this section apply to all new multi-family residential (including townhome and other attached residential), mixed-use, commercial, and light industrial development in the MU1, MU3, and MU2 districts, and in PD districts on parcels adjacent to the MU1, MU3, or MU2 district.

b. The standards in this section do not apply to development that is an expansion of an existing building.

(2) Timing of Review

Review for compliance with the standards of this section shall occur during review of an application for a planned development (see Sec. 26-2.5(c)), special exception (see Sec. 26-2.5(d)), land development permit (major or minor) (see Sec. 26-2.5(e)), subdivision (major or minor) (see Sec. 26-2.5(f)), permitted use with special requirements (see Sec. 26-2.5(h)), or certificate of zoning compliance (see Sec. 26-2.5(m)), as applicable.

(3) Relation to Other Standards

The development standards in this section supplement the general development standards in the remainder of Article 26-5. In the case of conflict between the standards in this section and the standards in the remainder of Article 26-5, the more restrictive standards apply.

(c) Multi-Family Design and Form Standards

Multi-family residential development subject to this section shall comply with the following standards:

(1) Building Orientation and Configuration

a. Single Building Development

For developments that comprise a single building, the primary entrance to the building shall face a street or a courtyard, plaza, or similar open space accessible from a street.

b. Multiple Building Development

For developments with multiple buildings, the primary building entrances shall be oriented towards external streets, internal streets, courtyards, plazas, or similar open space (see Figure 26-5.6(c)(1)b: Multi-family Building Orientation).

Figure 26-5.6(c)(1)b: Multi-family Building Orientation

(2) Building Façades

a. For building façades that face a street, the building shall incorporate wall offsets with a minimum depth of two feet, spaced no more than 50 feet apart.

b. The front façade of a building shall provide a minimum of two of the following design features (see Figure 26-5.6(c)(2): Multi-Family Building Façade Features).

1. A recessed entrance;

2. A covered porch;

3. Pillars, posts, or columns next to the doorway/entrance;

4. One or more bay windows projecting at least twelve inches from the façade plane;

5. Eaves projecting at least six inches from the façade plane; and

6. Integrated planters that incorporate landscaped areas or places for sitting.

Figure 26-5.6(c)(2): Multi-Family Building Façade Features

(3) Building Size

a. Building Length

The maximum length of any multi-family structure shall be 185 linear feet, regardless of the number of units (see Sec. 26-9.2(a)(9)c, Building Length).

b. Building Footprint

Individual building footprints shall not exceed a maximum of 28,000 square feet.

(4) Roofs

a. Pitch

All multi-family structures shall incorporate roof pitches between 3:12 and 12:12; however, alternative roof forms or pitches may be allowed for small roof sections over porches, entryways, or similar features.

b. Screening

All roof-based mechanical equipment, as well as roof vents, pipes, antennas, satellite dishes, and other roof penetrations and equipment (except chimneys) shall be screened from view from streets to the maximum extent practicable.

c. Flat Roofs

Flat roofs shall be shielded from view by parapet walls with a decorative three-dimensional cornice.

(5) Detached Garages

Freestanding garages or carports (not including multistory parking structures) that are visible from public streets outside the development shall:

a. Be oriented perpendicular to the street; or

b. Have a street-facing façade that complies with the required wall offsets and façade design features in Sec. 26-5.6(c)(2), Building Façade, above.

(d) Mixed-use, Commercial, and Light Industrial Design and Form Standards

Mixed-use, commercial, and light industrial development subject to this section shall comply with the following standards:

(1) Building Orientation and Configuration

a. The front façade of all buildings, as defined by the primary entrance, shall be oriented on and front a street. The primary entrance may be oriented towards open-space areas, courtyards, or plazas accessible from the street.

b. Developments comprised of multiple buildings that comprise in total more than 120,000 square feet of floor area shall be configured to:

1. Break up the site into a series of smaller “blocks” through use of on-site streets, vehicle access ways, pedestrian ways, multi-use paths, or other circulation routes;

2. Frame the corner of an adjacent street intersection or entry point to the development; and

3. Frame and enclose a "main street" pedestrian or vehicle access corridor within the development site.

c. Open spaces between buildings on outparcels shall be configured with small-scale site amenities such as seating areas, gathering spaces, and pedestrian connections.

(2) Building Façades

a. Buildings of three or more stories shall include a clearly-recognizable and distinct base, middle, and top (see Figure 26-5.6(d)(2)a: Building Façades).

Figure 26-5.6(d)(2)a: Building Façades

b. Building Bases

The bases of buildings with three or more stories shall incorporate one or more of the following features:

1. Thicker walls, ledges, or sills;
2. Integrally-textured materials such as stone or other masonry;
3. Integrally-colored and patterned materials such as smooth-finished stone or tile; or
4. Lighter or darker colored materials, mullions, or panels.

c. Building Tops

The tops of buildings with three or more stories shall include two or more of the following features:

1. Three-dimensional cornice treatments with integrally-textured materials such as stone or other masonry or differently colored materials;
2. Sloping roof with overhangs and brackets;
3. Stepped parapets; or
4. Aligned openings and articulations.

d. Front Façades

For building façades that face a street, the façade shall incorporate wall offsets with a minimum depth of two feet, at least ten feet wide, spaced no more than 50 feet apart.

e. Side Façades

Street-facing side façades shall be articulated with the same façade details as provided on the building's front façade.

f. Outbuildings

Outbuildings located in front of other buildings within the same development shall include a consistent level of architectural detail on all four sides of the building as well as exterior materials and colors that are compatible with the primary building in the development.

(3) Transparency/Fenestration

At least 40 percent of the street-facing façade area of the ground-level floor (as measured from the grade to the underside of the eave, top of the parapet, or the story line denoting the second floor) shall be occupied by windows or doorways. All ground-level windows shall be visually permeable.

(4) Roofs

a. Sloped roofs on principal buildings over 100 feet in length shall include two or more different sloping roof planes, each with a minimum pitch between 3:12 and 12:12.

b. Flat roofs on principal buildings shall be concealed by parapet walls that extend at least three feet above the roof level and have three-dimensional cornice treatments that project at least eight inches outward from the parapet façade plane.

c. All roof-based mechanical equipment, as well as roof vents, pipes, antennas, satellite dishes, and other roof penetrations and equipment (except chimneys) shall be screened from view from streets to the maximum extent practicable.

(5) Storage and Service Areas

a. Storage buildings, garbage and recycling facilities, and other service areas shall be screened from view off-site, to the maximum extent practicable.

b. Outdoor storage areas shall be fully screened from adjacent streets and single-family development.

c. Loading, service, and equipment areas that are associated with an outparcel building shall be screened through the use of structural elements and similar materials attached to and integrated with the building.

Sec. 26-5.7. Neighborhood Compatibility

(a) Purpose and Intent

The purpose of these neighborhood compatibility standards is to provide a proper transition from and ensure compatibility between single-family detached dwellings in the residential single-family zoning districts and more intense forms of development. More specifically, it is the intent of these standards to:

(1) Protect the character of existing neighborhoods consisting of primarily single-family detached dwellings from potentially adverse impacts resulting from more intense and incompatible adjacent forms of development;

(2) Use development form and design treatments as alternatives to large vegetated buffers; and

(3) Establish and maintain vibrant pedestrian-oriented areas where multiple uses can operate in close proximity to one another.

(b) Applicability

(1) General

a. Unless exempted by subsection (2) below, the standards in this section apply to

1. New multi-family, nonresidential, and mixed-use development when located on land adjacent to, or across a street or alley from a single-family residential lot, as defined in subsection c below; and

2. Any expansion or alteration of an existing multi-family, nonresidential, or mixed-use development when located on land adjacent to, or across a street or alley from a single-family residential lot, if the expansion increases the building's floor area by 50 percent or more, or the alteration involves 50 percent or more of the building's floor area.

b. For the purposes of this section, multi-family, nonresidential, or mixed-use development includes the following:

1. Live-work dwellings;

2. Multi-family dwellings;

3. Townhouse dwellings;

4. Uses in the Group Living uses category;

5. Uses in the Public, Civic, and Institutional use classification;

6. Uses in the Commercial use classification;

7. Uses in the Industrial use classification; and

8. Buildings containing both dwellings and nonresidential uses as principal uses

c. For purposes of this section, single-family residential lots include:

1. Lots within a Residential base zoning district or within a portion of a Planned Development District designated for Residential uses where an existing single-family detached or two-family dwelling is located; and

2. Undeveloped land in the R1, R2, R3, and R4 districts.

(2) Exemptions

Uses exempt from these standards include the following:

a. Multi-family, nonresidential, or mixed-use development when separated from the single-family residential lot by a street with four of more lanes of travel.

b. Uses in the Community Service and Utilities and Communication use categories.

(3) Timing of Review

Review for compliance with the standards of this section shall occur during review of an application for a planned development (see Sec. 26-2.5(c)), special exception (see Sec. 26-2.5(d)), land development permit (major or minor) (see Sec. 26-2.5(e)), permitted use

with special requirements (see Sec. 26-2.5(h)), or certificate of zoning compliance (see Sec. 26-2.5(m)), as applicable.

(4) Conflict

In case of a conflict between these neighborhood compatibility standards and other standards in this ordinance, these neighborhood compatibility standards shall control.

(c) Neighborhood Compatibility Standards

Development subject to the requirements of this section shall comply with the following standards.

(1) Site Design

a. Building Orientation, Layout, and Placement

1. Development shall be oriented to face similar forms of development on adjacent or opposing lots rather than single-family residential lots, to the maximum extent practicable.
2. When compatible with subsection 1 above, the primary entrance of a new building shall face the street from which the building obtains its street address and/or mailing address.
3. For a multi-building development that includes varying use and/or development intensities in different buildings, the development shall locate buildings with the least intense use and/or development nearest to adjacent single-family residential lots.

b. Parking and Driveway Areas

1. The total amount of off-street parking provided by the development shall not exceed 1.2 times the required minimum specified in Table 26-5.2(d)(1): Minimum Number of Off-Street Parking Spaces.
2. The total amount of off-street parking provided by the development may be reduced below the required minimum in accordance with Sec. 26-5.2(f)(1), Alternative Parking Plan, and Sec. 26-5.2(g), Reduced Parking Standards for Parking Demand Reduction Strategies, if the applicant demonstrates that such reduction will not have an adverse impact on single-family residential lots.
3. To the extent practicable, off-street parking shall be established in one or more of the following locations, listed in priority order:
   - (a) Adjacent to off-street parking lots serving nonresidential uses on abutting lots.
   - (b) Adjacent to lot lines abutting nonresidential development.
   - (c) Adjacent to lot lines abutting mixed-use development.
   - (d) Adjacent to lot lines abutting single-family residential lots.
4. The maximum width of a driveway serving a development shall be 12 feet for a one-lane driveway or 24 feet for a two-lane driveway.
5. Off-street parking spaces shall be oriented away from single-family residential lots so that vehicle headlights do not projected onto the yards.

6. Off-street vehicle surface areas shall be screened from adjacent single-family residential lots by a Type D transitional buffer yard (see Sec. 26-5.3(d), Transitional Buffer Yards).

7. Parking structure façades adjacent to single-family residential lots shall be configured to appear as articulated or landscaped building walls, to soften their visual impact.

c. Loading and Refuse Storage

Loading, service, and refuse container areas shall be:

1. Located behind or to the sides of buildings away from single-family residential lots, screened from view of single-family residential lots using walls and/or landscaping;

2. Provided with access that is integrated with parking areas and the vehicular circulation network; and

3. Incorporated into the overall site so that the impacts of these functions are fully contained within an enclosure or are otherwise out of view from adjacent single-family residential lots.

d. Open Space Set-Asides

1. Required open space set-asides shall be located between a proposed development and an adjacent single-family residential lot, to the maximum extent practicable.

2. Outdoor recreation features such as swimming pools, tennis courts, playgrounds, and similar features shall be at least 100 feet from single-family residential lots.

(2) Building Height

a. Within 100 feet of a single-family residential lot, building height shall not exceed 45 feet

b. Between 100 and 150 of a single-family residential lot, building height shall not exceed 55 feet.

c. Buildings over three stories in height shall be broken up into modules or wings with the smaller and shorter portions of the structure located adjacent to the single-family residential lot.

(3) Building Form and Façades

a. Buildings shall:

1. Use a roof type similar to adjacent single-family detached dwellings in terms of slope and arrangement to prevent abrupt changes in roof form;

2. If within 100 feet of a single-family residential lot, maintain a pitched roof;

3. Configure all roof-mounted equipment to avoid or minimize its view from adjacent streets and single-family residential lots;

4. Use similarly sized and patterned wall offsets and other building articulations found on adjacent single-family detached and duplex dwellings; and

5. Orient porches and balconies away from single-family residential lots.

b. Building façades facing single-family residential lots shall:

1. Use materials and material configurations that are consistent with those commonly used on adjacent single-family detached or two-family dwellings;
2. Not include plywood, concrete block, or corrugated metal;
3. Limit façade area using split-face masonry units or vinyl siding to 25 percent of the façade area; and
4. Have the minimum transparent area required by Table 26-5.7(c)(3)(b): Façade Transparency Standards.

Table 26-5.7(c)(3)(b): Façade Transparency Standards

Building Story	Minimum Façade Area Percentage Required to be Transparent (percent) [1] [2] [3]
Ground Floor	40
Second Floor	15
Third Floor or Higher	10

NOTES:
[1] The façade area shall be measured from the grade to the underside of the eaves, or from story line to story line on upper building stories.
[2] Façades abutting sidewalks, plazas, gathering areas, or other pedestrian areas shall incorporate transparent features.
[3] The first two feet of façade area closest to the grade are not required to be transparent and shall be excluded from the façade area calculation.

c. Retail commercial building façades that face single-family residential lots shall be designed to appear as a series of discrete storefronts, with no single storefront occupying more than 50 percent of the total façade width of the building (see Figure 26-5.7(c)(3)(c): Retail Commercial Building Façades).

Figure 26-5.7(c)(3)(c): Retail Commercial Building Façades

(4) Exterior Lighting

a. Within 150 feet of a single-family residential lot, exterior lighting fixtures shall be located above the following heights:

1. Within 100 feet of a single-family residential lot, 14 feet or the maximum height established in Sec. 26-5.11(c)(5), Maximum Height, whichever is lower.

2. Between 100 and 150 feet of a single-family residential lot, 18 feet or the maximum height established in Sec. 26-5.11(c)(5), Maximum Height, whichever is lower.

b. All uses shall extinguish all exterior lighting—except lighting necessary for security or emergency purposes—by 11:00 PM or within one hour of closing, as applicable.

c. All exterior lighting and indoor lighting visible from outside the building shall be designed and located so that the maximum horizontal and vertical illuminance does not exceed 0.5 vertical foot-candles measured at ground level at any lot line shared with a single-family residential lot.

(5) Signage

a. To the maximum extent practicable, signage shall be located a minimum of 100 feet from a single-family residential lot.

b. The maximum sign copy area for signs shall be reduced by 25 percent within 50 feet of a single-family residential lot.

(6) Operational Standards

The nonresidential tenants or operators of development subject to these standards shall:

a. Limit the hours of otherwise permitted outdoor dining or other outdoor activities within 150 feet of single-family residential lots to only between the hours of 7:00 a.m. to 10:00 p.m. Sunday through Thursday, and 7:00 a.m. to 12:00 a.m. Friday and Saturday;

b. Limit trash collection or other service functions to only between the hours of 6:00 a.m. and 7:00 p.m.; and

c. Extinguish amplified music, singing, or other forms of noise audible at lot lines shared with single-family residential lots after 10:00 p.m. Sunday through Thursday nights, and after 12:00 a.m. Friday and Saturday nights.

Sec. 26-5.8. Agricultural Compatibility

(a) Purpose and Intent

The purpose of these agricultural compatibility standards is to promote development that is compatible with the existing agricultural uses and activities throughout the County. More specifically, it is the intent of these standards to:

(1) Ensure that new non-agricultural development does not have negative impacts on existing adjacent agricultural uses and activities;

(2) Maintain and promote the rural character of lands in the Agricultural (AG) District; and

(3) Ensure greater compatibility between existing agricultural uses and activities and new non-agricultural development.

(b) Applicability

(1) General

The standards in this section apply to all lands within or adjacent to the Agricultural (AG) District.

(2) Timing of Review

Review for compliance with the standards of this section shall occur during review of an application for a planned development (see Sec. 26-2.5(c)), special exception (see Sec. 26-2.5(d)), land development permit (major or minor) (see Sec. 26-2.5(e)), subdivision (major or minor) (see Sec. 26-2.5(f)), permitted use with special requirements (see Sec. 26-2.5(h)), or certificate of zoning compliance (see Sec. 26-2.5(m)), as applicable.

(3) Conflict

In case of a conflict between these agricultural compatibility standards and other standards in this ordinance, these agricultural compatibility standards shall control.

(c) Agricultural Compatibility Standards

Development subject to this section shall comply with the following standards:

(1) Agricultural Buffer

All development shall provide and maintain a vegetative buffer and fencing along all property lines abutting land containing an Agricultural use in accordance with subsections a through d below, for as long as the Agricultural use continues (see Figure 26-5.8(c)(1): Agricultural Compatibility Features).

Figure 26-5.8(c)(1): Agricultural Compatibility Features

a. Buffer Width

The buffer shall be at least 50 feet wide, except that the Zoning Administrator may allow a reduction in the buffer width by up to 20 feet on determining that the reduced width is justified by:

1. A low likelihood of noise, spray drift, dust, or light from the adjacent agricultural use or activity based on its type or intensity;
2. An intervening topographic change that provides enhanced screening; or

3. The existence or provision of vegetation within the buffer in addition to that required by subsection b below.

b. Buffer Materials

1. Agricultural buffers shall consist of a mix of trees, shrubs, berms, and natural features sufficient to reduce noise, spray drift, and dust; diffuse light; and act as a physical separation between agricultural uses/activities and the non-agricultural use(s).
2. A buffer may incorporate fences or walls to provide additional screening and/or limit access across the buffer.
3. Where the agricultural buffer is directly adjacent to a residential dwelling or residential lot, in addition to the requirements above, the length of the buffer running parallel to the dwelling along the property line shall be planted with a minimum of two offset rows of trees that provide an average spacing between the canopies of trees of ten feet or less, at maturity. Each such tree shall:
   - **(a)** Be a minimum height of eight feet and minimum caliper of two inches when planted.
   - **(b)** Be a native species that can be expected to attain at maturity a minimum height of 35 feet and have a crown width of 25 feet or greater.

c. Development Allowed within Buffer

Development within a buffer is limited to the following:

1. Landscaping with native plants, trees, or hedgerows;
2. Crossings by roadways, driveways, railroad tracks, and utility lines (and associated maintenance corridors), where the crossing is aligned to minimize reduction of the buffer's effectiveness;
3. Trails that involve minimal removal or disturbance of buffer vegetation;
4. Stormwater management facilities, to the extent they are determined to be necessary by the Zoning Administrator;
5. Vegetation management, including the planting of vegetation or pruning of vegetation, removal of individual trees that pose a danger to human life or nearby buildings, removal of individual trees to preserve other vegetation from extensive pest infestation, removal of understory nuisance or invasive vegetation, or removal or disturbance of vegetation as part of emergency fire control measures; and
6. Any other development determined by the Zoning Administrator to be consistent with the use of the property as an agricultural buffer.

d. Maintenance

1. The owners of the non-agricultural property are responsible for all aspects of continuous maintenance of buffer areas.
2. The owners of the non-agricultural property shall be responsible for maintaining landscape plants in a healthy and attractive condition. Dead or dying plants shall be replaced with materials of equal size and similar variety within six months, weather permitting.

3. If the development consists of multiple parcels that may be held under separate ownership, a homeowners' association, property owners' association, or similar entity shall be required to maintain the buffer.
4. Buffer maintenance requirements shall be stipulated through inclusion in covenants, conditions, and restrictions, as appropriate.

(2) Location of Open Space Set-Asides

To the maximum extent practicable, any open space set-asides in the new development required by Sec. 26-5.4, Open Space Set-Asides, shall be located between the abutting agricultural property and the buildings in the new development, and shall be configured to accommodate the buffer required in subsection (1) above.

(3) Lot Size Configuration

Lots bordering the buffer required by subsection (1) above, shall have a minimum lot area two times the minimum lot area otherwise required in the base zoning district where the development is located.

(4) Notification Requirement

Planned developments, land development permits (major and minor), and subdivision plats for development subject to these standards shall bear a notation on each individual development approval indicating the development is adjacent to an existing agricultural use or activity that is anticipated to generate noise, light, dust, odor, or vibration as part of its normal operations.

Sec. 26-5.9. Fences and Walls

(a) Purpose

The purpose and intent of this section is to regulate the location, height, and appearance of fences and walls to:

(1) Maintain visual harmony within neighborhoods and throughout the County;

(2) Protect adjacent lands from the indiscriminate placement and the unsightliness of fences and walls;

(3) Ensure the safety, security, and privacy of land; and

(4) Ensure that fences and walls are subject to timely maintenance, as needed.

(b) Applicability

(1) General

Unless exempted by subsection (2) below, the standards in this section apply to any construction or replacement of fences or walls.

(2) Exemptions

The following fences and walls are exempt from the standards of this section:

a. Fences and walls required for support of a principal or accessory structure;

b. Temporary fences and barricades around construction sites (including fences to limit sedimentation or control erosion); provided, that temporary fences are required to comply with the requirements of the building code.

c. Fences for tree protection (temporary and permanent);

d. Landscaping berms installed without fences;

e. Fences and walls necessary for soil erosion and control; and

f. Specialized fences used for protecting livestock or for other similar agricultural activities in the AG District.

(3) Timing of Review

Review for compliance with the standards of this section shall occur during review of an application for a special exception (see Sec. 26-2.5(d)), land development permit (major or minor) (see Sec. 26-2.5(e)), permitted use with special requirements (see Sec. 26-2.5(h)), temporary use permit (see Sec. 26-2.5(m)), or certificate of zoning compliance (see Sec. 26-2.5(m)), as applicable.

(c) General Standards

(1) Fences and walls that comply with the standards in this section are allowed anywhere on a lot, or on a property line between privately-owned lots.

(2) A fence or wall shall not be within a sight area or unreasonably impede visibility of street traffic from vehicles or exiting driveways.

(3) Gates shall not swing outward over a sidewalk or into the right-of-way.

(d) Height

(1) Notwithstanding any provision in this section, a fence or wall shall not extend into a street intersection Sight Area (see Sec. 26-9.3, Definitions).

(2) A fence or wall located in a required yard shall comply with the height standards in Table 26-5.8(d): Maximum Fence or Wall Height in Required Yards.

TABLE 26-5.8(d): Maximum Fence or Wall Height in Required Yards

Required Yard	Maximum Height of Fence or Wall (ft)
Side or rear yard	8
Front yard	4 [1]

NOTES:

[1] A retaining wall may exceed the maximum heights in this table if it is not within a sight area and does not unreasonably impede visibility of street traffic from vehicles or exiting driveways.

(e) Materials

(1) Except as otherwise allowed by subsection (2) below, fences and walls shall be constructed only of one or more of the following materials:

a. Treated wood or rot-resistant woods such as cypress or redwood;

b. Vinyl;

c. Masonry or stone;

d. Composite materials designed to appear as wood, metal, or masonry;

e. Wrought iron;

f. Decorative metal; and

g. Any material demonstrated by the applicant to have a similar or equal appearance and durability as a material listed above.

(2) Fences may be constructed of chain link in any of the following situations:

a. In the AG, HM, RT, LI, and HI districts;

b. In conjunction with a school playground or an athletic field; or

c. If the fence is not visible from any street right-of-way.

(3) The following are prohibited as fence materials:

a. Barbed and/or razor wire, unless approved as part of a security exemption plan in accordance with Sec. 26-5.9(h), Security Exemption, on land with an Agriculture use, or on land used for installation and operation of high-voltage equipment at substations for electrical generation, transmission, and distribution operated by a regulated public utility;

b. Chicken wire, except as used for the purposes of enclosing livestock or domestic animals where allowed in the zoning district in which the fence is located, corrugated metal, fabric materials, fiberboard, garage door panels, plywood, rolled plastic, sheet metal, debris, junk, or waste materials; and

c. Above ground wires that carry electrical current, unless approved as part of a security exemption plan in accordance with Sec. 26-5.9(h), Security Exemption, or if used for the purposes of enclosing livestock or domestic animals in the AG District (this shall not prohibit below-ground electrical fences intended for the keeping of pets).

(f) Appearance

(1) Finished Side to Face Exterior

Wherever a fence or wall is installed, if one side of the fence or wall appears more “finished” than the other (e.g., one side of a fence has visible support framing and the other does not, or one side of a wall has a textured surface and the other does not), then the more “finished” side of the fence shall face the exterior of the lot rather than the interior of the lot (see Figure 26-5.9(f)(1): Fence with Finished Side Facing Out).

Figure 26-5.9(f)(1): Fence with Finished Side Facing Out

(2) Fence and Wall Landscaping

Any fence or wall, or portion thereof, that is taller than four feet in height and is located within 20 feet of a street right-of-way shall be supplemented with landscape screening in accordance with subsections a and b below, to soften the visual impact of the fence. However, on any lot containing a single-family or two-family dwelling or a manufactured home, such landscape screening is required only if the street right-of-way within 20 feet of the fence or wall contains a roadway having a functional classification of collector or higher.

a. At least one evergreen shrub shall be installed for every five linear feet of fence or wall, on the side of the fence or wall facing the public street right of way. Shrubs may be installed in a staggered, clustered, grouped, or linear fashion. See Figure 26-5.9(f)(2): Fence and Wall Landscaping.

b. One small tree may be substituted for every three shrubs provided the tree complies with Sec. 26-5.3(c)(5), Trees.

Figure 26-5.9(f)(2): Fence and Wall Landscaping

(g) Maintenance

Required fences and walls and associated landscaping shall be maintained in good repair and in a safe and attractive condition. Maintenance of fences and walls shall include, but not be limited to, the replacement of missing, decayed, or broken structural or decorative elements and the repair of deteriorated or damaged fence materials, including but not limited to, weathered surfaces visible from the public right-of-way, sagging sections, and posts that lean more than ten degrees from vertical.

(h) Security Exemption

(1) A landowner in need of heightened security may submit to the Zoning Administrator a security exemption plan proposing a fence or wall taller than those permitted by this section or proposing the use of barbed and/or razor wire or electric wire atop a fence or wall for security reasons.

(2) The Zoning Administrator may approve, or approve with conditions, the security exemption plan upon finding the condition, location, or use of the land, or the history of activity in the area, indicates the land or any materials stored or used on it are in significantly greater danger of theft or damage than surrounding land, or represent a significant hazard to public safety without:

a. A taller fence or wall;

b. An electric fence; or

c. Use of barbed and/or razor wire.

(3) If the Zoning Administrator finds the applicant fails to demonstrate compliance with subsection (2) above, the security plan shall not be approved.

Sec. 26-5.10. Signs

(a) Purpose and Intent

The purpose and intent of these sign regulations is to:

(1) Encourage the effective use of signs as a means of community in the County while preserving the rights of free speech under the First Amendment to the United States Constitution;

(2) Maintain and enhance the aesthetic environment and the County's ability to attract sources of economic development and growth;

(3) Improve pedestrian and traffic safety;

(4) Minimize the possible adverse effect of signs on nearby public and private property; and

(5) Enable the fair and consistent enforcement of these sign regulations.

(b) Applicability

(1) General

Unless exempted by subsection (2) below, a sign may be constructed, erected, placed, established, created, or maintained in the County only in conformance with the standards and requirements of this section.

(2) Exempt Signs

The following signs are exempt from the standards and requirements of this section:

a. Signs erected by a local, state, or federal government body or agency in the performance of its duties.

b. Signs required by local, state, or federal law.

c. Signs within a structure that are not legible from the ground level of the exterior of the structure.

d. Signs affixed to structures, mailboxes, decorative light posts, driveway entrances, or similar locations that serve to identify the address of the structure or occupant. All such signs are required to be placed in such as a manner as to be visible from the street.

e. Signs attached to and made an integral part of a vending machine, automatic teller machine, or gasoline pump if advertising or giving information about the products or services dispensed or vended by that machine.

f. Signs erected to warn of danger or hazardous conditions, such as signs erected by public utility companies or construction companies or specifically authorized for a public purpose by any law, statute, or ordinance, subject to the following conditions:

1. Signs that display information with regard to a particular piece of property must be located on the premises to which the information pertains; and

2. Such signs shall not contain advertising commercial messages.

g. Temporary holiday decorations that are clearly incidental to and are customarily and commonly associated with any national, local, or religious holiday/celebration;

h. Merchandise, pictures, or models of products or services that are incorporated as an integral part of a window display; and

i. Flags that do not contain a commercial message as well as one flag with a commercial message per lot.

(3) Timing of Review

Review for compliance with the standards of this section shall occur during review of an application for a sign permit (see Sec. 26-2.5(j)) or certificate of zoning compliance (see Sec. 26-2.5(m)), as applicable.

(c) General Standards

(1) Rules for Measurement and Computation

Sign height and sign area shall be measured in accordance with Sec. 26-9.2(a)(9)b, Signs.

(2) Illumination

a. Light sources illuminating signs shall:

1. Be a steady stationery light source, shielded and directed solely at the sign;

2. Not cause glare, hazards to pedestrians or vehicle drives, or nuisances to adjacent properties; and

3. Comply with the provisions of Sec. 26-5.11, Exterior Lighting.

b. The luminance of a sign shall not exceed 1500 nits during daylight hours and 150 nits at all other times. Signs incorporating displays that use light emitting diodes (LEDs), charge coupling devices (CCDs), plasma, or functionally equivalent technologies shall be equipped with automatic dimming technology and certified by the manufacturer or a qualified professional to be compliant with the maximum luminance standards in this section.

c. Signs shall not have light-reflecting backgrounds but may use light-reflecting lettering.

(3) Location

a. Signs shall be located outside of the sight area, behind sidewalk areas, and no closer than five feet to the front property line.

(4) Attached Signage

a. Attached signage may not extend above the vertical wall to which the sign is attached or extend out into the planting area or road side of the sidewalk.

b. Attached signs may not project more than three feet from the façade of the building on which the sign is located.

c. The bottom of any attached sign, if extended from the façade of a building, shall be at least eight feet above any pedestrian walkway.

(5) Non-Commercial Messages

Any sign, display, or device allowed under this chapter may contain, in lieu of any other copy, any otherwise lawful noncommercial message.

(d) Prohibited Signs

The following signs are prohibited:

(1) Off-premises signs, except as specifically allowed in this section;

(2) Roof signs, except signs on the surface of a mansard roof or on parapets are permitted so long as the signs do not extent above the mansard roof or parapet to which they are attached;

(3) Signs that display blinking, flashing, or intermittent lights or animation, contain moving parts, or give the illusion of movement;

(4) Signs that approximate official highway signs, warning signs, or regulatory signs;

(5) Signs attached to or painted on roadside appurtenances such as utility poles, trees, parking meters, bridges, overpasses, rocks, other signs, benches, or refuse containers;

(6) Signs containing or consisting of pennants, ribbons, streamers, balloons, or spinners;

(7) Signs that obstruct fire escapes, windows, doors, or other openings used as means of egress or as required legal ventilation;

(8) Signs that obstruct free ingress or egress from a road or driveway;

(9) Signs located in a street right-of-way, except as specifically permitted in this section;

(10) Inflatable signs or balloons;

(11) Signs posted on public property, including planting strips between detached sidewalks and streets, roadway median strips, parkways, bridges, alleys, utility poles and boxes, street signs, and sign poles.

(e) Signs that Do Not Require a Sign Permit

No sign permit is required to construct, erect, place, establish, paint, create, or maintain the following signs, provided the sign complies with all applicable standards in this Ordinance:

(1) A sign cut or etched into masonry, bronze, or similar material integral to the exterior of a building. The area of such a sign shall not exceed four square feet.

(2) Temporary signs that do not display commercial content and are displayed during a period beginning 60 days prior to an election and concluding seven days after the election or runoff election, as applicable. Such signs shall not be illuminated, shall not exceed 32 square feet in area, shall not exceed six feet in height, and shall not be attached to trees, utility poles, or publicly owned property.

(3) Temporary signs on a site that has received a building permit, provided such signs do not exceed two signs per road frontage or four signs per construction site. For single-family or two-family residential construction, such signs shall not exceed four square feet in area and four feet in height. For all other construction, such signs shall not exceed 32 square feet in area and eight feet in height. Such signs shall be removed within seven days after completion of construction activities.

(4) One sign shall be permitted for a home occupation in zoning districts in which home occupations are allowed. In the RT and R1 districts, such sign may be on a freestanding post, located on the property of the structure in which the home occupation is conducted, with a maximum height of four feet. In all other zoning districts, such sign shall be mounted flat against the wall of the principal structure in which the home occupation is conducted. Such signs shall not exceed two square feet in area.

(5) An incidental sign that delineates parking areas, vehicular entrances and exits, one-way traffic flows, or similar features of a traffic circulation system on a site. Such signs shall not exceed three feet in height, if freestanding, or four square feet per sign face. Such signs may be illuminated. A maximum of two signs per entrance or exit is permitted.

(6) A pedestrian-oriented sign that does not contain a commercial message and is attached to a building at a height of eight feet or less within ten feet of a building entrance. Such signs shall not exceed 2 square feet, and not more than one such sign is allowed per building entrance.

(7) A temporary sign that has a maximum sign area of 18 square feet and a maximum height of six feet placed on the premises of a use in the Public, Civic, and Institutional use classification and not within a road right-of-way. Such signs shall not be illuminated and shall be displayed no more than two periods per year for no more than 30 days each period.

(8) A sign at the entrance of a residential subdivision under development. Such signs shall not exceed 50 square feet in area, shall be set back at least 20 feet from any property line, and shall be spaced at least 500 feet apart. They shall be removed no more than 30 days after 75 percent of the subdivision lots have been conveyed, unless a permanent sign permit is obtained in accordance with subsection (f) below.

(9) A temporary sign placed on a lot where the lot or building on the lot is actively being marketed for sale or for rent, limited to one per 500 feet of road frontage. Such signs shall be no more than four square feet in area and four square feet in height if located on a single-family residential lot, or 32 square feet in area and eight feet in height, if freestanding, for all other lots.

(10) A temporary sign that has a maximum sign area of four square feet and a maximum height of four feet that is placed on a residential lot for a maximum period of 62 hours in any seven-day period.

(f) Signs that Require a Sign Permit

The following signs are allowed, subject to the standards of this section, but shall require a sign permit in accordance with Sec. 26-2.5(j), Sign Permit.

(1) Allowed in All Zoning Districts

The following signs are allowed in all zoning districts where the principal use associated with the sign is allowed:

a. Portable Signs

Portable signs shall be located only on-premises, with a limit of one sign per street frontage. Such signs shall not be illuminated and shall be displayed no more than two periods per year for no more than 30 days each period. Such signs may not exceed 48 square feet in sign area.

b. Manually Changeable Copy Signs in Association with Certain Uses

In addition to the signs otherwise permitted in this section, a school or place of worship shall be permitted to erect one freestanding sign having manually changeable copy per lot frontage.

c. Signs on Marquees and Canopies

In addition to the provisions concerning attached signs in Sec. 26-5.10(c)(4), Attached Signage, signs on marquees and canopies are subject to the following restrictions:

1. The length of the sign projection shall not exceed the length of projection of the marquee or canopy to which it is attached
2. Signs shall not extend more than two feet below or four feet above the marquee to which they are attached
3. The allowable sign face area for signs on canopies shall be limited as part of the allowable area for freestanding, on-premises signs as provided in Sec. 26-5.10(f), Signs that Require a Sign Permit.

(2) Allowed in RT, R1, R2, R3, R4, R5, R6, PD, PD-EC, and PD-TND Districts

On-premises signs are permitted for all uses in the RT, R1, R2, R3, R4, R5, and R6 Districts, and for residential uses in the PD and PD-TND Districts, in accordance with the following:

a. Permanent Signs for Residential Subdivision

Each residential subdivision shall be permitted to erect signs that display the name of the subdivision in which the sign is located. Such signs shall not exceed 50 square feet in area.

b. Additional Permitted Signs

Signs relating to permitted multi-family housing developments, manufactured home parks, permitted nonresidential uses, and permitted institutional uses may be erected, subject to the following provisions:

1. Maximum Size

Each sign shall have a maximum of 50 square feet of total surface area, per side, per road frontage.

2. Number

One sign is permitted per road entrance. Two signs are permitted per road frontage if affixed to masonry, brick, or wood fences, provided that such signs shall be limited to 20 square feet of sign area each.

3. Type

Each sign may be a freestanding sign or wall sign.

4. Height

(a) Wall signs shall not project above the roofline.

(b) Freestanding signs are subject to the following height limitations:

(1) In permitted multi-family housing developments, manufactured home parks, and permitted nonresidential uses, freestanding signs shall not exceed four feet above ground level when located in required front yards, or six feet above ground level when located elsewhere.

(2) In permitted institutional uses, freestanding signs shall not exceed 15 feet above ground level.

c. Manually Changeable Copy Sign

In permitted multi-family housing developments, manufactured home parks, and permitted nonresidential uses, one freestanding sign having manually changeable copy may be erected per lot frontage. The display surface area of such sign shall not exceed 20 square feet.

(3) Allowed in RC, INS, MU1, MU3, MU2, EMP, GC, LI, HI, PD, PD-EC, and PD-TND Districts

On-premises signs are permitted for all uses in the RC, INS, MU1, MU3, MU2, EMP, GC, LI and HI districts, and for nonresidential uses in the PD, PD-EC, and PD-TND districts, subject to the following:

a. Freestanding and Attached Signs

Freestanding and attached signs are permitted subject to the limitations in Table 26-5.9(e)(2)-1: Freestanding and Attached Sign Dimensional Requirements.

b. Limitations on Freestanding Sign Maximum Area

The maximum sign area allowed for freestanding signs is the lesser of the area calculated in accordance with the number of site roadway frontages as defined in Table 26-5.9(f)(3)b: Permanent Sign Requirements in Nonresidential and Planned Development Districts, or the result of the following formula:

1. One square foot per linear foot of road frontage for the first 100 feet of road frontage, plus
2. 0.5 square feet per linear foot of road frontage for any remaining road frontage.

c. Location

1. Freestanding signs may be located anywhere on the property unless specifically restricted otherwise in this section.
2. No part of any freestanding sign permitted in required setbacks shall be located less than five feet from any property line.
3. Wall signs may be located anywhere on the wall of a building.
4. No sign shall be erected within ten feet of any residential district boundary line unless such sign would meet the sign requirements for nonresidential uses permitted within the residential district to which it is adjacent.

Table 26-5.9(f)(3)b: Permanent Sign Requirements in Nonresidential and Planned Development Districts

Sign Requirements	Freestanding			Attached		
	RC, INS, MU1, MU3, MU2, and EMP	GC and all PD Districts	HI and LI Districts	RC, INS, MU1, MU3, MU2, and EMP	GC and all PD Districts	HI and LI Districts
Number	One, per road frontage, per lot			Unlimited, subject to maximum area standards		
Maximum Area (sf)	The lesser of either the formula in Sec. 26-5.10(f)(3)b or the following, based on the number of street frontages of the lot:			The number of linear front feet of the principal building to which the signage is attached, multiplied by either 1.5 if there is no freestanding sign on the premises, or 1.0 if there is a freestanding sign on the premises		
	One frontage: 100 sf Two frontages: 150 sf Three or more frontages: 200 sf	One frontage: 250 sf Two frontages: 400 sf Three or more frontages: 500 sf	One frontage: 300 sf Two frontages: 450 sf Three or more frontages: 600 sf			
Height	The maximum height of a sign or its supporting structure is:			No projecting sign shall project more than the following above the highest point of the roof of the structure to which it is attached		
	15 ft	35 ft (50 if adjacent to interstate highway interchange ROW)		12 ft	20 ft	n/a

(4) Combined Development Signs

Off-premises combined development signs are permitted in the GC, EMP, INS, LI, and HI Districts in accordance with the following:

a. Number

One off-premises freestanding combined development sign is allowed per development street frontage.

b. Allowable Area

1. The maximum sign face area for a permitted combined development sign is 150 square feet if the sign is located within the required front yard setback for the lot on which it is located, or 300 square feet if the sign is not within the required front yard setback.
2. Individual businesses identified on the combined development sign shall be limited to no more than 20 percent of the total allowable square footage of the sign.

c. Height

The maximum height of an off-premises freestanding combined development sign or its supporting structure is ten feet if located within the required front yard setback for the lot on which it is located, or 15 feet if not within the required front yard setback.

d. Location

1. Permitted off-premises freestanding combined development signs shall be located on lots that are adjacent to a principal driveway entrance to the combined development and that are zoned for the type of development for which the sign is being erected.
2. No part of any freestanding sign permitted in required setbacks shall be located less than five feet from the front property line.
3. No sign shall be erected within ten feet of any residential district boundary line unless such sign complies with the sign requirements for nonresidential uses permitted within the residential district to which it is adjacent.

(g) Maintenance

The following maintenance requirements shall apply to all signs:

(1) No sign shall have more than 20 percent of its display area, structure, or reverse side covered with disfigured, chipped, cracked, ripped, or peeling paint or poster paper for more than 30 consecutive days.

(2) No sign shall have a bent or broken display area, broken supports, loose appendages, or loose struts, or stand more than 15 degrees from perpendicular for more than 30 consecutive days.

(3) No sign shall be permitted to have weeds, vines, or other vegetation growing upon it for more than 30 consecutive days.

(4) No indirect or internally illuminated sign shall have only partial illumination for more than 60 consecutive days.

Sec. 26-5.11. Exterior Lighting

(a) Purpose and Intent

The purpose and intent of this section is to regulate exterior lighting to:

(1) Ensure all exterior lighting is designed and installed to maintain adequate lighting levels on site;

(2) Assure that excessive light spillage and glare are not directed at adjacent lands, neighboring areas, and motorists;

(3) Curtail light pollution, reduce skyglow, and preserve the nighttime environment for the enjoyment of residents and visitors;

(4) Conserve energy and resources to the greatest extent possible; and

(5) Provide security for persons and land.

(b) Applicability

(1) General

Unless exempted in accordance with subsection (2) below, the following shall comply with the standards in this section:

a. All new development in the County; and

b. Any extension, enlargement, or reconstruction of a building or structure, but only regarding the extended, enlarged, or reconstructed portions of the building or structure.

(2) Exemptions

a. Lighting exempt under State or federal law;

b. FAA-mandated lighting associated with a utility tower or airport;

c. Lighting for public monuments and statuary;

d. Lighting for public art;

e. Lighting solely for signage (see Sec. 26-5.9, Signs);

f. Temporary lighting for circuses, fairs, carnivals, and theatrical and other performance areas, provided such lighting is discontinued upon completion of the activity;

g. Lighting required by applicable building codes such as lighting for exit signs, stairs, and ramps, to the extent that such lighting is unable to comply with these standards;

h. Emergency Room entrances;

i. Temporary lighting of construction sites, provided such lighting is discontinued upon completion of the construction activity;

j. Temporary lighting for emergency situations, provided such lighting is discontinued upon abatement of the emergency situation;

k. Lighting within swimming pools or other water features that are governed by Department of Health and Environmental Control regulations; and

l. Outdoor lighting fixtures that do not comply with provisions of this section on ____ [insert the effective date of this Ordinance], provided they are brought into compliance with this section when they become unrepairable or are replaced.

(3) Timing for Review

Review for compliance with the standards of this section shall occur during review of an application for a special exception (see Sec. 26-2.5(d)), land development permit (major or minor) (see Sec. 26-2.5(e)), permitted use with special requirements (see Sec. 26-2.5(h)), temporary use permit (see Sec. 26-2.5(m)), or certificate of zoning compliance (see Sec. 26-2.5(m)), as applicable.

(4) Review Requirements

Submission of a lighting plan is required for applications for a special exception (see Sec. 26-2.5(d)), land development permit (major or minor) (see Sec. 26-2.5(e)), or permitted use with special requirements (see Sec. 26-2.5(h)). Submission of a lighting plan is not required for other applications subject to the standards of this section.

(c) General Standards for Exterior Lighting

(1) Prohibited Exterior Lighting

The following exterior lighting is prohibited:

a. Light fixtures that imitate an official highway or traffic control sign;

b. Light fixtures that have a flashing or intermittent pattern of illumination, except signage allowed by Sec. 26-5.9, Signs.

c. High pressure sodium, low-pressure sodium, and mercury vapor lamps; and

d. Searchlights, laser source lights, or similar high intensity lights, except when used by federal, state, or local authorities.

(2) Hours of Illumination

a. Nonresidential uses and mixed-use developments that are adjacent to residential uses shall extinguish all exterior lighting—except lighting necessary for security or emergency purposes—by 11:00 p.m. or within one hour of closing (within 30 minutes of closing for Retail Sales uses), whichever occurs first, except facilities hosting events sanctioned by the South Carolina High School League or the South Carolina Association of Independent Schools may extinguish exterior lighting needed to complete an event that is in progress prior to 11:00 p.m. later than 11:00 p.m.

b. For purposes of this section, lighting "necessary for security or emergency purposes" shall be construed to mean the minimum amount of exterior lighting necessary to illuminate possible points of entry or exit into a structure, illumination of exterior walkways, or illumination of outdoor storage areas.

c. Lighting activated by motion sensor devices is strongly encouraged.

(3) Shielding with Full Cut-off Fixtures

a. Except as provided in subsection b.1 below, all exterior luminaires, including security lighting, shall be full cut-off fixtures that are directed downward, consistent with Figure 26-5.11(c)(4)a: Full Cut-off Fixtures. In no case shall lighting be directed above

a horizontal plane through the lighting fixture (see Figure 26-5.11(c)(4)b: Examples of Light Fixtures).

Figure 26-5.11(c)(4)a: Full Cut-off Fixtures

Figure 26-5.11(c)(4)b: Examples of Light Fixtures

b. Exceptions

1. Luminaires used for outdoor athletic or sports fields do not need to be full cut-off fixtures but shall be shielded with a glare control package (e.g. louvers, shields, external visors, or similar devices) and aimed so that their beams are directed and fall within the primary playing or performance area.
2. Places of worship such as churches, temples, and mosques may orient lights upward onto specific architectural components of the structures (such as steeples or domes).
3. Accent lighting for sculptures, trees, landscaping features, flags, and entrances may be oriented upwards.

(4) Maximum Illumination Levels

a. Except for street lighting and uses in the Retail Sales category, all exterior lighting and indoor lighting visible from outside the building shall be designed and located so that the maximum horizontal and vertical illuminance does not exceed 0.5 vertical foot-candles measured at ground level at any lot line of the lot where the lighting is located.

b. Maximum illumination on a site shall be as provided in Table 26-5.10(d)(5): Maximum Site Illumination and shall be calculated by adding the rated lumens of all the outdoor lighting sources installed on the site.

Table 26-5.10(d)(5): Maximum Site Illumination

Use	Maximum Illuminations (lumens per acre)
All residential uses	80,000
Retail Sales uses	1.3 million during business hours, 150,000 during non-business hours [1]
All non-residential uses other than Retail Sales	200,000 during business hours, 80,000 during non-business hours
Lighting for athletic fields	No maximum

NOTES
[1] For Retail Sales uses, non-business hours shall mean between the hours of 10:00 p.m. and 7:00 a.m.

(5) Maximum Height

Except as otherwise provided in Sec. 26-5.11(d), Standards for Specific Uses and Site Features, the maximum height of a luminaire on an external light fixture shall comply with the following standards:

a. In vehicular surface areas (parking lots) and driveways, the maximum height of a luminaire shall be 18 feet for Residential uses and hotels or motels, 32 feet for Industrial uses, and 24 feet for all other uses.

b. Luminaires shall not be mounted on the exterior of a building above the first floor or higher than 16 feet, whichever is more restrictive.

c. In pedestrian zones including sidewalks, landscaped areas, or areas adjacent to buildings, the maximum height of a luminaire shall be 12 feet.

d. Exterior lighting associated with multi-family, nonresidential, and mixed-use development within certain proximity to a single-family residential lot shall comply with Sec. 26-5.7(c)(4), Exterior Lighting.

e. For purposes of this section, the height of the fixture shall be measured from ground level to the top of the luminaire.

(6) Spacing

The distance between luminaires on commercial properties and residential property lines shall be greater than or equal to luminaire height, unless a greater distance is required by another provision of this Ordinance.

(7) Alignment

All luminaires shall be installed and maintained in an alignment that minimizes light spill and glare onto adjacent lots.

(d) Standards for Specific Uses and Site Features

(1) Retail Sales Uses

Luminaires that are part of a use in the Retail Sales category shall not exceed 24 feet in height.

(2) Parking Structure

Parking structures shall comply with the following standards:

a. Poles with fixtures shall not be placed on the top floor along the perimeter of the structure.

b. The maximum height of a pole on the interior of the parking structure shall be 15 feet.

c. Luminaires shall be attached to interior perimeter walls on all floors of the structure below the top floor.

(3) Canopy

a. Luminaires mounted on or recessed into the lower surface of service station and/or entrance canopies shall be fully shielded and utilize flat lenses.

b. The total light output used for illuminating service station and entrance canopies, defined as the sum of all under-canopy initial bare-lamp outputs in lumens, shall not exceed 430 lumens per square meter of canopy

c. All lighting mounted under the canopy, including but not limited to luminaires mounted on the lower surface or recessed into the lower surface of the canopy and any lighting within signage or illuminated panels over the pumps, shall be included in the calculation for total allowable illumination pursuant to Sec. 26-5.10(d)(4).

Sec. 26-5.12. Water Quality

(a) Water Quality Buffers

(1) Purpose

a. General

1. The purpose of the water quality buffer requirements is to require that new development include buffers that:

(a) Protect the streams, wetlands, and flood plains of the County;

(b) Protect the water quality of watercourses, reservoirs, lakes, and other significant water resources;

(c) Protect riparian and aquatic ecosystems; and

(d) Provide for the environmentally sound use of the County's land resources.

2. A water quality buffer is an area of original or re-established vegetation that borders streams, rivers, ponds, lakes, wetlands, and seeps. Buffers are most effective when stormwater runoff is flowing into and through the buffer zone as shallow sheet flow, rather than concentrated flow such as channels, gullies, or wet weather conveyances. Therefore, it is critical that design of all development

include management practices, to the maximum extent practical, that will result in stormwater runoff flowing into the buffer zone as shallow sheet flow.

b. Benefits

Water quality buffers provide numerous environmental protection and resource management benefits including:

1. Restoring and maintaining the chemical, physical and biological integrity of the water resources;
2. Removing pollutants delivered in urban stormwater;
3. Reducing erosion and controlling sedimentation;
4. Stabilizing stream banks;
5. Providing infiltration of stormwater runoff;
6. Maintaining base flow of streams;
7. Contributing the organic matter that is a source of food and energy for the aquatic ecosystem;
8. Providing tree canopy to shade streams and promote desirable aquatic organisms;
9. Providing riparian wildlife habitat; and
10. Furnishing scenic value and recreational opportunity.`

(2) Applicability

a. General

Water quality buffers are required along all perennial and intermittent streams, waterways, shorelines and wetlands according to a USACE jurisdictional determination, to be submitted from the developer and approved by the County Engineer. In addition, water quality buffers may be required to protect waters (such as isolated wetlands) pursuant to the S.C. Pollution Control Act, as determined by the County Engineer.

b. Applicable Development

The provisions of this section apply to the following:

1. Except as provided in subsections c and d below, all development within the County;
2. All surface mining operations except active surface mining operations which are operating in compliance with an approved DHEC surface mining permit, provided that a copy of the approved surface mining permit shall be provided to the County Engineer;
3. The construction of agricultural structures in accordance with this Ordinance; and
4. Except as provided in subsections c and d below, all parcels of land, structures, and activities which are causing or contributing to:
   (a) Pollution, including non-point pollution, of the waters of the County;
   (b) Erosion or sedimentation of stream channels; or
   (c) Degradation of aquatic or riparian habitat.

c. Exemptions

The requirements of this section shall not apply to the following:

1. Ephemeral streams, ditches, man-made ponds, and lakes, which are outside of natural hydrologic connectivity;
2. Any existing structure or structure under construction located within the buffer area, provided the land owner can document prior existence;
3. The addition or expansion to an existing structure, provided it does not result in an increase in the total impervious area within the buffer area;
4. Activities associated with emergency operations, such as hazardous materials removal, flood or fire control, evacuations, and storm damage clean up;
5. Single-family parcels of land, which exist as individual lots that are two acres or less and are not part of a new subdivision development;

d. Waiver

An applicant may request and the County Engineer may grant a waiver to alter a buffer required by this section (Sec. 26-5.12(a)) in accordance with the procedure and standards set forth in Sec. 26-2.5(q), Water Quality Buffer Waiver.

(3) Stream Buffer Requirements

a. General

Stream buffers shall be considered a “no disturb zone” along jurisdictional lines. Vegetation shall not be disturbed, removed, or replanted unless a buffer restoration plan has been approved by the County Engineer.

b. Delineation

Except as modified by Sec. 26-5.12(a)(7), Buffer Adjustments, below, the buffer width around a stream shall be calculated as follows:

1. Along jurisdictional perennial streams identified by the USACE, not associated with a floodplain or wetlands, the buffer shall be at least 50 feet perpendicular from the jurisdictional line on each side of the waterway.
2. In areas where a floodway profile has been computed along a perennial stream (AE Zones) as part of an approved flood study, the buffer area shall be equal to the width of the floodway, but never less than 50 feet on each side of the stream.
3. In areas where a floodway profile has not been computed along a perennial stream (A Zones) the developer shall perform a flood study, determine the floodway and follow the buffer requirements outlined above. As an alternative to preparing the flood study, the buffer limits shall extend to the delineated flood plain limits.
4. Along jurisdictional intermittent streams identified by the USACE, the buffer shall be at least 50 feet perpendicular from the jurisdictional line on each side of the waterway. If these streams have associated floodway as described above, the same requirements would apply to have a total width of 50 feet on each side of the waterway.

5. For delineated wetland areas associated with perennial streams, the buffer shall be at least 50 feet perpendicular beyond the wetland edge. This buffer width is independent of any wetland offset requirements of the USACE.
6. For delineated wetland areas associated with intermittent streams, the buffer shall be at least 50 feet perpendicular beyond the wetland edge. This buffer width is independent of any wetland offset requirements of the USACE.
7. For wetland areas not associated with perennial, intermittent streams, or floodway, the buffer shall be the extent of the wetland area plus an additional 50 feet perpendicular beyond the wetland edge.

c. Management

1. General

The function of the stream buffer is to protect the physical and ecological integrity of the waterway, to reduce flooding potential, and to filter runoff from all development. The objective of a stream buffer is ensure native vegetation remains undisturbed.

2. Restrictions on Activities

The following practices and activities are restricted within stream buffers, except with prior approval by the County Engineer:

(a) Clearing or grubbing of existing vegetation;

(b) Clear cutting of vegetation;

(c) Soil disturbance by grading, stripping, or other practices;

(d) Filling or dumping;

(e) Use, storage, or application of pesticides, herbicides, and fertilizers;

(f) Conversion of vegetation from native to exotic species; and

(g) Use of motor vehicles, except during the installation of certain utilities permitted in the buffer zone.

3. Permitted Structures, Practices, and Activities

The following structures, practices, and activities are permitted in the stream buffer, subject to prior approval of the County Engineer, and when specific design or maintenance features are adhered to:

(a) Stream crossing and utilities are permitted provided the following requirements are met:

(1) An applicant demonstrates that stream crossings are minimized;

(2) The right of way is the minimum width needed to allow for maintenance access and installation;

(3) The angle of a crossing is as nearly perpendicular to the stream or buffer as practical in order to minimize clearing requirements; and

(4) The minimum number of crossings are used within each development, and no more than one crossing is allowed for every one 1,000 linear feet of buffer zone unless the applicant demonstrates to the County Engineer the need for additional crossings. Where possible, the design of roadways and lots within a development shall be aligned such that

all streams are either to the rear or the side of individual lots, never along the front.

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

(c) Utilities, provided they are installed a minimum distance of 25 feet measured perpendicular from the jurisdictional line within the buffer area.

4. Permitted Removal of Vegetation

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

(a) Dead, diseased, or dying trees that are in danger of falling and causing damage to dwellings or other structures may be removed with approval from the County Engineer;

(b) Debris in the buffer area that is caused by storm damage may be removed; and

(c) Invasive plant species may be removed if they are replaced by native species that are equally effective in retarding runoff, preventing erosion, and filtering non-point source pollution from runoff. A buffer restoration plan for removal of invasive species must be approved by the County Engineer.

(4) Shoreline Buffer Requirements

a. General

Shoreline buffers shall be considered an area of managed vegetation adjacent to shorelines with hydrologic connectivity (stream leading into/out of the pond/lake or obvious spring input).

b. Delineation

The shoreline buffer width shall be 50 feet perpendicular from the jurisdictional line. For ponds and lakes, the buffer shall be a minimum of 50 feet from the jurisdictional line.

c. Management

1. General

The function of the shoreline buffer is to protect the physical and ecological integrity of the water body by providing a functional distance to reduce flooding potential, reduce erosion, sedimentation, and filter runoff between development and the water body.

2. Restrictions on Activities

The following structures, practices, and activities are restricted within stream buffers, except with prior approval by the County Engineer:

(a) Septic systems;

(b) Permanent structures;

(c) Impervious cover, with the exception of paths;

(d) Soil disturbance by grading, stripping, or other practice;

(e) Filling or dumping;

(f) Stormwater management facilities; and

(g) Use, application, or storage of pesticides or herbicides except for the spot spraying of noxious weeds or other non-native species consistent with approved agency recommendations. (Richland County, South Carolina Forestry Commission, South Carolina Electric & Gas' Lake Management Department).

3. Permitted Structures, Practices, and Activities

The following structures, practices, and activities are permitted in the stream buffer, subject to prior approval of the County Engineer:

(a) Biking or hiking paths;

(b) Recreational uses as approved by the County Engineer; and

(c) Limited tree or underbrush clearing with approval from the County Engineer.

(5) Plat Requirements

All preliminary, bonded and final plats prepared for recording and all right-of way-plats shall clearly:

a. Show the extent of any stream or shoreline buffer on the subject property by metes and bounds;

b. Label the stream and shoreline buffer;

c. Provide a note to reference all buffers stating: "There shall be no clearing, grading, construction or disturbance of vegetation except as permitted by the County Engineer";

d. Provide a note to reference any protective covenants governing all buffer areas stating: "Any buffer shown on the plat is subject to protective covenants which may be found in the land records and which restrict disturbance and use of these areas";

e. If the buffer area will not be part of an individual lot, state ownership by identifying the responsible party; and

f. Provide the location of permanent boundary marker signs.

(6) Design Requirements

a. General

1. The buffer plan must be submitted in conjunction with the sediment and erosion control plan, SWPPP document, and all applicable calculations for a land disturbance permit.

2. It is recommended that the buffer be marked off with a warning barrier (orange safety fence) to show that no disturbance is allowed in the buffer area.

b. Construction Requirements

The following steps shall be taken during the site plan development and site construction process to protect water quality buffers during construction:

1. Water quality buffers shall be clearly identified on all stormwater management plans and construction drawings and marked with the statement "Water Quality Buffer. Do Not Disturb".
2. Water quality buffers cannot be encroached upon or disturbed during project construction, unless in accordance with (2)c or (2)d above or unless they are being established, restored, or enhanced in accordance with an approved Buffer Enhancement Plan.
3. Water quality buffers must be clearly marked with a warning barrier before the preconstruction conference. The marking shall be maintained until completion of construction activities. All contractors and others working on the construction site must be made aware of the existence of the buffer(s) and the restrictions on disturbing the buffer(s).
4. All areas of the water quality buffer, including stream banks, must be left in the existing condition upon completion of construction activities. If construction activities associated with development cause degradation to stream banks, all eroding, bare or unstable stream banks shall be restored to existing conditions.
5. If any trees are allowed to be removed, the tree location shall be shown and a note shall be provided stating that the tree must be hand cleared.
6. The locations of all signage must be clearly shown on plans.
7. A narrative stating the extent of the buffer areas, including any allowed disturbance in the buffer areas (this should be in the narrative as well as in the SWPPP document), must be included with the plans.
8. A double row of silt fence (with metal posts and wire backing) shall be shown on the upstream side of applicable buffer area(s) that are adjacent to a land disturbance.
9. The stream buffer shall be shown and labeled on the engineering plans, preliminary, bonded, and final plat.

c. Maintenance Requirements

If the stream buffers are dedicated to Richland County, placed in a conservation easement, or turned over to a Homeowners Association (HOA), the buffers shall be maintained in accordance with the maintenance and inspection requirements for permanent storm water management structures.

1. Dedication to Richland County

If the buffer is dedicated to Richland County:

(a) All property lines shall terminate at the water quality buffer.

(b) Access easements shall be a minimum 20-foot-wide to allow maintenance of the buffer. Access points for these easements will be coordinated with storm drainage easements during the plan review process.

2. Conservation Easement or Easement Held by Third Party

If the buffer is placed in a conservation easement or if the easement is held by a viable third party, such as a land trust, land management company, or utility, the organization shall:

(a) Have the legal authority to accept and maintain such easements;

(b) Be bona fide and in perpetual existence; and

(c) Have conveyance instruments that contain an appropriate provision for retransfer in the event the organization becomes unable to carry-out functions.

3. Dedication to HOA

If the buffer is given to an HOA, the following criteria shall be met:

(a) Membership in the HOA shall be mandatory and automatic for all homeowners for the subdivision and their successors;

(b) The HOA shall have lien authority to ensure the collection of dues from all members; and

(c) The HOA shall assume the responsibility for protecting, monitoring, and maintaining the area as an undisturbed natural area, in perpetuity.

d. Shoreline Buffers

1. Shoreline buffers shall be shown and labeled on the engineering plans.

2. Shoreline buffers shall be maintained by the owner in accordance with the maintenance and inspection requirements for permanent storm water management structures outlined in this chapter.

3. Shoreline buffers may be deeded to Richland County, placed in a conservation easement, or given to the HOA as outlined in Sec. 26-5.12(a)(6)c.3, Dedication to HOA, above.

(7) Buffer Adjustments

The width of a water quality buffer shall be adjusted in accordance with the following:

a. If streams are on a current 303d list or with an approved TMDL, the buffer area shall be increased to 100 feet, subject to reduction in accordance with subsection j below.

b. If water bodies are on DHEC'S Outstanding National Resource Waters (ONRW) list, the buffer area shall be increased to 100 feet, subject to reduction in accordance with subsection j below.

c. If there are 15 percent to 24 percent slopes within the required buffer area, the buffer width must be adjusted to include an additional ten feet.

d. If there are 25 percent or greater slopes within the required buffer area width, the buffer width must be adjusted to include an additional 25 feet.

e. If the adjacent land use involves drain fields from on-site sewage disposal and treatment systems (i.e., septic systems), subsurface discharges from a wastewater treatment plant, or land application of bio-solids or animal waste, the buffer area width must be adjusted to include an additional 25 feet.

f. If the land use or activity involves the storage of hazardous substances or petroleum facilities, the buffer area width must be adjusted to include an additional 50 feet, subject to reduction in accordance with subsection j below.

g. If the land use or activity involves raised septic systems or animal feedlot operations, the buffer area width must be adjusted to include an additional 100 feet, subject to reduction in accordance with subsection j below.

h. If the land use or activity involves solid waste landfills or junkyards, the buffer area width must be adjusted to include an additional 200 feet, subject to reduction in accordance with subsection j below.

i. If all on-site stormwater runoff is captured and routed through a permanent water quality basin, and there is no sheet flow discharging into the buffer, the buffer area may be reduced to 25 feet. This is intended to apply in limited situations, such as small commercial developments.

j. If the applicant satisfactorily demonstrates that there will be no degradation of the receiving water body by implementing the proposed storm water quality controls, then the established buffer may be reduced on a case by case basis upon approval by the County Engineer.

(8) Buffer Averaging

a. General

1. Except as otherwise provided in subsection c below, buffer averaging may be utilized to adjust the required buffer width, allowing some flexibility for site development. Using buffer averaging, the width of the buffer can be varied with the criteria stated below, as long as a minimum average width of 50 feet from the jurisdictional line is maintained.

2. Buffer averaging shall be used for water quality buffers that have stream crossings.

b. Requirements

The following criteria shall be met in order to use buffer averaging on a development site:

1. An overall average buffer width of 50 feet, depending on the water quality buffer requirement, shall be achieved within the boundaries of the property to be developed.

2. The average width shall be calculated based upon the entire length of the stream bank or shoreline that is located within the boundaries of the property to be developed. When calculating the buffer length, the natural stream channel should be followed.

3. Stream buffer averaging shall be applied to each side of a stream independently. If the property being developed includes both sides of a stream, buffer averaging can be applied to both sides of the stream, but shall be applied to each side of the stream independently.

4. That portion of buffers in excess of 100 feet shall not be credited toward the buffer averaging formula within the boundaries of the property to be developed. The total width of the buffer shall not be less than 25 feet, or the width of the floodway at any location, except at approved stream crossings. Those areas of the buffer having a minimum width of 25 feet (or less at approved stream crossings) can comprise no more than 50 percent of the buffer length.

c. Prohibitions

Buffer averaging may not be used when the development includes the following uses:

1. Developments or facilities that include on-site sewage disposal and treatment systems (i.e., septic systems), raised septic systems, subsurface discharges from a wastewater treatment plant, or land application of bio-solids or animal waste;
2. Landfills (including demolition landfills, permitted landfills, and closed-in-place landfills);
3. Junkyards;
4. Commercial or industrial facilities that store and/or service motor vehicles;
5. Commercial greenhouses or landscape supply facilities;
6. Developments or facilities that have commercial or public pools;
7. Animal care facilities, kennels, and commercial/business developments or facilities that provide short-term or long-term care of animals; and
8. Other land uses deemed by the County Engineer to have the potential to generate higher than normal pollutant loadings.

(9) Signage

a. Boundary Markers to Be Posted

1. For subdivisions, permanent boundary marker signs are required for stream buffers prior to bonding of the subdivision and/or finalizing the subdivision with the intent to transfer property. Permanent boundary markers are required to ensure that property owners are aware of the buffer.
2. Permanent boundary markers are recommended, but not required, in shoreline buffers.
3. The County Engineer has the authority to require the person or entity responsible for permanent maintenance of the buffer to replace boundary markers that have been removed or destroyed.
4. Buffer boundary markers may be purchased from the County Engineer or from another vendor.

b. Requirements

The following general requirements shall apply to buffer boundary markers:

1. **Location**
   (a) Generally, buffer boundary markers shall be located on the landward edge of the buffer, and at other locations which will approximately delineate the buffer boundary.
   (b) For commercial developments, markers shall be posted every 100 feet along the buffer boundary.
   (c) For subdivisions where multiple lots are located along the buffer, it is recommended that a buffer boundary marker be located at the intersection of every other lot line with the landward edge of the buffer.
2. Buffer boundary markers shall include the statement “Water Quality Buffer - Do Not Disturb”.
3. Where possible, the markers should be mounted to a tree larger than three inches in diameter. Where it is not possible to mount the marker to a tree, a

treated wood or metal signpost shall be used. The post shall extend below the ground surface at least 24 inches.

4. The boundary markers shall be mounted between four and six feet above the ground surface.

5. The boundary markers shall be at least 12 by 18 inches.

(10) Buffer Restoration

a. General

Buffer restoration is required when a buffer is disturbed without prior approval from the County Engineer. A developer or property owner may also wish to enhance a buffer to bring it closer to an optimal, undisturbed native forest condition. Prior to reestablishing or planting the buffer, a restoration or enhancement plan must be submitted to and approved by the County Engineer

b. Requirements

A buffer restoration and/or enhancement plan shall include the following:

1. A drawing or plan; for large scale restoration and enhancement projects the plan(s) must be stamped by a registered landscape architect. The drawing or plan shall show:

(a) The location of the buffer in relation to the existing or planned development and to the buffered waterway;

(b) The disturbance limits for the planned buffer restoration;

(c) The direction of flow of runoff from the site and flow within the water feature;

(d) Any erosion prevention and sediment control measures to be installed to protect the waterway;

(e) Any existing or proposed stream crossings;

(f) Any existing or proposed stream bank stabilization measures;

(g) Access to a water source for the purposes of watering vegetation; and

(h) Any other pertinent information.

2. A visual plan and a narrative that describe the vegetation plan for the buffer. Stream buffers shall be planted with native trees, shrubs, and grasses that will not be mowed. Suitable native plants can be chosen from the recommended plant species, as listed in the "Stormwater Design Manual." Species of plants other than those listed on the pre-approved list shall be approved by the County Engineer prior to planting.

3. The schedule for when plantings will occur and a two-year survival guarantee provided by the responsible party.

(b) Stormwater Management

(1) Purpose and Intent

a. Purpose

The purpose of this section is to minimize the impact of stormwater, to protect the general health, safety and welfare of the people of Richland County, and to protect the natural assets and resources for posterity, in particular to:

1. Protect the lands and waters of the County from the effects of excessive soil erosion and sedimentation;
2. Prevent siltation of streams and lakes;
3. Prevent clogging of drainage channels; and
4. Prevent damages to the property of adjacent landowners.

b. Intent

The intent of this section is to provide proper management of County stormwater facilities to accomplish the following goals:

1. Provide proper drainage channels, clear of obstruction, for stormwater runoff;
2. Control pollution of streams and drainage channels by urban stormwater runoff;
3. Prevent encroachment into natural drainage channels by buildings or other land improvements;
4. Minimize damage to public and private property;
5. Ensure a functional drainage system;
6. Promote the attainment and maintenance of property;
7. Promote the attainment and maintenance of water quality standards;
8. Enhance the local environment associated with the drainage system, maintain as nearly as possible the predevelopment runoff characteristics of the area; and
9. Facilitate economic development while mitigating associated flooding and drainage impacts.

(2) Jurisdiction

The provisions of this section shall apply to all land in the unincorporated areas of the County and to all land within the jurisdiction of those municipalities that agree, in writing, to have these provisions administered within their corporate limits.

(3) Applicability

Unless otherwise provided in this section, the surface of land in the county shall not be disturbed or changed for any purpose, except in accordance with this section and other applicable sections of this chapter.

(4) Design Guidelines

For all sites subject to this section, a Storm Water Pollution Prevention Plan (SWPPP) shall be prepared based on the following guidelines. Plans shall include appropriate measures and practices for erosion and sediment control, installed in a timely sequence during the development process, and maintained to ensure their proper function.

a. Land Selection for Development

Land should be selected where the drainage pattern, topography, and soils are favorable for the intended use. Tracts of land vary in suitability for different uses. Consideration shall be given to the major characteristics of the land area and the kinds of soil (identifying and evaluating potential erosion and sediment problems) and to the selection of appropriate control measures and practices.

b. Land Exposure

The erosion and sediment control plan shall expose the smallest practical area of land for the least possible time during development.

c. Retention of Vegetation and Topsoil

When feasible, natural vegetation shall be retained and protected. Topsoil, where practical, shall be saved for replacing on graded areas.

d. Temporary Measures

Temporary plant cover, mulching and/or structures shall be utilized to protect areas subject to erosion during construction.

e. Provisions for Increased Runoff

Provisions shall be made for the increased runoff caused by changed soil and surface conditions. Emphasis should be placed on conservation of existing on-site soil. Effective means include the use of diversion ditches, grassed or surfaced waterways and outlets, enlarged and protected drainage channels, grade control structures, and effective use of road gutters and storm sewers.

f. Silt Traps

Sediment basins or other forms of silt traps shall be used, where practical, to remove heavy sediment loads from runoff waters leaving the disturbed area.

g. Long-Term Measures

Permanent vegetative cover and long-term erosion protection measures or structures shall be installed as soon as practical in the development process.

(5) Stream Flow and Runoff Calculation Requirements

SWPPPs shall be based on stream flow and runoff for the site to be developed. Formulas and values as prescribed in the county's "Stormwater Design Manual" shall be used for calculating all stream flow and runoff. Copies of the "Stormwater Design Manual" may be obtained through the county engineer's office. The following standards shall be applied:

a. Rainfall Frequencies

The rainfall frequencies in Table 26-5.11(b)(5)a: Rainfall Frequencies for SWPPP Design shall be used in the calculations for stormwater runoff and stormwater management facility design, depending upon the size of the watershed; the two year, 24-hour rainfall shall also be used as prescribed in the "Stormwater Design Manual":

TABLE 26-5.11(b)(5)a: Rainfall Frequencies for SWPPP Design	
Site Size (acres)	**Frequency-Year Value**
Up to 39	10 year
39 or more, up to 300	25 year
300 or more	50 year

b. Future Development

Calculations used in the design of proposed stormwater management facilities shall reflect the anticipated future development of the upstream watershed.

c. Inlet and Outlet Control Curves

Appropriate inlet control and outlet control curves shall be used to determine headwater depths, where applicable.

(6) Primary Drainage Channel Requirements

a. General

All primary drainage channels located within or immediately adjacent to any improvement, development, or subdivision shall be protected or improved by the applicant/developer in accordance with the following requirements. The applicant/developer shall be responsible for carrying out the proposed work in accordance with the approved SWPPP, and in compliance with the requirements of this section. The applicant/developer shall plan and carry out developments in a manner that will not interfere with or restrict the flow of water, nor increase the 100-year flood elevation by more than one foot. The applicant/developer shall be responsible for any improvements to such channels needed to handle increased runoff or other changes resulting from the development, in accordance with the provisions of this section.

b. Dedication of Primary Drainage Channels

All land adjacent to a primary drainage channel and not protected by levees, dikes, or fill shall be dedicated for the purpose of providing drainage right-of-way as follows:

1. Commercial and Residential Subdivisions

In commercial and residential subdivisions, drainage easements of satisfactory width to provide working room for construction and maintenance equipment shall be deeded to the county for all drainage improvements, including stormwater management facilities, and shall be separate and apart from adjoining lots.

2. Planned Developments

In Planned Development Districts, the property owner(s) or HOA shall be responsible for maintenance of drainage channels and easements. The final plat approved for recordation shall indicate the available public easements for drainage channels. The county shall have the right to encroach onto these public easements or permit others to encroach for any purpose deemed appropriate by the county engineer. In no way does this right of encroachment lessen the

obligation of the property owner(s) or the responsibility of the HOA for maintenance of the drainage channels and easements.

c. Existing Channel Modifications

1. It is the intent of these regulations that existing drainage channels within buffer areas be maintained in their natural conditions whenever possible and whenever engineering is feasible. It is recognized that additional capacity may be required, and the ability to maintain such facilities must be provided, for which the following provisions shall be followed. The existing channel lying within or contiguous to a subdivision or parcel of land proposed for development or redevelopment may be:

(a) Cleaned to provide for free flow of water; and

(b) Straightened, widened, and improved to prevent overflow resulting from the 50-year frequency rainfall beyond the limits of the dedicated drainage easement provided for in subsection b above, provided:

(1) The SWPPP contains details of the proposed channel modifications and includes either:

(2) A mitigation plan for water quality impacts, including best management practices to be implemented as part of the channel modification and overall project; or

(3) An engineering analysis demonstrating no water quality impacts resulting from the proposed modifications.

(c) The SWPPP must be approved in accordance with this section prior to commencing any channel modifications.

2. Whenever existing channel modifications are made, sodding, backsloping, cribbing, and other bank protection shall be designed and constructed to control erosion for the anticipated conditions resulting from a 50-year rainfall.

d. Areas of Special Flood Hazard

In areas of special flood hazard, final grading of all lots and building sites for new construction or substantial improvement shall provide for elevation on fill, pilings, or earth filled curtain walls of the lowest habitable floor to at least two feet above the 100-year flood elevation. Where fill is used to meet this requirement, the area two feet above the 100-year flood elevation shall extend at least ten feet from each side of the building pad. Certain types of non-residential structures are permitted within the floodplain if properly “flood-proofed” in compliance with Sec. 26-3.7(d), FP-O: Floodplain Overlay District, and all applicable building code requirements.

e. Primary Channels Located within Road Easements

Primary drainage channels located within road easements shall be placed in enclosed storm sewers, except under the following conditions:

1. Where a paved road surface at least two lanes wide is provided on both sides of an improved channel so as to provide access to abutting properties; or

2. For lots with a double-road frontage, an open drainage channel is permitted between the rear lot line and the paved road, provided that access from the road to the lot is prohibited both at the time of construction and in the future.

3. Adequate width shall be dedicated as right-of-way to provide for the maintenance of an improved drainage channel and its bank.

f. Levees Protecting Structures

All levees protecting residential structures or non-residential structures that are not flood-proofed shall be designed, constructed, and maintained to provide protection against the 500-year flood, plus three feet of freeboard. Flood elevations shall be as shown on the latest Flood Insurance Rate Maps or as determined by appropriate hydrologic methods. Any levee constructed or improved under this section shall also comply with the other provisions of this article, including, but not limited to, subsection g below.

g. Structures or Obstructions in Regulatory Floodway

1. Notwithstanding any other provision of this chapter, no levees, dikes, fill materials, structures or obstructions that will impede the free flow of water during times of flood will be permitted in the regulatory floodway, unless:

(a) Such proposed impediment is a permitted use pursuant toSec. 26-3.7(d), FP-O: Floodplain Overlay District; or

(b) Such impediment was approved by the county engineer under this section (g), or under any predecessor provision, before January 1, 2001.

2. Any specified activity permitted in accordance with this section (g) must comply with all applicable federal, state, and local requirements, including, but not limited to, 44 CFR 60.3(d)(3), as amended. Nothing in this section (g) shall limit provisions in this chapter or elsewhere authorizing or requiring the maintenance and repair of levees, dikes, dams, and similar structures; provided, however, that this sentence shall not be construed as authorizing or requiring the repair or maintenance of any such structure to the extent that such repair or maintenance would result in a structure that would be higher or wider than it was before the need arose for such repair or maintenance.

h. National Flood Insurance Program Requirements Incorporated

All applicable regulations of the National Flood Insurance Program are incorporated into this section by reference.

(7) Secondary Drainage Channel and Surface Requirements

a. General

All secondary drainage channels that are within or immediately adjacent to an improvement, development, or subdivision shall be protected and improved by the applicant in accordance with the following requirements.

b. Drainage Maintenance

Drainage easements of satisfactory width to provide working room for construction and maintenance equipment shall be dedicated to the County for all drainage improvements in subdivision developments, including stormwater management facilities. Drainage improvement maintenance for planned developments, town and country developments, and commercial buildings shall be the responsibility of the property owner(s) or HOA.

c. Improvements

1. Secondary drainage channels that have a primary function of collecting surface water from adjacent properties or intercepting and diverting side hill drainage shall be improved open channels.
2. Secondary drainage channels that have a primary function of transporting surface water through a block or development, or collecting surface water from cross channels, shall be improved as follows:
   (a) Secondary drainage channels having drainage basins 40 acres or larger shall be improved with either a closed storm sewer or improved open channel designed to carry the runoff resulting from a 25-year frequency rainfall. A natural stream may be approved by the County Engineer for environmental or aesthetic purposes, provided that it has the required carrying capacity and that flood protection requirements are met.
   (b) Secondary drainage channels having less than 40 acres shall be improved with closed storm sewers designed to carry the runoff resulting from a 10-year frequency rainfall. Variation from this requirement may be approved by the County Engineer for environmental or aesthetic purposes, provided that it has the required carrying capacity and that flood protection requirements are met.
3. All improvements to drainage channels shall be carried out such that waters protected by the Federal Clean Water Act are not degraded.

d. Areas of Special Flood Hazard

In areas of special flood hazard, final grading of all lots and building sites for new construction, or substantial improvement of residential structures, shall provide for elevation on fill, pilings, or earth filled curtain walls of the lowest habitable floor to at least two feet above the 100-year flood elevation. Where fill is added to meet this requirement, the area two feet above the 100-year flood elevation shall extend at least ten feet from each side of the building pad. Certain types of structures are permitted within the floodplain if properly "flood-proofed" in compliance with Sec. 26-3.7(d), FP-O: Floodplain Overlay District and all applicable building code requirements.

e. Secondary Channels Located within Road Easements

Secondary drainage channels located within road easements shall be placed in enclosed storm sewers, except under the following conditions:

1. Where a paved road surface at least two lanes wide is provided on both sides of an improved channel so as to provide access to abutting properties.
2. For lots with a double-road frontage, an open drainage channel is permitted between the rear lot line and the paved road, provided that access from the road to the lot is prohibited both at the time of construction and in the future.
3. Adequate width shall be dedicated as right-of-way to provide for the maintenance of an improved drainage channel and its bank.

f. Off-Site Discharges

1. Off-site discharges from closed storm sewers or improved open channels will only be permitted at natural streams or man-made drainage channels

acceptable to the County Engineer, unless a drainage easement is obtained from the adjoining landowner.

2. Adequate provisions shall be made to reduce discharge velocities such that the receiving channel is not degraded.
3. When off-site drainage channels are not adequate to accept the additional runoff resulting from development, the developer shall install on-site facilities for controlled release of stormwater runoff. These on-site drainage facilities shall be designed to limit the runoff rate to predevelopment levels during the design storm and the two-year storm.

g. Additional Requirements for Particular Developments

1. **Single-Family or Two-Family (Duplex) Residential or Manufactured Home**
   Site grading for single-family, duplex, or manufactured home development shall be carried out in such a manner that surface water from each dwelling lot will flow directly to a storm sewer, improved channel, sodded swale, or paved road without running more than 200 feet. Rooftop runoff may be directed to pervious areas, infiltration practices, rainwater harvesting systems, or other stormwater treatment facilities on the dwelling lot.
2. **Commercial, Industrial, Multi-Family Residential, and Institutional**
   For commercial, industrial, multi-family, and institutional development, roofs, paved areas, yards, courts, courtyards, and other impervious surfaces shall be drained into a stormwater management facility, with the exception that such drainage may flow directly into a road, curb and gutter system, or into an improved small-area channel with approval of the County Engineer. Construction of buildings over storm drainage improvements is not permitted.

h. Surface Water on Roads

Surface water collected on roads shall be diverted to enclosed storm sewers or drainage channels at satisfactory intervals to prevent overflow of the road and its curbs and gutters, where provided, during a ten-year frequency rainfall.

(8) Minimum Water Quality Requirements

a. Minimum Requirements

Requirements from the current "Stormwater Design Manual" and "BMP Manual" shall be followed, and shall provide for minimum quality control requirements for development. Such requirements shall be adhered to unless waived by the County Engineer after a determination that both of the following have occurred:

1. It can be shown, by engineering calculations acceptable to the County Engineer, that stormwater management facilities are not needed to control developed peak discharge rates and meet water quality requirements; and
2. It can be shown that installing such facilities would not be in the best interest of local citizens or the County.

b. Additional Requirements

The County Engineer may determine that additional stormwater management facilities, beyond those required under this section, are necessary for on-site stormwater management. Additional facilities may be needed to enhance or provide

for the general health, safety, and welfare; to correct unacceptable or undesirable existing conditions; or to provide protection for future development in a more desirable fashion. If such a determination is made, the County Engineer may do the following:

1. Require that the owner/applicant grant any necessary easements to provide access to or drainage from the stormwater management facility.
2. Develop an agreement with the owner/applicant for the over-design of the stormwater management facility to provide additional water quality benefits beyond that required by this section.
3. Recommend financial participation by the County in construction of the stormwater management facility, to the extent that such facility exceeds the on-site stormwater management requirements, as determined by -the county engineer. The County may pay the additional expenses incurred in providing the additional storage capacity or water quality benefits, including land costs and increased design and construction costs.

(9) Design Criteria for Improvements

a. Open Channels

Open channels shall be provided with an improved section that will carry runoff from the appropriate design storm and preclude the creation of backwater inundating any areas outside of dedicated drainage easements. The channel shall be designed to minimize negative water quality impacts and protect against erosion in accordance with standards adopted by the County Engineer.

b. Closed Storm Sewers and Culverts

Closed storm sewers and culverts shall be constructed of pre-cast or prefabricated pipe or box culvert or built in place, of closed box design, in conformity with county specifications. They shall be sized to carry the runoff from the appropriate design storm and to preclude the creation of headwater inundating any areas outside of dedicated drainage easements.

c. Bridges

Bridges shall be designed in accordance with standards adopted by the county engineer. Construction shall be in accordance with South Carolina Department of Transportation specifications.

d. Levees

Levees shall be designed, constructed, and maintained as follows:

1. **USACE Manuals**

   Design and construction shall be in accordance with USACE's Manual EM 1110-2-1913 (31 March 1978) Design and Construction of Levees. The design and construction of drainage systems within levees shall be in accordance with the USACE's Manual EM 1110-2-1413 (15 Jan 1987) Hydrologic Analysis of Interior Areas. A South Carolina Registered Professional Engineer shall certify that he/she has been involved in the design, construction, and inspection phases and shall certify that the construction meets requirements of the corps of engineers.

2. Maintenance

Owners of levees shall perform the necessary and required maintenance and provide appropriate records to the county engineer. These records shall include all of the following:

(a) Signed agreements of perpetual operation and maintenance between the constructor and/or owner and the county;

(b) As-built construction plans sealed by a South Carolina Registered Professional Engineer;

(c) A levee maintenance program in accordance with the levee maintenance standards and procedures of the county; and

(d) Periodic maintenance reports as required by the county engineer.

e. Stormwater Management Facilities

1. General

Stormwater management facilities may include both structural and non-structural elements incorporating quantity and/or quality control. A variety of different types of stormwater management facilities exist and can be used to satisfy the minimum quantity and/or quality control requirements. All proposed stormwater control measures shall be in accordance with the county's "Stormwater Design Manual". The county engineer may reject a SWPPP if it incorporates structures and facilities that do not meet the requirements of this section or if the plan utilizes numerous small structures where other alternatives are physically possible.

2. Restriction of Runoff Rate

Stormwater management facilities shall restrict the peak post-development runoff rate to the peak pre-development rate for the design storm. The design storm shall be ten, 25, or 50 years, depending on the size of the drainage basin. Overflow structures and emergency spillways shall be designed to accommodate the 100-year rainfall.

3. Wet Ponds

Wet ponds (retention structures with a permanent pool) shall be utilized for drainage areas of 25 acres or more, in accordance with the county's "Stormwater Design Manual". Wet ponds may be required for smaller drainage areas, as determined by the county engineer on a case-by-case basis. In all cases, wet ponds shall be located at least 15 feet from the property line of adjacent property.

4. Wet and Dry Facilities

Where wet (retention) and dry (detention) facilities are used, designs that consolidate them into a limited number of large structures are preferred over designs utilizing a large number of smaller structures. Additional state and/or federal permits may be required for larger stormwater management facilities impacting waters of the state protected by the Federal Clean Water Act.

5. Landscaping

Landscaping of stormwater management areas shall conform to all requirements of this LDC and to the design approved by the County Engineer for any particular development. Retention/detention areas shall be landscaped with trees, shrubs, ground covers, and native perennials appropriate to the function as a wet or dry basin. If the landscaped area is also designed to meet on-site stormwater management requirements, one of the following must be met:

(a) The area shall be designed to provide an aesthetic focal point, such as a lake, creek or other water feature; to preserve a tree grouping; or to utilize the existing terrain and/or geological features of the site; or

(b) The landscaping for the basin shall be integrated within the entire landscaping plan.

6. Stormwater Facilities Records Requirements

Drainage system and all stormwater management structures within the county (including public and private portions) shall be designed to the same engineering and technical criteria and standards Owners of stormwater management facilities shall perform the required maintenance and provide appropriate records to the county engineer. These records shall include all of the following:

(a) As-built construction plans certified by a South Carolina Registered Civil Engineer, Registered Landscape Architect, or Tier B. Land Surveyor; and

(b) Periodic maintenance reports as required by the county engineer.

(10) Maintenance of Stormwater Facilities

a. General

All stormwater management facilities shall be maintained by the owner(s) in such a manner as to maintain and enhance the general health, safety, and welfare; to reduce and minimize damage to public and private property; to reduce and minimize the impact of such facilities on land and stream channel erosion; to promote the attainment and maintenance of water quality standards; and to maintain, as nearly as possible, the pre-development runoff characteristics of the area. All maintenance of privately owned stormwater management facilities shall be at the sole cost and expense of the owner(s) of such facilities.

b. Failure to Maintain

It shall be unlawful for the owner or occupant of any property upon which a stormwater management facility is located, to fail to maintain the facility in such a manner that the facility creates a danger to the general health, safety, and welfare. Should the owner fail to so maintain the stormwater management facility, this failure shall constitute a violation of this chapter and shall be subject to the penalty provisions of Sec. 26-8.6, Remedies and Penalties.

c. County Assistance in Maintenance

All stormwater management facilities shall be privately owned and/or maintained unless the county accepts the facility for County ownership and/or maintenance. The County may assist with maintenance only if the County has entered into a

maintenance agreement and the owner provides an easement (and provided that the County has available resources to provide such assistance).

(11) Inspection of Stormwater Facilities

a. During Construction

The County Engineer shall periodically inspect the work completed under the approved SWPPP. Upon completion of such work, the County Engineer shall make a final inspection, and if the work has been carried out in accordance with the plan, issue a letter of satisfactory completion upon receipt of the as-built drawings.

b. Right of Entry

1. General

The County Engineer shall have a right-of-entry on or upon the property of any person subject to this section. The County Engineer shall be provided ready access to all parts of the premises for the purposes of inspection, monitoring, sampling, inventory, examination and copying of records, and the performance of any other duties necessary to determine compliance with this section.

2. Security

Where a person subject to this section has security measures in force requiring proper identification and clearance before entry onto the premises, the person shall make necessary arrangements with security guards so that, upon presentation of suitable identification, the County Engineer will be permitted to enter without delay for the purposes of performing specific responsibilities.

3. Sampling

The County Engineer shall have the right to set up on the property of the person subject to this section such devices as are necessary to conduct sampling and/or metering of the property as it relate to stormwater management

4. Obstruction to Access

Any temporary or permanent obstruction to safe and easy access to the areas to be inspected and/or monitored shall be removed promptly by the person subject to this section at the written or verbal request of the County Engineer. The costs of clearing such access shall be borne by the person subject to this section.

5. Imminent Threat to Health and/or Safety

In cases where an imminent threat to the health or safety of the general public or the environment is suspected, the County Engineer or the director of emergency services shall inspect existing stormwater management facilities to determine if immediate action is necessary. Such inspection shall be made with or without the consent of the owner, manager, or signatory official. If such consent is refused, the county engineer may seek issuance of an administrative search warrant.

(12) Levees

a. General

Adequate levee maintenance is essential and cannot be overemphasized. Failure to properly maintain levees may render the levees inoperative during periods when their protection is needed. For safety in times of high water or floods, levee maintenance shall be thorough and continuous. This requires a balanced maintenance program based on defined standards and procedures.

b. Maintenance Standards and Procedures

Levees in Richland County will be maintained in accordance with the following standards to ensure serviceability against floods at all times:

1. Sod Growth

(a) Maintenance of a sturdy sod growth on levee embankments is highly important, as sod is one of the most effective means of protecting the levee against erosion from rain, current, and wavewash.

(b) Periodic mowing with tractor-operated equipment is essential to maintaining a good sod growth, and shall be done at such intervals as necessary to keep down weeds and other noxious growth and to prevent the grass height from exceeding 12 inches. The grass shall be mowed to a height of no less than two inches but no greater than 12 inches. The number of mowings required each season will depend on local conditions. The last mowing of the season shall be accomplished under conditions that allow the grass to obtain a height of approximately eight inches to ten inches entering the winter season. Mowing shall be performed to a distance of at least five feet beyond the toe of the levee or berm.

(c) Burning grass and weeds is not permitted in the levee maintenance program, except during appropriate seasons when it is not detrimental to sod growth.

(d) During the growing season, spraying with herbicides on an as-needed basis is permissible and desirable for weed and brush control on levees and berms.

(e) Reseeding and fertilizing shall be completed frequently enough to sustain sod growth on levee embankments for erosion control.

2. Earth Embankments

Levee embankments shall be maintained to not less than the design grade and section by replacing any material lost from the crown or slopes. Ruts, washes, slides, and subsidence shall be promptly repaired and the entire embankment maintained sufficiently smooth for power mowing. Levee crowns shall be graded as necessary to drain freely and prevent impoundment of rainwater. All brush, trees, and other undesirable growth shall be removed from the levee embankment.

3. Animal Burrows

Levees and adjacent landward areas shall be maintained free of all types of animal burrows. Animal burrows, when found, will be backfilled with compacted

material and sodded. To prevent recurrence, efforts shall be made to exterminate the burrowing animals.

4. Prevention of Encroachment

Care must be taken to assure that levees are not encroached upon. Buildings, structures, and storage of materials or equipment shall not be permitted on the levee. Refuse dumps are an item of frequent concern and are not permitted. Following each high water, any debris deposited on the riverside slope of the levee shall be removed promptly.

5. Roads and Ramps

Access roads to and on the levees, including ramps, shall be bladed as necessary to keep the roadway shaped properly and free of ruts, pockets, and washes. Ramp embankments shall be maintained to their design section and design grade. Maintenance shall be performed as necessary to correct any encroachment into the levee crown where roads cross levees. Road surfacing material shall be replaced as necessary to maintain the road surface in good condition.

6. Miscellaneous Levee Facilities and Appurtenances

Levee facilities and appurtenances that are constructed on, over, or through the levee shall be maintained in a good state of repair and/or inspected at least annually. Facilities and appurtenances that operate only during high water shall be checked carefully and repaired as necessary, immediately prior to high water season. Relief wells shall be checked during periods of high water. Wells that do not flow for an extended period of time may have to be tested by pumping to determine the extent of deterioration. Critically deteriorated wells shall be rehabilitated by cleaning, surging, and pumping. Check valves shall be inspected to ensure that they open freely and that the gaskets are in good condition. The most common of these facilities and appurtenances are:

(a) Drainage structures through the levee;

(b) Toe drainage systems;

(c) Relief wells;

(d) Levee slope protection and protection on dike ends;

(e) Gates, cattle guards, and fences; and

(f) Siphons and pipe crossings.

c. Inspections

Frequent inspections are essential to a good levee maintenance program. In addition to the formal inspections required by the engineer, inspections shall be made prior to the beginning of the flood season, during and immediately following each high water period, and at such intermediate times as necessary to ensure satisfactory care of the levee.

(13) Supplemental Regulations

All applicable provisions of the Standards for Stormwater Management and Sediment Reduction (Sections 72-301, 302, 305, 307, 308, 312, 313, 314, 315, 316) administered by the South Carolina Department of Health and Environmental Control pursuant to the

South Carolina Stormwater Management and Sediment Reduction Act of 1991 are incorporated into this section by reference.

(c) NPDES Municipal Separate Storm Sewer System (MS4) Program

(1) Purpose

a. The purpose of this section is to establish regulations to minimize the introduction of pollutants into stormwater runoff and subsequently into surface waters of the state. This will be accomplished through the implementation of programs developed to address specific activities that contribute to the contamination of stormwater.

b. Richland County is required by its NPDES permit to regulate all discharges within the political boundary of the County; therefore, the County will take any measures necessary to comply with its permit and protect water quality within the jurisdictional areas defined with the NPDES permit.

c. Discharge of pollutants shall be reduced to the Maximum Extent Practicable (MEP), shall not cause, nor contribute to, violations of South Carolina water quality standards, and shall be in compliance with TMDLs where applicable.

(2) Applicability

The DHEC re-issued NPDES permit is hereby adopted in its entirety. This adoption includes individual programs developed as part of the implementation of the NPDES permit. The current NPDES permit became effective on September 11, 2006 and expires on September 10, 2011. The duration of the adoption of the NPDES permit will be for a term of five years, and will be automatically renewed for a like term unless this provision is amended by County Council with an intent to terminate. Richland County personnel, the Director of Public Works, and Stormwater Management personnel, or their designees, may enforce any of the regulations in regards to DHEC delegated Richland County's NPDES storm water discharge permit programs or language.

(3) Components of NPDES MS4 Program

a. Pesticide, Herbicide, and Fertilizer (PHF) Program

The intent of the PHF program is to aid Richland County in reducing the discharge of pollutants related to the storage and application of pesticides, herbicides, and fertilizers (PHFs) applied by County employees or residents or contractors to public rights-of-way, parks, and other property, as follows:

1. All commercial and non-commercial application of pesticides is regulated in the state of South Carolina by the Department of Pesticide Regulation (DPR). The DPR requires mandatory licensing for applicators involved in pest control activities in structural, landscape and turf, aquatic, and public health areas.

2. Only Richland County staff members who are properly licensed by the DPR, or who are directly supervised by a licensed applicator, will be permitted to apply pesticides and herbicides.

3. Commercial Applicators

(a) Richland County will only contract for pesticide and herbicide application with commercial applicators that are licensed through the DPR.

(b) All commercial applicators who are contracted by the county will maintain current licensing through the DPR throughout the entire contract with the county.

(c) Commercial applicators contracted by the county to apply pesticides and herbicides must provide written notification to the appropriate county divisional manager, the County Engineer, or the Vector Control Director (or their designee) prior to commencement of any work involving PHF application.

4. Inspections may be conducted within the county by the Stormwater Manager or designee to ensure compliance with the PHF Program. The county may require monitoring if deemed necessary to protect water quality within the county.

b. Improper Activity

The intent of this section is to aid Richland County in reducing and eliminating the discharge of pollutants to the county's MS4 related to illicit/illegal discharges, illegal dumping, destruction of stormwater facilities, improper disposal, organic waste and spills. This section will also fulfill one of the minimum control measures of the Phase II Rule: IDDB. The County shall have the authority to carry out all inspection, surveillance and monitoring procedures necessary to determine compliance and noncompliance with permit conditions, including the prohibition on illicit discharges to the County's municipal separate storm sewer, as well as the stormwater systems within the jurisdictional areas of its NPDES co-permittees.

1. Illicit Connections

(a) It shall be unlawful to connect or allow connection to any sanitary sewer. This includes existing connections.

(b) It shall be unlawful to cause or allow an illicit discharge to the stormwater system, or any component thereof, or onto driveways, sidewalks, parking lots, sinkholes, creek banks, or other areas draining to the stormwater system.

(c) Building permits shall be required before the construction of any connection to the county's publicly owned stormwater management system.

2. Improper Disposal

It shall be unlawful to use any stream or watercourse to carry off water from any kitchen sink, bathtub, or privy, or to carry off any fluid of an offensive or dangerous nature. No water or refuse from any industrial, commercial, or institutional process, including water used for heating or cooling, shall be discharged in any stream or watercourse by any person until such person has obtained the appropriate local, state, and/or federal permits. Richland County shall be allowed on-site if there is a suspected illegal discharge for inspection and monitoring as deemed appropriate for the protection of water quality.

3. Illegal Dumping

It shall be unlawful to dispose of any trash or wastes in an unpermitted area or by disposing of such trash or waste into any storm drain or stormwater conveyance. Richland County shall be allowed on-site if there is suspected illegal

dumping for inspection and monitoring as deemed appropriate. In addition, all provisions and authority contained within Chapter 12 (Garbage, Trash and Refuse) and Chapter 13 (Hazardous Materials) of the County's Code of Ordinances that are applicable to the protection of water quality shall be incorporated by reference to this section.

4. Destruction of Stormwater Facilities

It shall be unlawful, either willfully or negligently, to injure, deface, mutilate, destroy, tamper or interfere with any county-owned property or any property used in the county's publicly owned stormwater management system.

5. Illegal Discharges

It shall be unlawful for any person to discharge non-stormwater to any stormwater conveyance. The following non-storm water discharges to the MS4, wherever they are not a source of pollutants, are permitted:

(a) Water line flushing;

(b) Diverted stream flows;

(c) Rising ground water;

(d) Uncontaminated ground water infiltration (as defined at 40 CFR 35.2005 [20]) to separate storm sewers;

(e) Uncontaminated pumped ground water discharges from potable water sources;

(f) Foundation drains;

(g) Air conditioning condensation;

(h) Irrigation water;

(i) Springs;

(j) Water from crawl space pumps;

(k) Footing drains;

(l) Lawn watering;

(m) Car washing at one's residence, not for hire;

(n) Flows from riparian habitats and wetlands;

(o) Dechlorinated swimming pool discharges;

(p) Road wash water;

(q) Discharges from fire fighting; and

(r) Dye testing is an allowable discharge provided that the Director of Public Works or Stormwater Management personnel, or designee, is verbally notified prior to the time of testing.

6. Oils, Toxics and Household Hazardous Wastes

It shall be unlawful to discharge or dispose of used motor vehicle fluids and household hazardous wastes into the MS4.

7. Organic Waste

(a) Yard Waste

It shall be the duty of the property owner to keep grass clippings, leaves, tree and shrub clippings, stumps, organic materials, or any other yard trash out of gutters, inlets, catch basins, and side ditches. It shall be unlawful to place grass clippings, leaves, tree and shrub clippings, stumps, organic materials, or any other yard trash in any road, storm drain, stream, storm water conveyance, or any other location where concentrated flows could wash such wastes into the storm sewer system. All yard waste shall be bagged and set out for collection weekly.

(b) Human and Animal Waste

Privies, pigpens, and stables of all kinds shall be placed far enough away from any stream, ditch, drain, or other stormwater conveyance that human and/or animal waste(s) will not run into them. The Stormwater Manager (or his/her designee) shall have the authority to determine whether a privy, pigpen or stable is deemed "far enough away" from stormwater conveyances in order that the human or animal waste(s) will not adversely impact the receiving conveyance.

8. Spill Response

(a) General

The County Director of Emergency Services, or an authorized fire official, shall have the authority to summarily abate, control and contain hazardous materials that are emitted into the environment and endanger the health or safety of the general public or the environment. The director of emergency services or an authorized fire official shall have the authority to enter public or private property with or without the owner's consent, to respond to such hazardous materials emergencies. The director of emergency services or authorized fire official shall determine the type, amount, and quantity of equipment and personnel required to adequately abate, control, and contain all hazardous materials emitted into the environment.

(b) Liability for Hazardous Spill

The property owner and/or person responsible for the hazardous materials spill or release shall be held financially liable for the response, control, containment, equipment and materials costs, including legal fees, incurred by the county and supporting agencies. The property owner and/or person responsible for the hazardous material spill may provide personnel to assist abatement, removal and remedial measures, provided such personnel have been adequately equipped and trained pursuant to the requirements of local, state and federal laws. The county shall not be liable for the use of outside personnel. Assistance shall consist of any or all of the following:

(1) Informing Richland County Emergency Services Department personnel of all matters pertaining to the incident;

(2) Supplying emergency response plan information for the site;

(3) Supplying emergency response equipment, personnel and materials; and

(4) Charges for hazardous materials emergency response shall be based upon the actual costs of response, control, containment, equipment and materials, including legal fees. All fees collected shall be turned in to the county treasurer and credited to the county's general fund.

(c) Fire Incidents

In fire incidents involving hazardous materials or exposure to hazardous materials, no fee will be assessed for resources normally associated with firefighting operations. Fees shall be assessed for those activities and resources associated with abatement, control and containment of the hazardous materials involvement or exposure.

9. SSSO and Inflow/Infiltration (I/I)

(a) Every person, firm, corporation or other entity using the sanitary sewer system of the county, or pipelines connected to said system, shall maintain all sewer lines connected to the County's sewer system, or privately owned sewer collection systems which are connected to the county's system, in good condition so that the sewer will not:

(1) Permit any leakage of stormwater or other surface water or groundwater into the sewer service lines or sewer collection lines system either by visual observation or low pressure leakage test; or

(2) Receive rainwater flow from roof downspout connections, yard drains, uncovered building area drains, sump pumps or other sources of rainwater flow and any other source of inflow/infiltration.

(b) The county shall notify all persons, firms, corporations, or other entities where sewer service lines or sewer collection systems are found to have excessive inflow or infiltration that their service line or sewer collection system must be repaired so as to eliminate such violation. Such repairs must be completed within 60 days of notification by the county, or within such other time schedule as prescribed by the county.

(c) All private and public sanitary sewer systems that are operated within Richland County shall report any incidences of an SSO occurring in Richland County, or has the potential to impact surface waters with untreated wastewater within Richland County, to the Stormwater Management Division of the Public Works Department. This reporting requirement shall be in addition to any other state or local SSO reporting requirement and within the same required reporting timeframe.

(d) The Director of Public Works and Stormwater Management personnel, or their designees, bearing proper credentials and identification, may enter and inspect all sanitary sewer systems and appurtenances if there is evidence of sanitary sewer overflows which have impacted or have the ability to impact water quality with the county's jurisdictional areas. County personnel shall duly notify the owner of the system or the certified operator on site, and the inspection shall be conducted at a reasonable time.

c. Industrial and High Risk Runoff Program

The intent of the Richland County Industrial and High Risk Runoff Program is to aid Richland County in reducing the amount of stormwater runoff and improving the quality of runoff from industrial and high risk facilities. The County may review industrial stormwater pollution prevention plan(s), as well as Spill Prevention Control and Countermeasure (SPCC) plan(s), as required under the NPDES storm water discharge permit, while outfall monitoring indicates a suspected violation, or proactively in its routine water quality checks, in accordance with the following guidelines:

1. The County Engineer and/or Stormwater Management personnel, or designee, bearing proper credentials and identification, may enter and inspect all properties for regular inspections, periodic investigations, monitoring, observation, measurement, enforcement, sampling and testing. The personnel shall duly notify the owner of said property or the representative on site, and the inspection shall be conducted at a reasonable time.
2. Upon refusal by any property owner to permit an inspector to enter or continue an inspection, the inspector shall terminate the inspection or confine the inspection to areas concerning which no objection is raised. The inspector shall immediately report the refusal and the grounds to the director. The director shall promptly seek issuance of an administrative search warrant.
3. In the event that the director or the designee reasonably believes that discharges from the property into the Richland County MS4 may cause an imminent and substantial threat to human health or the environment, the inspection may take place at any time and without notice to the owner of the property or a representative on site. The inspector shall present proper credentials upon reasonable request by the owner or representative.
4. Inspection reports shall be maintained in a permanent file located in the Storm Water Management Division of the Public Works Department.
5. At any time during an inspection or at such other times as the director or his/her designee may request information from an owner or representative, the owner or representative may identify areas of its facility or establishment, material or processes which contains or which might reveal a trade secret. If the director or his/her designee has no clear and convincing reason to question such identification, all material, processes and all information obtained within such areas shall be conspicuously labeled “CONFIDENTIAL TRADE SECRET.” The trade secret designation shall be freely granted to any material claimed to be such by the owner or representative unless there is clear and convincing evidence for denying such designation. In the event the director does not agree with the trade secret designation, the material shall be temporarily designated a trade secret, and the owner or representative may request an appeal of the director's decision in the manner in which all such appeals are handled in this article.
6. All trade secret material which are prepared or obtained by or for the director shall be marked as such and filed in a secure place separate from regular, non-secret files, and documents. Reports from samples prepared or obtained by or for the director or submitted for laboratory analysis shall be marked as such and

treated in the same manner as other trade secret material. Trade secret material shall not be divulged by the director to anyone other than:

(a) Other employees of the county or employees of the state or federal governments engaged in an inspection or enforcement proceeding involving the designated material; and

(b) To administrative or judicial courts upon order to so divulge the material to the court.

7. Monitoring

The County Engineer and/or Stormwater Management personal, or their designee, may require the person responsible for any private property or premises, including, but not limited to, any private property or premises which is or may be the source of a stormwater discharge associated with industrial activity, or the source of a discharge from a site of industrial activity, or the source of a discharge from a high-risk facility, or the source of an illicit discharge, at that person's expense, to establish and maintain such records, make such reports, install, use and maintain such monitoring equipment or methods, sample such discharge in accordance with such methods, at such locations, and intervals as the director shall prescribe, and provide periodic reports relating to the discharge. To the extent practicable, the director/stormwater personal or designee shall recognize and approve the sampling procedures and test methods established by 40 CFR 136.

8. Best Management Practices

Industrial facilities and high risk facilities may be required to implement, at their own expense, structural and/or nonstructural BMPs, as appropriate, to prevent the discharge of pollutants to the Richland County MS4. To the extent practicable, the director shall recognize that storage and handling of significant materials, material handling equipment or activities, intermediate products or industrial machinery in such a manner that they are not exposed to stormwater is an effective BMP. Compliance with all terms and conditions of a valid NPDES permit authorizing the discharge of stormwater associated with industrial activity, to the extent practicable, shall be deemed in compliance with the provisions of this section.

9. Providing False Information and Tampering Prohibited

(a) It shall be unlawful for any person to provide false information to the director or anyone working under the director's supervision when such person knows or has reason to know that the information provided is false, whether such information is required by this article or any inspection, recordkeeping or monitoring requirement carried out or imposed under this article.

(b) It shall be unlawful for any person to falsify, tamper with or knowingly render inaccurate any monitoring device or method required under this article.

d. Construction Site Runoff Control Program

The intent of the Construction Site Runoff Control Program is to aid Richland County in reducing and controlling the discharge of pollutants from construction sites.

Construction sites have potential to introduce large volumes of soil and sediment to stormwater runoff, as well as discarded building materials, concrete truck washout, chemicals, litter and sanitary waste. The individual requirements that make up the Construction Site Runoff Control Program are contained in Sec. 26-2.5(l), Land Disturbance Permit (with approved SWPPP); Sec. 26-5.12(b), Stormwater Management; and Appendix 26A: Required SWPPP Application Materials.

e. Post-Construction Maintenance Program

The intent of the Post-Construction Maintenance Program is to aid Richland County in reducing the discharge of pollutants from permanent water quality BMPs that are left in place after construction is complete. If not operated and maintained properly, permanent water quality BMPs can become sources of pollutants; the goal of this program is to prevent this from occurring by requiring BMP maintenance to ensure these BMPs are operating as designed.

1. The individual requirements that make up the Post-Construction Maintenance Program are contained in Sec. 26-2.5(l), Land Disturbance Permit (with approved SWPPP); Sec. 26-5.12(b), Stormwater Management; and Appendix 26A: Required SWPPP Application Materials.

2. Regular maintenance of permanent structural BMPs (i.e., ditches, ponds, etc.) will be the responsibility of Richland County if the county has an easement allowing it to access the BMP, and if the county has accepted maintenance responsibilities for the BMP. If the BMP is privately owned, all maintenance will be the responsibility of the owner.

f. Accidental Discharges or Damages

In the event of any accidental discharge or damage to the municipal separate stormwater systems of Richland County or its co-permittees, immediate notification (not to exceed 24 hours) shall be given to the County Engineer and/or Stormwater Management personnel, or their designee, regarding the nature, quantity (if applicable) and time of the occurrence. In addition to this notification, the responsible entity shall take immediate measures to contain and/or eliminate the discharge and minimize its effects on the receiving waters. The responsible entity shall also take steps to eliminate the recurrence of such events. The Director of Public Works and Stormwater Management personnel, or their designee, shall have the authority to inspect, monitor and approve any remedial actions taken by the responsible entity. Failure to notify Richland County as outlined above shall result in the action being deemed an illegal or illicit activity as described in this section and appropriate enforcement action shall be taken as set out in Sec. 26-5.12(c)(5), Violations, below, and the "Enforcement Response Guide".

g. Water Quality Controls for Impaired Water Bodies and Consistency with TMDLs

1. The County may take action to provide reasonable assurance that discharges will not cause or contribute to violations of water quality standards in Impaired Water Bodies identified on the South Carolina 303(d) list. If a TMDL has been established for a water body, the County may also require additional conditions necessary to ensure consistency with the TMDL.

2. Actions taken and/or conditions required in accordance with subsection 1 above, may include requiring management of stormwater using Low Impact

Development to mimic natural hydrologic runoff characteristics, such that stormwater runoff generated by a two-year and ten-year, 24-hour rain event is limited to pre-development discharge rates.

(4) MS4 Authority

a. The County Engineer and/or Stormwater Management personnel, or designee, bearing proper credentials and identification, may enter and inspect all properties for regular inspections, periodic investigations, monitoring, observation, measurement, enforcement, sampling and testing, and any other NPDES related tasks. The personnel shall duly notify the owner of said property or the representative on site, and the inspection shall be conducted at reasonable times.

b. In the event that Richland County or the designee reasonably believes that discharges from the property into the Richland County MS4 may cause an imminent and substantial threat to human health or the environment, the inspection may take place at any time and without notice to the owner of the property or a representative on site. The inspector shall present proper credentials upon reasonable request by the owner or representative. In addition, the inspector may take such action as to abate or eliminate the discharge and begin remedial steps necessary to protect human health and/or the environment.

(5) Violations

Upon determination that a violation of any of the provisions of this article or the NPDES permit has occurred, Richland County personnel will respond according to the procedures in the current "Enforcement Response Guide", which includes timely personal notice at the property where the violation has occurred and written notice to the violator. This notice shall specify: the nature of the violation, the proposed penalty, and the time line (depending on the violation and is left to the discretion of the inspector) to correct deficiencies, if appropriate. There shall be sufficient notification to deliver the notice to the person to whom it is addressed, or to deposit a copy of such in the United States Mail, properly stamped, certified and addressed to the address used for tax purposes.

a. Civil Penalties

Any person violating any provision of this article shall be subject to a civil penalty of not more than $500 for each violation. Each separate day of a violation constitutes a new and separate violation.

b. Criminal Penalties

In addition to any applicable civil penalties, any person who negligently, willfully or intentionally violates any provision of this article shall be guilty of a misdemeanor and shall be punished within the jurisdictional limits of magistrate's court. Each day of a violation shall constitute a new and separate offense.

c. Emergency Actions

Richland County reserves the right to seek reimbursement of costs required to abate, eliminate and/or remediate discharges that have been deemed an imminent threat to human health and/or the environment. Such reimbursement shall be in addition to other appropriate enforcement actions including, but not limited to, civil or criminal penalties.

(6) Supplemental Regulations

a. All applicable provisions of the standards for Stormwater Management and Sediment Reduction (Section 72-301, 302, 305, 307, 308, 312, 313, 314, 315 and 316) administered by the South Carolina Department of Health and Environmental Control pursuant to the South Carolina Stormwater Management and Sediment Reduction Act of 1991 are incorporated into this section by reference.

b. All applicable provisions of the NPDES and Land Application Permits Regulation (Section 61-9.122 Part A 122.2, 122.3, 122.4 and Part B 122.26) administered by the South Carolina Department of Health and Environmental Control pursuant to the South Carolina Pollution Control Act of 1976 are incorporated into this section by reference.

Sec. 26-5.13. Green Development Incentives

(a) Purpose and Intent

Green development practices are resource-efficient techniques for designing, constructing, and maintaining new development that is more environmentally sustainable. The purpose of this section is to support green development practices in the County by providing incentives for development to incorporate specific types of green building features, in order to support:

(1) Energy conservation;

(2) Alternative energy use;

(3) Water conservation and water quality;

(4) Healthy landscaping;

(5) Alternate forms of transportation;

(6) Open space preservation; and

(7) Urban agriculture.

(b) Applicability

(1) General

a. The incentives in this section are available to:

1. All new development; and

2. Any expansion of an existing development that increases its gross floor area by 50 percent or more.

b. If the standards in this section conflict with standards in Sec. 26-5.7, Neighborhood Compatibility, or Sec. 26-5.8, Agricultural Compatibility, the standards in Sec. 26-5.7 or Sec. 26-5.8, as applicable, shall control.

(2) Timing of Review

Review for compliance with the standards of this section shall occur during review of an application for a planned development (see Sec. 26-2.5(c)), special exception (see Sec. 26-

2.5(d)), land development permit (major or minor) (see Sec. 26-2.5(e)), subdivision (major or minor) (see Sec. 26-2.5(f)), permitted use with special requirements (see Sec. 26-2.5(h)), or certificate of zoning compliance (see Sec. 26-2.5(m)), as applicable.

(c) Incentives

(1) Development integrating green development features in accordance with this section shall be eligible for the following incentives:

a. An increase in the maximum allowable height beyond the maximum allowed in the base zoning district, as follows:

1. For residential structures, an additional one story or 15 feet.

2. For nonresidential or mixed-use structures, an additional one story or 18 feet.

b. For residential or mixed-use structures in the R2, R3, R4, R5, R6, MU1, MU2, MU3, and GC, an increase in the maximum allowable residential density by 25 percent; and for residential structures in the AG, HM, RT, and R1 districts an increase in the allowable residential density by 30 percent.

c. For nonresidential or mixed-use structures, a decrease in the required lot area by 10 percent.

d. A reduction of 15 percent in the minimum off-street parking otherwise required by Sec. 26-5.2, Off-Street Parking and Loading.

e. A reduction of the minimum front setback by eight or 15 feet; a reduction of the minimum side setback by one or three feet; and a reduction in the minimum rear setback by three or eight feet.

(2) Development may include a sufficient number of green development features to take advantage of more than one type of incentive, but in no instance shall the amount of an incentive exceed the maximum listed in this section.

(d) Procedure

(1) Development seeking to use green development incentives in accordance with this section shall include a written request with the development application that demonstrates how the project will comply with the standards in this section.

(2) The decision-making body or person responsible for review of the development application shall also be responsible for the review of the green development incentive request.

(3) The incentive(s) shall be based on the number of green building features provided, in accordance with Table 26-5.13(d): Green Development Incentives. To obtain the right to a particular incentive identified in the left column of Table 26-5.13(d), the development proposed is required to provide the minimum number of green building features associated with the green building features from both Schedule A and Schedule B in Table 26-5.13(d). (For example, for a density bonus of a five percent increase of the maximum allowable residential density in the base zoning district, the proposed development is required to include two green building features from Schedule A and four green building features from Schedule B.)

(4) Each green building feature can only be used towards a single incentive. If an applicant wants to achieve two separate incentives, and each requires two green building features

from Schedule A and three from Schedule B, then the total number of green building features required would be four green building features from Schedule A and six from Schedule B.

TABLE 26-5.13(d): Green Development Incentives

Incentive	Minimum Number of Green Building Features Provided	
	From Schedule A	From Schedule B
An increase in allowable height beyond the maximum allowed in the individual base district: one story/15 feet for residential structures, one story/18 feet for nonresidential or mixed-use structures	2	3
An increase in maximum allowable residential density by 30 percent in the AG, HM, RT, and R1 districts	2	4
An increase in the maximum allowable residential density by 25 percent in the R2, R3, R4, R5, R6, MU1, MU2, MU3, and GC districts	2	4
A decrease in required minimum lot area for a nonresidential or mixed-use structure by ten percent	2	3
A reduction from the minimum off-street parking requirements by 15 percent	2	2
In Residential base districts and Nonresidential and Mixed-Use base districts only, if the site complies with all other requirements of this Ordinance, including Sec. 26-5.2, Off-Street Parking and Loading:		
Reduction of minimum required front yard setback by 10.0 feet; reduction of minimum required side yard setback by 2.0 feet; and reduction of minimum rear yard setback by 5 feet.	2 [1]	1 [1]
Reduction of minimum required front yard setback by 15.0 feet; reduction of minimum required side yard setback by 3.0 feet; and reduction of minimum rear yard setback by 7.5 feet.	3 [1]	2 [1]

NOTES:
[1] Only green building features included under the headings "Water Conservation and Water Quality," "Conservation Set-Asides," "Vegetation," or "Urban Agriculture" in Table 26-5.13(e): Green Building Features, shall count toward this number.

(e) Menu of Green Building Features

One or more of the green building features in Table 26-5.13(e): Green Building Features, may be offered by an applicant for proposed development in accordance with Table 26-5.13(d): Green Building Incentives. The entry in the left-most column of Table 26-5.13(e): Green Building Features includes the number of Schedule A or Schedule B green building practices that can be counted towards an incentive. (For example, an entry of "BBB" means that the green building feature is credited as three green building practices from Schedule B.)

TABLE 26-5.13(e): Green Building Features

Schedule	Green Building Feature
Energy Conservation	
A	Install a "cool roof" for at least 50 percent of the total roof area of the primary buildings in a multi-building development. Cool roofs shall have a Solar Reflectance Index of 78 for flat roofs or 29 for roofs with a slope greater than 2:12
A	Use central air conditioners that are Energy Star qualified
A	Use only solar or tankless water heating systems throughout the structure.
B	Provide skylights sufficient to ensure natural lighting is provided to at least 20 percent of the habitable rooms in the structure
B	Construct roof eaves or overhangs of three feet or more on southern or western elevations
B	Provide shade, open-grid pervious pavement, or solar-reflective paving on 50 percent of the total area of roads, sidewalks, and parking areas in the development
B	Use a structure design that can accommodate the installation and operation of solar photovoltaic panels or solar thermal heating devices (including appropriate wiring and water transport systems)
B	Use vegetation or vegetated structures to shade HVAC units
B	Install mini-split unit air conditioner that meets Building Code requirements
B	Install airsource water heater
Alternative Energy	
AA	Generate a minimum of 50 percent of energy on-site by alternative energy (e.g., solar wind, geothermal)
A	Generate a minimum of 25 percent of energy on-site by alternative energy (e.g., solar wind, geothermal)
A	Pre-wire a minimum of 75 percent of residential dwelling units in the development for solar panels
B	Pre-wire a minimum of 50 percent of residential dwelling units in the development for solar panels
Green Building Certification Standards	
AAA	Construct the principal building(s) to meet or exceed LEED® Platinum, Certified High Performance Home (CHiP) Emerald, or comparable certification standards
AA	Construct the principal building(s) to meet or exceed LEED® Gold, Certified High Performance Home (CHiP) Gold, or comparable certification standards
BB	Construct the principal building(s) to meet or exceed LEED® Silver, Certified High Performance Home (CHiP) Silver, or comparable certification standards
Water Conservation and Water Quality	
AAA	Install a green vegetated roof on the primary building(s), or at least 50 percent of the primary buildings in a multi-building complex; green or vegetated roofs shall include vegetation on at least 50 percent of the roof area (25 percent for renovated buildings) and shall use only plant materials permitted by this Ordinance
A	Provide rain gardens, street-side swales, or other appropriate storm water infiltration system(s) that captures a minimum of 25 percent of site stormwater runoff
A	Use pervious pavement on a minimum of 50 percent of parking lot and driveway area in development
A	Include rain water capture and re-use devices such as cisterns, rain filters, and underground storage basins with a minimum storage capacity of 500 gallons for every two residential units
A	Provide rain gardens, vegetated strips, infiltration strips, or other appropriate storm water infiltration system(s) that accommodate a minimum of 25 percent of runoff
B	Install a system for the reuse of non-potable water (greywater) designed to collect and reuse at least 75 percent of the total wastewater discharge from all of the following that are present on the site: bathtubs, showers, lavatories, clothes washers, laundry trays, and air conditioners (condensate)

TABLE 26-5.13(e): Green Building Features

Schedule	Green Building Feature
Conservation Set-Asides	
Setting aside as open space set-asides, subject to all design, maintenance, and ownership requirements in Sec. 26-5.4, Open Space Set-Asides, the percentage specified below of the total land area on the site that includes any of the following: • Important historic sites, not currently determined eligible for or listed in the National Register of Historic Places; • Existing healthy, mature forests of at least one contiguous acre. For purposes of this section, any stand of trees having at least eight healthy trees that have reached maturity shall be considered a healthy, mature forest, and the area of the forest shall be the area defined by the outer-most driplines of the trees in the stand; • Contiguous areas surrounding groupings of grand trees, consisting of the smallest contiguous area extending at least 15 feet beyond the outer-most driplines of the trees in the grouping; • Scenic view sheds of natural or historic features; • Rock outcroppings that are at least three feet tall and at least five feet wide, measured as the horizontal land area covered by the exposed rock that includes the outcropping; • Contiguous lands of at least one acre having prime agricultural soils, defined as Marlboro or Dothan loamy sands, or that are in productive agricultural use; • Existing trails, and any abutting landscaping or wooded corridors, that connect the tract to neighboring areas; • The land within a 30-foot extension of the required water quality buffer; • Community gardens of at least 0.25 acres in size; • Lands within ten feet of intermittent or perennial streams; and • Restored ponds, including a buffer area extending ten feet from the edge of the pond.	
ABB	100 percent or more
BB	At least 75 percent, but less than 100 percent
AB	At least 50 percent but less than 75 percent
B	At least 25 percent but less than 50 percent
A	At least 5 percent but less than 25 percent
Vegetation	
AB	Retain a minimum of 50 percent of existing pre-development natural vegetation
A	Retain a minimum of 25 percent of existing pre-development natural vegetation
A	Remove all lawn or turf in favor of ground cover consisting of plant material or mulch
B	Limit turf grass to no more than 40 percent of the landscaped area
Urban Agriculture	
A	Provide a fenced, centrally located community garden space (which may be located as a rooftop garden) for residents and for urban gardening purposes at a ratio of 50 square feet per dwelling unit
B	Provide a fenced, community garden space for employees at an office, for gardening purposes at a ratio of 15 square feet per employee
B	Provide a minimum of one on-site composting station for every 25 residential dwelling units
Building Materials	
AA	Source a minimum of 25 percent, by cost, of construction materials from recycled products or products manufactured, extracted, harvested, or recovered within 250 miles of the site
Transportation	
A	Provide a minimum of two electric vehicle (EV) level 3 charging stations that are made available in a parking structure or off-street parking lot to those using the building
B	Provide a minimum of two electric vehicle (EV) level 2 charging stations that are made available in a parking structure or off-street parking lot to those using the building
B	Provide more bicycle parking than required by Sec. 26-5.2(i)(1), Minimum Bicycle Parking Required while ensuring that all other bicycle parking standards required in Sec. 26-5.2, Off-Street Parking and Loading are met

TABLE 26-5.13(e): Green Building Features

Schedule	Green Building Feature
Resiliency to Natural Hazards	
B	Equip the project with at least one alternative, independent source of electricity supply so that the project is capable of operating if a primary source of power experiences an interruption
A	If the project involves a critical facility that is intended to remain operational in the event of a flood, or whose function is critical for post-flood recovery, design the facility to be protected and operable at the water levels represented by an 0.2 percent annual chance (500-year) flood
A	Elevate new and/or existing structures more than three feet above Base Flood Elevation
B	Install operable windows to allow for natural ventilation in the event of power failures

NOTES:
[1] "AAA" means credited as provision of three Schedule A features, ""BB" means credited as provision of two Schedule B features, and so on.
[2] LEED Certification is managed by the U.S. Green Building Council. Equivalent criteria include the International Code Council Green Construction Code, the National Green Building Standards, or other programs as determined by the Zoning Administrator.

(f) Installation and Maintenance of Green Building Features

(1) Failure to properly install or maintain approved green building features that are to be provided to comply with this section is a violation of this Ordinance, and may result in revocation of the development approval or permit.

(2) Green building features that include water capture devices shall be installed and maintained with netting to prevent mosquito breeding.

(3) If a request for green building incentives is based on green building features under the heading "Water Conservation and Water Quality," "Vegetation," or "Urban Agriculture" in Table 26-5.13(e), the applicant shall submit a plan for the maintenance of such features with the request for green building incentives.

Sec. 26-5.14. General Performance Standards

(a) Purpose

The general performance standards included in this section are intended to protect the health, safety, and welfare of the citizens of Richland County by regulating potential nuisance features of certain land uses.

(b) Applicability

(1) Unless exempted in accordance with subsection (3) below, all new development shall comply with the standards set forth in this section.

(2) If the use of a building or a structure is extended, enlarged, or reconstructed after the effective date of this chapter, the standards in this section shall apply with respect to such extended, enlarged, or reconstructed portion or portions of such use or structure, unless exempted in accordance with subsection (3) below.

(3) Temporary construction, excavation, grading, and demolition are exempt from the standards set forth in this section.

(c) Performance Standards

(1) Noise

Noise shall be regulated pursuant to Section 18-3 of the Richland County Code.

(2) Vibration

All uses shall be operated in such a fashion that ground vibration inherently and recurrently generated is not perceptible without instruments at any point along the property line within which the use is located.

(3) Smoke and Particulate Matter

Any land use or other activity that involves the emission of smoke, particulate matter, or other air pollutants shall comply with all applicable standards set forth in state and federal regulations regarding the emission of air pollutants.

(4) Toxic, Hazardous, and Radioactive Matter

Any land use or activity that involves the use of toxic, hazardous, or radioactive materials shall comply with all applicable standards set forth in state and federal regulations regarding the use, storage, transportation, emission, and disposal of such materials.

(5) Odor

The emissions of noxious gases or particles shall not be permitted in any district so as to exceed the odor threshold as measured beyond the lot lines. The odor threshold is defined as the concentration in the air of a gas or vapor which will just evoke a response in the average human olfactory system.

(6) Fire and Explosive Hazards

All flammable solid, liquid, and gaseous substances shall be stored and used in accordance with all applicable state and federal regulations. Storage tanks for flammable liquids and gasses shall be located no closer than 40 feet to any property line. The storage of solid materials or products rated as free or active burning to intense burning is permitted in nonresidential districts provided that such material shall be stored or used within completely enclosed buildings having no less than two hour fire resistant exterior walls and protected with an automatic fire extinguishing system. Or, if stored outdoors, such material shall be not less than 50 feet from the nearest property line. Free or active burning to intense burning is a rate of combustion described by material that burns with a high degree of activity and is consumed rapidly. Examples include sawdust, powdered magnesium, and other solids deemed by the fire chief to have equivalent burning characteristics.

Sec. 26-5.15. Road Naming and Addressing

(a) Purpose

This section is intended to ensure that there is a uniform system for road naming and for assigning and posting address numbers, which are essential in expediting the response time from all emergency services agencies, such as police, fire, ambulance, and other rescue

services; in facilitating postal and other service delivery; and in reducing confusion for the driving public.

(b) Applicability

This requirements in this section, and the Guidelines for Road Naming and Addressing in Richland County, shall apply only to those properties, buildings, streets, and public or private roadways that are located within the unincorporated area of Richland County, and those incorporated areas that are included through intergovernmental agreement. It shall be the responsibility of all municipalities and political subdivisions not included through intergovernmental agreement to coordinate road naming and property numbering with the Zoning Administrator.

(c) Guidelines for Road Naming and Addressing

The Zoning Administrator shall maintain a uniform system of naming streets and roads and numbering properties and principal buildings, called "Guidelines for Road Naming and Addressing in Richland County".

(d) Street or Road Name Change

The name of an existing street or road may be changed in accordance with the procedure and standards in Sec. 26-2.5(g), Street or Road Name Change.

(e) Assignment of Address Numbers

(1) The Zoning Administrator shall assign address numbers in all areas of the County that are subject to this section in accordance with subsection (b) above, and shall coordinate municipal addresses that are to be added to the E9-1-1 database.

(2) Where a new address number is assigned to a building, the Zoning Administrator shall mail notification of the new address number to the following individuals or entities:

- **a.** All owners, occupants, and agents of the building;
- **b.** The Richland County 9-1-1 Communications Department;
- **c.** The U.S. Postal Service;
- **d.** The E9-1-1 database maintenance organization;
- **e.** Appropriate state agencies; and
- **f.** Public utility and affected emergency service providers, except telephone companies. It shall be the responsibility of the occupant(s) of the building to notify their respective telephone companies by informing the company of the correct address at the time telephone service is requested.

(f) Placement of Address Numbers

(1) Within 21 days of receiving notice that a building has been assigned its address number(s) in accordance with subsection (e) above, the owner, occupant, or agent or person in charge shall place or cause to be placed the address number(s) assigned, at the cost of the owner, occupant, or agent or person in charge, in accordance with the following requirements:

a. Numbers shall be conspicuously placed immediately above, on, or at the side of the door of the building facing the road off which the building is addressed so that the number is clearly visible from the road line. In the case of a building containing multiple dwelling units or nonresidential uses, numbers shall be placed on the front of the building facing the road or on the end of the building nearest the road.

b. If the building cannot be seen from the road or is situated more than 50 feet from the road line, the address number shall also be placed near a walk, driveway, or common entrance to the building, or upon the mailbox, gatepost, fence, or other appropriate place so as to clearly be visible from the street or road.

c. The address number shall be displayed on both sides of the mailbox. If mailboxes are grouped together, the road address number shall be displayed on the mailbox door, as well as on the side visible towards the road.

d. All numbers shall be made of a durable, clearly visible, and reflective material that contrasts with the color of the building or structure on which it is being placed.

e. The numbers must he posted as numerals and must not be spelled out.

f. Numerals for residential buildings shall be at least three inches in height. Numerals for multiple dwelling units and nonresidential buildings shall be at least six inches in height.

(2) In addition to the remedies and penalties in Article 26-8: Enforcement, the Richland County Fire Marshall shall issue a citation if the owner, occupant, or agent or person in charge of a building fails to comply with the address number placement requirements in subsection (1) above, within 10 day of receiving a notice of violation for such failure in accordance with Sec. 26-8.5(b), Enforcement Procedure.

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ARTICLE 26-6. LAND DEVELOPMENT (SUBDIVISION) STANDARDS

Commentary

Article 26-6: Land Development (Subdivision) Standards, sets out the standards for land development (subdivision) in four sections.

Section 26-6.1, Purpose, states the purpose of the article.

Section 26-6.2, Applicability and Minimum Requirements, states that subdivisions that require approval under the LDC must comply with the standards in this article, that the requirements in this article are minimum requirements for subdivision, and that the installation of all subdivision improvements is required.

Section 26-6.3, Minimum Design Standards, references applicable standards from other parts of the LDC and includes standards for blocks, lots, private roads, and wells and septic systems. It also identifies Natural Resources Inventory requirements and sets out requirements for Family Subdivisions.

Section 26-6.4, Required Improvements, states that improvements must be completed prior to final plat approval unless surety is provided, and sets forth requirements for the provision of surety if improvements are not completed at the time of final plat approval.

Sec. 26-6.1. Purpose

The purpose of these subdivision regulations is to:

(a) Establish reasonable standards of design and development for the subdivision of land;

(b) Reduce infrastructure maintenance costs through efficient community design;

(c) Preserve and protect environmental resources and natural and cultivated landscapes;

(d) Provide for pedestrian linkages and wildlife corridors within and between residential communities;

(e) Encourage recreational opportunities within Richland County; and

(f) Implement the objectives and policies of the Comprehensive plan, consistent with the requirements of Section 6-29-1110, et. seq., of the South Carolina Code of Laws.

Sec. 26-6.2. Applicability and Minimum Requirements

(a) Applicability

Any subdivision required to receive review and approval in accordance with Sec. 26-2.5(f), Subdivision, shall comply with the standards and requirements in this article.

(b) Minimum Requirements

The standards in this article shall be considered the minimum design standards for subdivisions in the County.

(c) Improvements Required

A subdivision shall provide all improvements required by this article.

Sec. 26-6.3. Minimum Design Standards

(a) General

(1) Development Standards

A subdivision shall comply with all applicable standards in this section, Article 26-3: Zoning Districts, and Article 26-5: General Development Standards including, without limitation, Sec. 26-5.1, Access, Mobility, and Connectivity; Sec. 26-5.4, Open Space Set-Asides; Sec. 26-5.5, Cluster Development; Sec. 26-5.7, Neighborhood Compatibility; and Sec. 26-5.12, Water Quality, except as provided in (i) below.

(2) Land Development Manual

All improvements within a subdivision shall comply with the Land Development Manual (LDM).

(b) Block Length and Width

Blocks in a subdivision shall comply with the following standards.

(1) Residential Block Size

Residential blocks shall be between 300 and 1,200 feet in length (see Sec. 26-9.2(a)(9)d, Block Length). The width of any residential block shall be sufficient to permit at least two tiers of lots, to the extent practical. See Figure 26-6.3(c): Residential Block Size.

Figure 26-6.3(c): Residential Block Size

(2) Nonresidential Block Size

Nonresidential blocks shall have sufficient length and width as necessary for their prospective use, including adequate provision for providing off-street parking and service areas in accordance with Sec. 26-5.2, Off-Street Parking and Loading.

(c) Lots

Lots in a subdivision shall comply with the following standards:

(1) Zoning District Standards

a. All subdivision lots shall comply with the applicable standards for the zoning district in which they are located, including maximum density standards, in accordance with Article 26-3: Zoning Districts, or Sec. 26-5.5, Cluster Development, as applicable.

b. If a septic or well system is to be used and the requirements of the South Carolina Department of Health and Environmental Control require that a lot be larger than is required by the zoning district regulations where the lot is located, the DHEC standards shall control.

(2) Additional Standards

a. Side lot lines shall be at right angles to straight road lines and radial to curved road lines, to the extent practical.

b. Lots shall not be divided by city or County lines, to the extent practical.

(d) Private Roads

Private roads are allowed in subdivisions in accordance with the following:

(1) Roads shall be constructed to the standards of this Article, including without limitation Sec. 26-5.1, Access, Mobility, and Connectivity, and the LDM.

(2) There shall be deed restrictions, covenants, or other legal instruments associated with each lot in the subdivision that ensure continued maintenance of the private roads, in perpetuity.

(3) A property owners' or homeowners' association that is responsible for the continuous and perpetual maintenance of any private roads shall be established and shall meet the following requirements:

a. Membership in the association must be mandatory and automatic for all property owners in the subdivision, and their successors;

b. The association shall have lien authority to ensure the collection of dues from all members; and

c. The association shall be responsible for informing each property owner prior to or at the time of closing that identified roads in the subdivision are private roads, that the County does not have and is not obligated to assume maintenance responsibility over the private roads or the associated stormwater drainage system, and that the association is responsible for maintenance of the private roads and the associated stormwater drainage system.

(e) Subdivision and Road Names

Subdivision names, approved by the County addressing coordinating specialist, and road names, approved by the Planning Commission, shall be issued at the preliminary plan review stage.

(f) Septic Tanks and Well Systems

At minimum, applicants shall obtain, prior to sketch plan review in accordance with Sec. 26-2.5(f)(5)b, Sketch Plan Procedure, preliminary or conceptual approval from the South Carolina Department of Health and Environmental Control for any proposed septic tanks and/or wells within the subdivision.

(g) Natural Resource Inventory

All sketch plan submittals shall include a Natural Resource Inventory conducted by a qualified professional that includes the following features, if relevant:

(1) 100 year floodplain;

(2) Riparian buffers;

(3) Cemeteries and burial grounds;

(4) Open space corridors of 25 foot width or greater and all easements;

(5) Protected trees, as defined in Sec. 26-5.3(i)(3)a, Protected Trees;

(6) Steep slopes of greater than 25 percent;

(7) Wetlands, including isolated wetlands;

(8) Archeological sites, historical sites, and features eligible for or listed in the National Register of Historic Places;

(9) Rare, threatened, or endangered species/habitats, as identified by federal and state listings;

(10) Scenic view sheds;

(11) Unique natural features;

(12) Forestlands; and

(13) Prime agricultural lands.

(h) Access to Cemeteries and Burial Grounds

If an existing cemetery or burial ground is identified in the Natural Resources Inventory in accordance with subsection (g) above, unless all graves are removed in accordance with state law, the final plat shall include a note stating that access to the cemetery or burial ground must be provided in accordance with Chapter 43, Title 27 of the S.C. Code.

(i) Family Subdivisions

(1) Applicability

a. This section applies to property transferred:

1. To immediate family members for no monetary compensation or any other consideration; or

2. By will, intestate succession, or forced division decreed by appropriate judicial authority.

b. This section only applies to the initial division of property, not to any subsequent sale or further subdivision by the heirs, devisees, or transferees.

(2) Exemptions Permitted

a. The Zoning Administrator may exempt subdivisions created in accordance with subsection (1) above from the following requirements of this LDC:

1. Sec. 26-5.1(c)(1), Multimodal Access and Circulation System;

2. Sec. 26-5.1(c)(3), Connectivity;

3. Sec. 26-5.1(c)(4), Cross-Access Between Adjoining Developments;

4. Sec. 26-5.1(c)(5), Sidewalk and Accessway Requirements;

5. Sec. 26-5.1(c)(6), Bicycle Facilities;

6. Sec. 26-5.1(c)(7), Transit Facilities;

7. Sec. 26-5.1(d), Road Standards; and

8. Sec. 26-5.4**,** Open Space Set-Asides**.**

b. If the Zoning Administrator exempts a property from the standards listed in subsection a above, the property shall also be exempt from the requirement to delineate wetlands (jurisdictional and non-jurisdictional) for purposes of approving the plat for recordation; this exemption shall not supersede any state or federal requirement relating to construction in, around, or through a jurisdictional wetland or flood zone.

(3) Submittal Requirements

a. The applicant shall submit legal documentation satisfactory to the Zoning Administrator to establish the applicability of this section.

b. The plat shall show an ingress/egress easement that provides access to all parcels; the easement may be an existing easement maintained by the County.

c. The plat shall contain the following information:

1. Names of owners of each parcel being created;

2. Purpose of the subdivision;

3. A note stating "ROAD ACCESS NOT PROVIDED"; and

4. A note stating "THESE LOTS/PARCELS MAY NOT BE FURTHER SUBDIVIDED UNTIL ROAD ACCESS IS PROVIDED AND A REVISED PLAT IS APPROVED BY RICHLAND COUNTY".

d. The applicant shall sign a statement that the applicant understands the proposed subdivision of land shall not be exempted from any other minimum standard applicable to subdivisions except as provided in this section.

(4) Review Fees Waived

All subdivision plan review fees shall be waived for subdivisions approved in accordance with this section.

Sec. 26-6.4. Required Improvements

(a) Completion Required Prior to Final Plat Approval

Unless surety is provided in accordance with subsection (b) below, the subdivider shall complete the following improvements in accordance with plans and specifications approved by the County Engineer prior to approval of the final plat:

(1) The marking of all lot corners with monuments consisting of an iron pipe at least 24 inches long and driven to within four inches above the finished grade or flush as conditions may require;

(2) Street grading, base preparation, and surfacing; and

(3) The installation of all required improvements identified on the final plat, which may include:

a. Concrete curbs and gutters;

b. Streets;

c. Street name signs at all intersections;

d. Street trees;

e. Sidewalks;

f. Natural gas lines;

g. Water mains, valves, and fire hydrants;

h. Sanitary sewers;

i. Community Sewage disposal systems;

j. Storm drainage systems; and

k. Open space set-asides.

(b) Surety in-Lieu of Completion of Improvements

After approval of a preliminary plat of subdivision, in lieu of the completion of improvements in accordance with subsection (a) above, the County may accept a performance guarantee. The performance guarantee shall provide for and secure to the County the actual construction and installation of the improvements that have not been completed and shall comply with the requirements in this section.

(1) Form of Guarantee

Where required, the subdivider shall furnish a performance guarantee in any of the following acceptable forms:

a. Cash deposit with the County;

b. Certified check from a South Carolina lender based upon a cash deposit, in a form acceptable to the County Attorney;

c. Irrevocable letter of credit from a South Carolina banking institution in a form acceptable to the County Attorney; or

d. Any other financial security found acceptable by the County Attorney.

(2) Length of Time of Guarantee

The term of the performance guarantee shall reflect any time limit for completing installation of required improvements that is included in the preliminary plat, but in any case, the term shall not exceed 18 months. The County Engineer, for good cause shown, may grant up to one extension of time, for a time period not exceeding one year.

(3) Amount of Guarantee

a. Performance guarantees for completion of grading, base preparation, and surfacing of a non-private road shall be a minimum of 150 percent of the cost of all materials and labor required for completion.

b. Performance guarantees for the completion of any other improvement shall be a minimum of 125 percent of the cost of the materials and labor required for completion.

(4) Final Plat

a. Where a performance guarantee is accepted by the County in lieu of the completion of improvements in a subdivision, the final plat shall include the following statement:

> "THIS FINAL PLAT IS SUBJECT TO A PERFORMANCE GUARANTEE, WHICH MEANS THAT ALL REQUIRED PUBLIC IMPROVEMENTS ARE NOT COMPLETED. ISSUANCE OF BUILDING PERMITS PRIOR TO COMPLETION OF PUBLIC IMPROVEMENTS SUBJECT TO THE PERFORMANCE GUARANTEE SHALL OCCUR AT THE SOLE DISCRETION OF RICHLAND COUNTY. IN THE EVENT THE DEVELOPER DEFAULTS AND THE COUNTY MUST COMPLETE THE IMPROVEMENTS, THE DEVELOPER WILL BE ASSESSED ANY DIFFERENCE BETWEEN THE AMOUNT OF THE PERFORMANCE GUARANTEE AND ACTUAL CONSTRUCTION COST."

b. All easements and rights-of-way shall be shown on the final plat and descriptions recorded prior to the filing of the final plat.

(5) Release of Guarantees

a. Release

Release of a performance guarantee shall occur after the County Engineer determines that the improvements in-lieu of which the guarantee was accepted are complete.

b. Partial Release

A partial release of a performance guarantee is prohibited.

c. Release to be Recorded

The County shall record all releases of financial guarantees, or in the alternative, shall record a notice of the County's final acceptance of the public improvements with the Register of Deeds.

(6) Forfeiture of Security

a. Notice of Failure to Install or Complete Improvements

If a subdivider fails to properly install, repair, and/or maintain all required improvements within the term of the financial guarantee, as may be extended, the County shall give 30 days' written notice to the subdivider by certified mail, after which time the County may draw on the security and use the funds to complete the required improvements.

b. County Completion of Improvements

After completing the required public improvements, the County shall provide a complete accounting of the expenditures to the subdivider and, as applicable, refund all unused security deposited, without interest.

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ARTICLE 26-7. NONCONFORMITIES

Commentary

Article 26-7: Nonconformities, establishes all rules pertaining to nonconformities. It includes six sections, described below.

Section 26-7.1, General Applicability, establishes that uses, structures, lots, signs, and other site features (off-street parking and landscaping) that were lawfully established before this Ordinance was adopted or amended are allowed to continue in accordance with the requirements of this Article. It includes general provisions for minor repairs and normal maintenance and for change of tenancy and ownership.

Section 26-7.2, Nonconforming Uses, includes provisions related to existing uses that no longer comply with the requirements of the zoning district in which they are located. Standards address extension, enlargement, or structural alteration; repair or reconstruction after damage by casualty; repair or replacement of nonconforming manufactured homes; conversion of a nonconforming use to another nonconforming use; and abandonment or discontinuance of a nonconforming use.

Section 26-7.3, Nonconforming Structures, establishes standards governing nonconforming structures. It addresses changes of use, renovation, enlargement, or relocation of the structure and reconstruction of the structure after damage.

Section 26-7.4, Nonconforming Lots, allows a nonconforming lot to be used for any use permitted in the district in which it is located if the use complies with all other standards in the LDC. It also establishes criteria that allow a lot to be determined conforming where the lot does not comply with the LDC as a result of governmental acquisition of part of the lot for a public purpose.

Section 26-7.5, Nonconforming Signs, establishes standards governing nonconforming signs. It includes provisions for allowing continued operation and maintenance of nonconforming signs. It also includes standards for the replacement of nonconforming off-premise signs (billboards) by digital signs.

Section 26-7.6, Nonconforming Off-Street Parking and Landscaping, establishes rules for how nonconforming off-street parking and landscaping should be addressed as development and redevelopment occurs. Standards establish a sliding scale requirement, based on the value of the remodeling or the extent of the expansion of the structure.

Sec. 26-7.1. General Applicability

(a) Purpose and Scope

(1) The purpose of this article is to establish general rules for nonconformities. Nonconformities are uses, structures, lots, signs, and other site features that were lawfully established, but that are rendered noncompliant with this Ordinance by the initial adoption or a subsequent amendment of this Ordinance.

(2) Provisions in other articles of this Ordinance may establish rules for specific nonconformities. Those rules control to the extent that there is inconsistency between them and the general rules for nonconformities in this article.

(b) Authority to Continue

Nonconformities are allowed to continue in accordance with the requirements of this article.

(c) Determination of Nonconformity Status

In all cases, the burden of establishing that a nonconformity lawfully exists shall be on the owner of the land on which the purported nonconformity is located.

(d) Minor Repairs and Routine Maintenance

(1) Any structural modifications that are required by County, State, or federal law and ordered by a public officer in authority are permitted.

(2) Minor repairs and routine maintenance that are required to keep structures housing nonconforming uses and nonconforming structures, lots, signs, and other site features in a safe condition are permitted, provided the repair or maintenance does not extend, expand, or enlarge the nonconforming aspect.

(e) Change of Tenancy or Ownership

A change of tenancy, ownership, or management of an existing nonconformity shall not, in and of itself, affect nonconformity status.

Sec. 26-7.2. Nonconforming Uses

(a) General

(1) Nonconforming uses are declared generally incompatible with the permitted uses in the district in which they are located and with the provisions of this Ordinance.

(2) Nonconforming uses are allowed to continue, subject to the standards in this section.

(3) A nonconforming use shall not be reestablished if it has been abandoned or discontinued or if it has been replaced by a conforming use or by another nonconforming use in accordance with Sec. 26-7.2(e), Conversion to Another Nonconforming Use.

(b) Extension, Enlargement, or Structural Alteration

(1) A nonconforming use of land located outside of a structure shall not be enlarged to occupy more land than at the time the use became nonconforming.

(2) A nonconforming use of a structure may be enlarged or extended only into portions of the structure that existed at the time that the use became nonconforming.

(3) Structural alterations of a structure housing a nonconforming use are only allowed if the alteration:

a. Does not enlarge the structure;

b. Is required by law or by an order from the County Building Inspector, Fire Marshal, or Zoning Administrator to insure the safety of the structure; or

c. Involves a nonconforming residential use in accordance with subsection (4) below.

(c) Repair After Damage by Casualty

A structure housing a nonconforming use that has been substantially damaged by fire, wind, flood, or other natural disaster or act of God may be repaired and used as before, provided the repair shall:

(1) Not increase the dimensions of the structure or the area devoted to the nonconforming use;

(2) Not change the location of the structure, except to provide greater conformance with the requirements of this Ordinance;

(3) Be initiated within 24 months of the damage; and

(4) Be completed within three years of the damage.

(d) Repair or Replacement of Nonconforming Manufactured Home

A manufactured home used for single-family residential purposes and maintained as a nonconforming use may be enlarged or replaced by another manufactured home if:

(1) The enlargement or replacement does not create new nonconformities with respect to any provision of this Ordinance; and

(2) Any replacement of the manufactured home occurs within 180 days of its removal, and the replacement manufactured home is of the same or larger size and bears a manufacturer's certification label that it is built in conformance with the Federal Manufactured Home Construction and Safety Standards.

(e) Conversion to Another Nonconforming Use

A nonconforming use may be converted to another nonconforming use if the Board of Zoning Appeals approves the new use in accordance with Sec. 26-2.5(d), Special Exception, after finding that that the new use is more in character with the uses permitted in the district in which the new use is located. In approving the special exception permit, the Board may require appropriate conditions and safeguards in accordance with the purposes of this Ordinance.

(f) Abandonment or Discontinuance

(1) Presumption of Abandonment or Discontinuance

A nonconforming use shall be presumed abandoned or discontinued if:

a. The owner indicates an intent to abandon the use in writing or by public statement;

b. A conforming use or a nonconforming use of lesser impact replaces the original nonconforming use;

c. The building or structure housing the nonconforming use is removed or relocated;

d. There is a change in the building or structure housing the nonconforming use, or in its permanent equipment, to indicate clearly a change in use or activity to something other than the nonconforming use; or

e. The property, structure, or use remains vacant or completely inactive for 12 or more months.

(2) Overcoming Presumption of Abandonment Based on Vacancy or Inactivity

An owner of land may overcome a presumption of abandonment based solely on the period of vacancy or inactivity of the property, structure, or use, by demonstrating, to the satisfaction of the Zoning Administrator, that the owner has done both of the following during the period of vacancy or inactivity:

a. Maintained the land and structure in accordance with the building code; and

b. Actively and continuously marketed the land or structure for sale or lease, or made improvements to the land or structure necessary for the continuation of the use.

Sec. 26-7.3. Nonconforming Structures

(a) General

A nonconforming structure may house any use permitted in the district in which it is located, subject to the standards in this section.

(b) Change of Use or Renovation

A nonconforming structure may undergo a change of use or renovation without having to bring the structure into conformity with the requirements of this Ordinance if:

(1) The use of the structure after the change in use or renovation is a permitted use within the district where the structure is located;

(2) There is no enlargement or expansion of the structure, except in accordance with Sec. 26-7.3(c), Enlargement.

(3) Off-street parking after the change of use or renovation complies with Sec. 26-5.2, Off-Street Parking and Loading, or, if the parking on-site was nonconforming prior to the change of use or renovation, Sec. 26-7.6, Nonconforming Off-Street Parking and Landscaping.

(c) Enlargement

(1) A nonconforming structure may be enlarged without bringing the nonconforming structure into conformity with this Ordinance only:

a. If the part of the structure to be expanded and the area of the lot into which the expansion is taking place are both brought into conformity with the requirements of this Ordinance; or

b. In accordance with subsection (2) below.

(2) If a structure is nonconforming only because it does not comply with setback requirements, the structure may be extended along the nonconforming setback a maximum distance of ten feet in a residential district and 30 feet in any other district, if all other aspects of the structure conform to the requirements of this Ordinance.

(d) Relocation

A nonconforming structure shall not be moved, in whole or in part, to another location on or off the parcel of land on which it is located, unless upon relocation it conforms to the requirements of this Ordinance.

(e) Reconstruction after Damage

(1) In the event a nonconforming structure is damaged or destroyed, by any means, to an extent of 50 percent or less of its assessed value at the time of damage or destruction, it may be re-built to its previous form if a building permit for such repair or restoration is obtained within six months, and repair or restoration is actually begun within 12 months after the date of such partial damage or destruction and is diligently pursued to completion.

(2) In the event a nonconforming structure, or portion of a structure, is damaged or destroyed, by any means, to the extent of more than 50 percent of its structural

replacement cost at the time of damage or destruction, it shall only be restored in a manner that conforms with the provisions of this Ordinance.

Sec. 26-7.4. Nonconforming Lots

(a) General

A nonconforming lot may be used for any use permitted in the district in which it is located if the use complies with the standards in this section and all other applicable requirements of this Ordinance, other than those creating the nonconformity.

(b) Adjoining Lots in the Same Ownership

(1) Intent

The intent of this section is to require nonconforming lots to be combined with other lots to create conforming lots when the lots are under the same ownership, unless the combination would be out of character with the way the neighborhood was previously developed.

(2) Combination or Recombination Required

Unless exempted in accordance with subsection (3) below, if a nonconforming lot adjoins and has continuous frontage with one or more other vacant lots in the same ownership, the nonconforming lot and the adjoining lots shall be combined or recombined as necessary to form a conforming lot or lots or to form a more conforming lot.

(3) Exemption

Combination or recombination in accordance with subsection (2) above is not required if a majority of the developed lots located on either side of the road where the nonconforming vacant lot is located and within 500 feet of such lot are also nonconforming.

(c) Government Acquisition of Land

Conforming lots that are subject to governmental acquisition of part of the lot for a public purpose that results in the lot not complying with the dimensional standards of the zoning district in which it is located shall be determined conforming if:

(1) The use of the lot is permitted in the district(s) in which it is located;

(2) Any proposed development complies with the dimensional standards of the applicable district(s), to the maximum extent practicable;

(3) The development complies with Article 26-5, General Development Standards, to the maximum extent practicable;

(4) The development complies with all other standards and requirements of this Ordinance; and

(5) The development is designed and located in a way that is compatible with surrounding development.

Sec. 26-7.5. Nonconforming Signs

(a) General

Any legal nonconforming sign erected prior to May 2nd, 2022 may be continued, subject to the requirements in this section, provided the sign is maintained in good condition.

(b) Change, Alteration, Expansion, or Reestablishment

Unless otherwise allowed in accordance with Sec. 26-7.5(c), Replacement of Off-Premise Signs by Digital Signs, a nonconforming sign shall not be:

(1) Changed to another type or shape of nonconforming sign;

(2) Structurally altered so as to prolong the life of the sign;

(3) Expanded;

(4) Reestablished after discontinuance for 60 or more successive days; or

(5) Reestablished after damage or destruction, where the estimated expense of reconstruction exceeds 50 percent of the appraised replacement cost of the sign in its entirety.

(c) Replacement of Off-Premise Signs by Digital Signs

Nonconforming off-premise signs located in Nonresidential and Mixed-Use districts may be replaced in whole or in part by digital signs in accordance with this section.

(1) No more than one-third of existing off-premise signs (also known as outdoor advertising signs, or "billboards") may be replaced with digital signs.

(2) Prior to replacing a nonconforming off-premise sign display surface area with an equal or less digital surface area, a sign permit must be approved in accordance with Sec. 26-2.5(i), Sign Permit. If a digital sign is not erected within one year of the issuance of the sign permit, the sign permit shall become null and void.

(3) There shall be no replacement of or other substantial alteration to the sign support structure, except that existing metal sign support structures may be replaced with new metal sign support structures pursuant to a sign permit to erect a digital sign approved in accordance with Sec. 26-2.5(i), Sign Permit. Any such new metal sign support shall not exceed the height of the existing metal sign support.

(4) Digital signs shall comply with the following standards:

- **a.** Copy shall remain fixed for a period of at least six seconds between changes.
- **b.** The interval between copy changes on a digit shall be no longer than one second.
- **c.** Digital signs shall not include animated, continuous, moving, rolling, or scrolling messages or video displays.
- **d.** Digital signs shall have an automatic dimmer and a photo cell sensor to adjust the illumination intensity or brilliance of the sign so that it shall not cause glare or impair the vision of motorists, and shall not interfere with any driver's operation of a motor vehicle. In addition, digital shall not exceed a maximum illumination of 7,500 nits (candelas per square meter) during daylight hours and a maximum illumination of 500 nits between dusk to dawn as measured from the sign's face at maximum brightness.

e. Digital signs are allowed only on arterial streets.

f. Digital signs are not allowed within 300 feet of:

1. A residential district towards which the sign is oriented;

2. An historic district as defined by the National Historic Register; or

3. A hospital or nursing home.

g. A digital sign shall be spaced a minimum of 1,000 feet from any other digital sign that is on same side of the road or faces in the same direction, except a spacing of 2,000 feet is required within a Neighborhood Master Plan Overlay District.

(5) A digital sign may be reestablished after damage or destruction by an act of God, where the estimated expense of reconstruction does not exceed 50 percent of the appraised replacement cost of the sign structure, exclusive of the value of any digital display device.

Sec. 26-7.6. Nonconforming Off-Street Parking and Landscaping

(a) General

This section establishes a mechanism for increasing compliance of nonconforming off-street parking (see Sec. 26-5.2) and nonconforming landscaping (see Sec. 26-5.3) with the standards in this Ordinance as part of an alteration or expansion of a structure on the site.

(b) Alteration of a Structure

(1) If an application for a building permit is submitted for the alteration of a structure on a site where the off-street parking or landscaping is nonconforming, and if the cost of the proposed alteration, combined with all alterations of the same building or structure during the preceding five-year period, exceeds 25 percent of the recorded fair market value of the building or structure at the beginning of the five-year period, the applicant shall bring all nonconforming off-street parking and landscaping into compliance with the requirements of Table 26-7.6(b): Required Additional Compliance for Alterations, unless the Zoning Administrator finds there are physical constraints on the site that prevent the required additional compliance. Where the Zoning Administrator makes such a finding, all nonconforming off-street parking and landscaping shall comply with Table 26-7.6(b): Required Additional Compliance for Alterations, to the maximum extent practicable.

Table 26-7.6(b): Required Additional Compliance for Alterations		
Extent of Alteration of Structure	**Required Additional Compliance of Nonconforming Landscaping and Parking**	
	Landscaping	**Parking**
Alteration of less than 25 percent of existing gross floor area [1]	None	
Alteration of 25 percent or more but less than 50 percent of gross floor area [1]	None	Minimum off-street parking standards that result in nonconformity, multiplied by the same percentage that determines the extent of the alteration of the structure, not to exceed full compliance [3]
Alteration of 50 percent or more but less than 75 percent of gross floor area[1]	Minimum off-street parking and landscaping standards that result in nonconformity, multiplied by the same percentage that determines the extent of the alteration of the structure, not to exceed full compliance [3]	
Alteration of 75 percent or more of Gross Floor Area [1]	Full compliance with all parking and landscaping standards is required	

NOTES:

[1] The cost of the alteration consists of the cost of the proposed alteration combined with the cost of all alterations of the same structure during the preceding five-year period. Costs shall be as shown on the building permit application and shall include the costs of materials and labor.

[2] The value of the structure shall be the fair market value of the structure at the beginning of the preceding five-year period.

[3] For example, assume a site has 12 of 30 required parking spaces and the cost of remodeling is 50 percent of the value of the structure. The number of *additional* parking spaces required would be determined by multiplying the total required (30 spaces) by 50 percent, or 15 spaces, bringing the number of parking spaces on the site to 27 (12 existing space plus 15 new spaces). If, instead of 12 spaces, the site initially had 20 spaces, only 10 additional parking spaces would be required (bringing the site into full compliance).

(2) For purposes of this section, the term "alteration of a structure" means any alteration, as defined in the Building Code, of a structure lawfully erected prior to May 2nd, 2022, excluding any reestablishment of a nonconforming structure in accordance with Sec. 26-7.3(e), Reconstruction after Damage, as defined in the Building Code.

(c) Expansion of a Structure

If an application for a building permit is submitted for the expansion of a structure on a site where the off-street parking or landscaping is nonconforming, and if the increase in gross floor area, combined with all expansions of the building during the preceding five-year period, exceeds 15 percent of the total gross floor area of the building at the beginning of the five-year period, the applicant shall bring all nonconforming off-street parking and landscaping into compliance with the requirements of this Ordinance in accordance with Table 26-7.6(c): Required Additional Compliance for Expansions, unless the Zoning Administrator finds there are physical constraints on the site that prevent the required additional compliance. Where the Zoning Administrator makes such a finding, all nonconforming off-street parking and landscaping shall comply with Table 26-7.6(c): Required Additional Compliance for Expansions, to the maximum extent practicable

Table 26-7.6(c): Required Additional Compliance for Expansions

Extent of Expansion of Structure	Required Additional Compliance of Nonconforming Landscaping and Parking	
	Landscaping	Parking
Less than 15 percent increase in gross floor area [1]	None	
Increase in gross floor area of 15 percent or more but less than 25 percent [1]	None	Minimum off-street parking standards that result in nonconformity, multiplied by the same percentage that determines the extent of the expansion of the structure, not to exceed full compliance [2]
Increase in gross floor area of 25 percent or more but less than 50 percent [1]	Minimum off-street parking and landscaping standards that result in nonconformity, multiplied by the same percentage that determines the extent of the expansion of the structure, not to exceed full compliance [2]	
Increase in gross floor area of 50 percent or more [1]	Full compliance with all parking and landscaping standards is required	

NOTES:

[1] The increase in gross floor area consists of the gross floor area of the proposed expansion combined with the gross floor area of all expansions of the same structure during the preceding five-year period. Gross floor area of an expansion shall be as shown on the building permit application.

[2] For example, assume a site has 12 of 30 required parking spaces and the expansion will result in a 20 percent increase in gross floor area. The number of *additional* parking spaces required would be determined by multiplying the total required (30 spaces) by 20 percent, or 6 spaces, bringing the number of parking spaces on the site to 18 (12 existing space plus 6 new spaces). If, instead of 12 spaces, the site initially had 25 spaces, only 5 additional parking spaces would be required (bringing the site into full compliance). Or, if the expansion would result in a 40 percent increase in gross floor area, an additional 12 spaces (30 required spaces times 40 percent) would be required, bringing the number of parking spaces on the site to 24 (12 existing spaces plus 12 new spaces).

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ARTICLE 26-8. ENFORCEMENT

Commentary

Article 26-8: Enforcement, establishes provisions related to enforcement of the LDC. It includes six sections, which are described below.

Section 26-8.1, Purpose, sets forth the purpose of the article.

Section 26-8.2, Compliance Required, establishes that compliance with all provisions of the Ordinance is required, including obtaining necessary development approvals and permits.

Section 26-8.3, Violations, identifies what actions result in violation of the Ordinance.

Section 26-8.4, Responsible Persons, establishes who is responsible for Ordinance violations.

Section 26-8.5, Enforcement Generally, details who is responsible for enforcement, handling complaints, investigating and determining violations, notifying violators, and initiating remedies and penalties.

Section 26-8.6, Remedies and Penalties, identifies remedies and penalties that can be used against violators.

Sec. 26-8.1. Purpose

This article establishes procedures to ensure compliance with the provisions of this Ordinance and to obtain corrections for Ordinance violations. It also sets forth the remedies and penalties that apply to violations of this Ordinance. The provisions of this article are intended to encourage the voluntary correction of violations, where possible.

Sec. 26-8.2. Compliance Required

(a) General

Compliance with all the procedures, standards, and other provisions of this Ordinance is required by any person owning, developing, managing, using, or occupying land or any structure in the County.

(b) Receipt of Development Approval or Permit Required

All persons shall obtain all development approvals and permits required by this Ordinance prior to development.

(c) Development Approval or Permit Only Authorizes Development Approved

Permits or development approvals issued in accordance with this Ordinance authorize only the use, arrangement, location, design, density or intensity, and development set forth in such development approvals or permits.

Sec. 26-8.3. Violations

(a) General

Any failure to comply with this Ordinance, or the terms or conditions of any development approval, permit, or other authorization granted in accordance with this Ordinance, shall constitute a violation of this Ordinance as provided in this article.

(b) Specific Violations

It shall be a violation of this Ordinance to undertake any development contrary to the provisions of this Ordinance, including but not limited to any of the following:

(1) Develop land or a structure without first obtaining all appropriate development approvals and permits;

(2) Develop land or a structure without complying with the terms or conditions of all development approvals and permits required to engage in development;

(3) Occupy or use land or a structure without first obtaining all appropriate development approvals and permits;

(4) Occupy or use land or a structure in violation of the terms or conditions of the development approvals or permits;

(5) Subdivide land without first obtaining the appropriate development approvals or permits required to engage in subdivision;

(6) Subdivide land without complying with the terms or conditions of the development approvals or permits required to engage in development;

(7) Transfer title to any newly created lots or parts of a development unless the development plan or subdivision has received all development approvals or permits required under this Ordinance and an approved plan or plat, if required, has been filed in the appropriate County office;

(8) Submit for recording with a County office any subdivision plat or other development plan that has not been approved in accordance with the requirements of this Ordinance;

(9) Fail to obtain proper approval of a road name used in used within the unincorporated areas of Richland County or record a plat containing a road name not approved by the Planning Commission;

(10) Unlawfully remove, deface, mar, change, destroy, or render unreadable an existing address number required by this Ordinance;

(11) Excavate, grade, cut, clear, or undertake any land disturbing activity without first obtaining the appropriate development approvals and permits, and complying with their terms and conditions;

(12) Remove existing trees or other landscaping from a site or parcel of land without first obtaining the appropriate development approvals and permits, and complying with their terms and conditions;

(13) Install, create, erect, alter, or maintain any sign without first obtaining the appropriate development approvals and permits, and complying with their terms and conditions;

(14) Fail to remove any sign installed, created, erected, or maintained in violation of this Ordinance, or for which the permit has lapsed;

(15) Create, expand, replace, or change any nonconformity except in compliance with this Ordinance;

(16) Reduce or diminish the requirements for development, design, or dimensional standards below the minimum required by this Ordinance;

(17) Increase the intensity or density of development, except in accordance with the standards of this Ordinance;

(18) Through any act or omission, fail to comply with any other provisions, procedures, or standards as required by this Ordinance;

(19) Through any act or omission, violate any term, condition of approval, or qualification placed by a decision-making body or person on a development approval or permit;

(20) Violate any lawful order issued by any decision-making body in accordance with this Ordinance;

(21) Obtain a development approval or permit through false or misleading information; or

(22) Obscure or obstruct a notice required to be posted or otherwise given in accordance with this Ordinance.

Sec. 26-8.4. Responsible Persons

Any person who violates this Ordinance shall be subject to the remedies and penalties set forth in this article.

Sec. 26-8.5. Enforcement Generally

(a) Responsibility for Enforcement

(1) The Zoning Administrator is responsible for enforcing all provisions of this Ordinance that are not enforced by the Flood Coordinator or the County Engineer in accordance with subsections (2) and (3)below.

(2) The Flood Coordinator is responsible for enforcing all floodplain regulations in Sec. 26-3.214(d), FP-O: Floodplain Overlay District.

(3) The County Engineer is responsible for enforcing all stormwater management and erosion and sediment control provisions in Sec. 26-5.12, Water Quality.

(b) Enforcement Procedure

(1) Inspection

The Zoning Administrator, or other official in accordance with Sec. 26-8.5(a), Responsibility for Enforcement, is entitled to inspect at all reasonable times all land and structures that are subject to this Ordinance in order to determine compliance or non-compliance with the requirements of this Ordinance.

(2) Notice of Violation

a. Except as otherwise provided in this Ordinance, when the Zoning Administrator, or other official in accordance with Sec. 26-8.5(a), Responsibility for Enforcement, finds violations of this Ordinance, the Zoning Administrator or other official, as appropriate, shall send a written notice of violation, either mailed by certified or registered mail or delivered by personal service, to:

1. The person alleged to be in violation; or

2. If the violator cannot be ascertained, the record owner of the land on which the violation occurs.

b. The notice of violation shall include an opportunity to cure the violation within a prescribed period of time.

c. For violations of the floodplain regulations in Sec. 26-3.214(d), FP-O: Floodplain Overlay District, the notice of violation shall also state that a hearing will be held before the Flood Coordinator at a designated place and time, not more than 20 days after the date of the notice, at which time the owner or occupant shall be entitled to be heard in person or by counsel, and to present arguments and evidence pertaining to the matter.

(3) Extension of Time to Cure

Upon receipt of a written request from the alleged violator or the property owner for an extension of time to cure or correct the violation, the Zoning Administrator or official that issued the notice of violation may grant a single extension of time, not to exceed a period of 30 days, in which the alleged violator may cure or correct the violation before the County takes further action.

(4) Failure to Cure

If the violator or owner of land, whichever was sent the notice of violation, fails to take prompt corrective action in the prescribed time, then the County may pursue the remedies and penalties set forth in Sec. 26-8.6, Remedies and Penalties.

(c) Removal of Signs

(1) The Zoning Administrator shall have the authority to remove, without notice to a sign's owner, the following signs:

a. Signs placed within any street or highway right-of-way;

b. Signs attached to trees or other natural features, fence posts, and telephones and utility poles;

c. Abandoned signs;

d. Signs placed on public property; and

e. Signs erected without permit.

(2) Any person responsible for causing an unlawful sign to be on public property may be held responsible for the cost of removal. Responsible persons include, but are not limited to, any individual or business whose advertisement, message, or information appears on or is contained in any sign or notice unlawfully placed on public property.

(d) Open Space Set-Aside Maintenance and Management

If the party responsible for maintenance or management of open space set-asides in accordance with Sec. 26-5.4, Open Space Set-Asides, fails to maintain all or any portion of the open space set-asides, upon 90 days notice served to the owner, Richland County may assume responsibility for the maintenance and may enter the premises and take corrective action, including the provision of extended maintenance. The costs of any corrective action taken and maintenance costs incurred by Richland County shall be charged to the owner, the property owners' or homeowners' association, or third party beneficiary, as applicable.

Sec. 26-8.6. Remedies and Penalties

(a) General

(1) The remedies provided for violations of this Ordinance, whether civil or criminal, shall be cumulative and in addition to any other remedy provided by law, and may be exercised in any order.

(2) Each day of continued violation of this Ordinance shall be considered a separate violation for purposes of computing cumulative civil or criminal penalties.

(3) An owner, tenant, or occupant of the land or structure that is in violation of this Ordinance, and any other person who participates in, assists, directs, creates, or maintains a situation that constitutes an Ordinance violation, including but not limited to an architect, engineer, builder, contractor, or agent, may each be found guilty of a separate offense and suffer the penalties provided in this section.

(b) Remedies Available to County

On behalf of the County, the Zoning Administrator, or other official in accordance with Sec. 26-8.5(a), Responsibility for Enforcement, or other appropriate County official, may take any one or more of the following actions as a remedy for any violation of this Ordinance:

(1) Withhold any pending or subsequent development approvals or permits required by this Ordinance;

(2) Issue and serve upon a person violating this Ordinance a stop work order requiring that the person stop all actions in violation of this Ordinance;

(3) Revoke a development approval or permit if:

- **a.** There is a failure to comply with the approved development approval, permit, plans, plats, specifications, or terms or conditions required under the development approval or permit;
- **b.** The development approval, permit, plan, or plat was procured by false representation; or
- **c.** The development approval, permit, plan, or plat was issued in error;

(4) Bring an action for an injunction (or, in appropriate cases, for mandamus) to prevent the violation or to prevent the occupancy or use of any site or structure involved in the violation;

(5) Bring an action for injunction or mandamus to abate a violation;

(6) Prosecute the violation as a misdemeanor; or

(7) Take any other action at law or in equity to prevent or remedy any violation, or otherwise enforce the provisions of this Ordinance.

(c) Penalties

(1) Any person violating any provision of this Ordinance shall be guilty of a misdemeanor and, upon conviction, shall be fined not more than 500 dollars or imprisoned for not more than 30 days for each violation, or both.

(2) Nothing contained in this section shall prevent the County from taking such other lawful action as is necessary to prevent or remedy any violation.

(d) Private Civil Relief

An adjacent or neighboring landowner who would be specially damaged by any violation of this Ordinance may, in addition to other remedies, institute injunction, mandamus, or other appropriate action or proceeding to prevent the unlawful erection, construction, reconstruction, alteration, conversion, maintenance, or use, or to correct or abate the violation, or to prevent the occupancy of the building, structure or land. This is in addition to the right of the County to bring an enforcement action.

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9

ARTICLE 26-9. DEFINITIONS, RULES OF CONSTRUCTION, AND RULES OF MEASUREMENT

Commentary

Article 26-9: Definitions, Rules of Construction, and Rules of Measurement, contains rules for interpreting and applying the standards in the LDC, as well as definitions for terms used in the LDC.

Section 26-9.1, Rules of Construction, addresses the meanings and intent of words and commonly used phrases, clarifies that the text is the controlling factor when a diagram, table, or chart differs from the text, discusses how time is to be calculated, and includes a general provision regarding the delegation of authority under the LDC.

Section 26-9.2, Rules of Measurement, establishes the rules for measuring and calculating bulk and dimensional requirements like height, width, setbacks, lot area, how encroachments into required yards will be determined and regulated, and the other measurements and calculations that are required to interpret standards.

Section 26-9.3, Principal Use Categories and Types, describes each use category identified in the principal use table, outlining the principal characteristics of uses in the category and noting examples of included uses and examples of uses and structures deemed accessory to the included uses. It also defines each use type identified in the principal use in the use tables.

Section 26-9.4, Definitions, includes definitions for terms used in the new zoning ordinance. This draft of Module 1 includes terms that are used in Module 1.

Sec. 26-9.1. Rules of Construction

The rules in this section shall apply for construing or interpreting the terms and provisions of this Ordinance.

(a) Meanings and Intent

All provisions, terms, phrases, and expressions contained in this Ordinance shall be interpreted in accordance with the general purpose and intent set forth in Sec. 26-1.3, Purpose and Intent, and the specific purpose statements set forth throughout this Ordinance. When a specific section of these regulations gives a different meaning than the general definition provided in this article, the specific section's meaning and application of the term shall control.

(b) Headings, Illustrations, and Text

In the event of a conflict or inconsistency between the text of this Ordinance and any heading, caption, figure, illustration, table, or map, the text shall control. Graphics and other illustrations are provided for informational purposes only and should not be relied upon as a complete and accurate description of all applicable regulations or requirements.

(c) Lists and Examples

Unless otherwise specifically indicated, lists of items or examples that use terms like "for example," "including," and "such as," or similar language are intended to provide examples and are not exhaustive lists of all possibilities.

(d) Computation of Time

The time in which an act is to be done shall be computed by excluding the first day and including the last day. If a deadline or required date of action falls on a Saturday, Sunday, or holiday observed by the County, the deadline or required date of action shall be the day subsequent that is not a Saturday, Sunday, or holiday observed by the County. References to days are calendar days unless otherwise stated.

(e) References to Other Regulations / Publications

Whenever reference is made to a resolution, ordinance, statute, regulation, or document, it shall mean a reference to the most recent edition of such regulation, resolution, ordinance, statute, regulation, or document, unless otherwise specifically stated.

(f) Delegation of Authority

The listing of any specific administrative official in this Ordinance shall be interpreted to include an authorized designee of the official.

(g) Public Officials and Agencies

All public officials, bodies, and agencies to which references are made are those of Richland County, South Carolina, unless otherwise indicated.

(h) Mandatory and Discretionary Terms

The words "shall," "must," "should" and "will" are mandatory, establishing an obligation or duty to comply with the particular provision. The word "may" is permissive.

(i) Used or Occupied

The words “used” and “occupied” include the words “intended, designed, or arranged to be used or occupied.”

(j) On the Premises

The phrase “on the premises of,” as applied to accessory uses or structures, shall be interpreted to mean “on the same lot.”

(k) Conjunctions

Unless the context clearly suggests the contrary, conjunctions shall be interpreted as follows:

a. “And” indicates that all connected items, conditions, provisions or events apply; and

b. “Or” indicates that one or more of the connected items, conditions, provisions, or events apply.

(l) Tenses and Plurals

Words used in the present tense include the future tense. Words used in the singular number include the plural number and the plural number includes the singular number, unless the context of the particular usage clearly indicates otherwise. Words used in the masculine gender include the feminine gender, and vice versa. The word "person" includes a firm, association, partnership, trust, company, corporation, or any other entity usually defined in legal usage as a person.

(m) Term Not Defined

The Zoning Administrator, the County Engineer, or the Flood Coordinator is authorized to interpret the meaning of terms in accordance with Sec. 26-2.5(q), Interpretation. Such interpreted meaning shall be based upon the definitions used in accepted sources—including, but not limited to, A Planners Dictionary; A Glossary of Zoning, Development, and Planning Terms; and A Survey of Zoning Definitions (all published by the American Planning Association), as well as general dictionaries such as Merriam-Webster, American Heritage, Webster's New World, and New Oxford American dictionaries.

Sec. 26-9.2. Rules of Measurement

(a) Measurement

Intensity and dimensional standards shall be measured in accordance with this section.

(1) Lot Area

Lot area shall be determined by measuring the total horizontal land area (in acres or square feet) within the lot lines of the lot, excluding public street rights-of-way and private street easements. For purposes of determining density or lot coverage, any part of the net lot area dedicated as recreation area, park, greenway, or other public open space in conjunction with or part of development approval in accordance with this Ordinance shall continue to be considered part of the lot area of the development site.

(2) Lot Coverage

Lot coverage means the percentage of lot area that is impervious (i.e. does not absorb water). This portion includes, but is not limited to, all areas covered by buildings, parked structures, driveways, roads, sidewalks, and any area of concrete asphalt.

(3) Lot Width

Lot width means the distance between straight lines connecting front and rear lot lines at each side of the lot. A lot complies with minimum lot width standards if the minimum lot width is met in any of the following ways:

a. At the rear of required front yards or setbacks;

b. For a lot fronting a curve or a cul-de-sac, at one and a half times the depth of required front yards or setbacks. The distance between straight lines connecting front and rear lot lines at each side of a lot measured 150 percent of the required front yard or setback;

c. For a lot contiguous to a natural or man-made body of water with at least 25 linear feet of public road frontage and meeting all required front yard or setback standards, at the building site line; or

d. For a lot at least one acre in area with at least 50 linear feet of public road frontage and meeting all required front yard or setback standards, at the building site line.

(4) Lot Depth

Lot depth is determined by measuring the distance from the center of street frontage to the opposite property line.

(5) Lot Frontage

Lot frontage is the part of a lot line abutting on a road. Lot frontage is calculated as a straight line between side lot lines for determining compliance with minimum lot frontage standards.

(6) Density (Dwelling Units per Acre)

Density (expressed as dwelling units per acre) is determined by dividing the total number of dwelling units located or proposed on a lot by the lot area. If lot area is measured in square feet, that result is multiplied by 43,560. For purposes of determining maximum net density, an accessory dwelling unit does not count as a dwelling unit.

(7) Setbacks

a. General

1. Minimum setback is the space defined by measuring perpendicularly from and along the entire boundary of the lot (property line) to the building line. A setback may be a front, side, or rear setback. Allowable encroachments into required yards shall be ignored when measuring setbacks (see Sec. 26-9.2(b)(4), Allowable Encroachments into Required Yards or Rights-of Way).

2. When more than one setback depth applies, the greatest setback dimension requirement must be met.

3. Structures shall meet the front yard requirements for all sides of the structure abutting public roads. Where one of the front yards that would normally be required on a through lot is not in keeping with the prevailing yard pattern, the zoning administrator may waive the requirement for the normal front yard. In its place, a special yard requirement shall be determined, consistent with the prevailing yard pattern.

4. The front of an interior lot shall be construed to be the portion nearest the street. For the purpose of determining yard requirements on corner lots and through lots, all sides of a lot adjacent to streets shall be considered frontage, and yards shall be provided upon that basis, taking into account any allowed reduction in accordance with Sec. 26-9.2(b)(2), Reduction of Minimum Setback Requirements to Adjacent Building Average. Interior lots, corner lots, and through lots (see Figure 26-9.2(7)a.1:Examples of Lot Types) are defined in Sec. 26-9.4, Definitions.

Figure 26-9.2(7)a.1: Example of Lot Types

b. Front Yard

A front yard shall be measured at right angles to a straight line joining the foremost points of the side lot lines, or, in the case of a corner lot, the foremost points of a side lot line and a front lot line, on any frontage. The foremost point of the side lot line, in the case of rounded property corners at street intersections, shall be assumed to be the point at which the side and front lot lines would have met without that rounding. Front and rear lines of a required front yard shall be parallel.

c. Side Yard

A side yard shall be measured at right angles to a straight line joining the ends of the front and rear lot lines on the same side of the lot. The inner side yard line of a required side yard shall be parallel to the straight line so established. In the case of through lots, side yards shall extend from the rear lines of the required front yards. In the case of corner lots, the yards remaining after front yards have been established shall be considered to be the side yards.

d. Rear Yard

A rear yard shall be measured at right angles to a straight line joining the rearmost points of the side lot lines. The forward rear yard line of a required rear yard shall be parallel to the straight lines so established.

(8) Building Height

Building height is measured from the average elevation at the base of a structure to the highest point of the roof of a structure.

(9) Additional Rules of Measurement

a. Activity Area

For determining parking standards, the activity area is the area of a recreational facility where the recreation or amusement operation is actually conducted. This shall include all areas open to the public and used by employees of the facility. This term shall not include open areas that are not available to the public or storage areas.

b. Signs

1. Sign Area

The area of the sign face is calculated as follows:

(a) The area is defined as the entire area within the smallest rectangle that will encompass the extreme limits of the writing, representation, emblem, or other display on the sign.

(b) The area also includes any material or color forming an integral part of the background of the display or used to differentiate the sign from the backdrop or structure against which it is placed.

(c) Frames or structural member are not included in computation of the area of the sign face.

(d) For signs attached to walls or fences, only the portion of a wall or fence onto which sign face or letters are placed are calculated in the sign area.

2. Sign Height

The height of a sign is measured from the highest point of a sign or its support, whichever is greater, to the base of the sign at grade.

c. Building Length

The linear length of a building the distance measured on a straight line parallel to the longest axis of a building between the two most extreme points on the building footprint.

d. Block Length

The length of a block shall be determined by measuring each abutting roadway centerline segment between two consecutive intersecting roadway centerlines. The largest such distance is the length of the block (see Figure 26-9.2(9)c: Measurement of Block Length).

Figure 26-9.2(9)c: Measurement of Block Length

= Longest abutting centerline segment between consecutive intersecting centerlines

(b) Exceptions and Variations

(1) Reduction of Minimum Lot Area or Width to Block Face Average

If the average area or width of existing lots located on the same block face and in the same zoning district is less than the minimum lot area or minimum lot width, as appropriate, applied to a lot by the standards in Article 26-3, Zoning Districts, the minimum lot area or minimum lot width, as appropriate, applicable to the lot shall be reduced to such average.

(2) Reduction of Minimum Setback Requirements to Adjacent Building Average

Where there are lots that comprise 50 percent or more of the lots on the same side of the block as the lot in question which are developed with less than the required road setbacks, the average setback of the two principle buildings nearest the lot in question shall be observed as the minimum front yard setback.

(3) Exceptions to Maximum Structure or Building Height

The maximum structure or building height limits established shall not apply to the structures or structural elements identified below:

a. Spires, belfries, cupolas, chimneys, antennas, water tanks, ventilators, elevator housing, mechanical equipment or other such structures placed above roof level and not intended for human occupancy, provided they:

1. Cover not more than 25 percent of the roof area of the structure to which they are attached; and

2. Comply with applicable screening standards for mechanical equipment and appurtenances in Article 26-5, General Development Standards;

b. Antennas, provided they comply with height limits established for the specific use in Article 26-4, Use Regulations;

c. Solar energy generation panels, provided they comply with height limits established for the specific use in Article 26-4, Use Regulations; and

d. Wind energy generation provided they comply with height limits established for the specific use in Article 26-4, Use Regulations.

(4) Allowable Encroachments into Required Yards or Rights-of Way

Every part of every required yard shall remain unoccupied and unobstructed by a structure or portion of a structure above 48 inches above the finished grade level of the ground, except as otherwise allowed in Table 26-9.2(B)(4): Allowable Encroachments into Required Yards or Rights-of-Way, or allowed or limited elsewhere in this Ordinance.

TABLE 26-9.2(B)(4): Allowable Encroachments into Required Yards or Rights-of-way

Feature	Extent and Limitations of Encroachment
Encroachment into Required Yards	
Required screening	May encroach into any required minimum yard.
Steps, open porches without roofs	May extend into any required minimum yard to within five feet of an adjoining property line.
At-grade impervious surfaces (excluding driveways)	May extend into required minimum side or rear yard to within five feet of an adjoining property line.
Eaves, cornices, gutters, chimneys and other minor architectural features	May extend up to 24 inches from the main portion of a building into any required minimum yard.
Awnings, canopies, and marquees (generally for commercial or industrial use)	May extend 48 inches into required front yards provided they do not constitute a substantial impediment to visibility across such yards which would contribute to the creation of a traffic hazard, and further that such projection would not interfere with public use of any adjacent sidewalk and/or public road.
Canopy projections (at service stations or convenience stores, including over gasoline pump islands)	May be located in the front yard setback, provided that no equipment or part of the canopy is located closer than 15 feet to a road right-of-way line.
Open balconies and fire escapes	May extend up to five feet into any required minimum yard.
Bay windows	May extend up to three feet into any required minimum yard if no more than nine feet wide.
Fences and walls	May extend into or be located in any required minimum yard in accordance with Sec. 26-5.8, Fences and Walls.
Signs, projecting, free-standing, or attached to an awning, canopy, or marquee	May extend into or be located in any required minimum yard in accordance with Sec. 26-5.9, Signs.
Flagpole	May be located in any required yard if less than 20 feet high, set back from side and rear lot lines by at least ten feet, and set back from abutting street rights-of-way by a distance equal to the flagpole height.
Lighting fixtures, projecting or free-standing (including lampposts)	May be located in any required minimum yard.
Accessory structures other than those listed above	May be located in a required minimum side or rear yard if allowed in Sec. 26-4.3, Accessory Uses and Structures.

Figure 26-9.2(B)(4): Examples of Allowed Encroachments into Required Yards

(c) Fractional Requirements

When any requirement of this chapter results in a fraction of a unit of measurement, such as a foot or a square foot, a fraction of one-half or more will be considered a whole unit and a fraction of less than one-half will be disregarded.

(d) Contiguity

Contiguous lots or districts touch along a common boundary for at least 15 feet. The contiguity of land areas shall not be affected by existence between them of a road or alley; a public or private right-of-way; a public or private transportation or utility right-of-way; a river, creek, stream, or other natural or artificial waterway; provided, however, the contiguity of land areas shall be assumed to be disrupted by the existence of a thoroughfare road or a principal arterial road, as they are defined in Sec. 26-9.4, Definitions.

Sec. 26-9.3. Definitions

ABUTTING
The condition of two adjoining lots having a common boundary—including cases where two or more lots adjoin a corner, but not including cases where adjoining lots are separated by a street or alley

ACCESS AND ROADSIDE MANAGEMENT STANDARDS (ARMS)
A document promulgated by SCDOT to establish uniformity for encroachment into the South Carolina State Highway System facilities.

ACCESS POINT
An intersection, driveway, or any entry point on the right hand side of a road. An entry point on the opposite side of a road or a median opening may be considered an access point, if it is expected to influence traffic flow in the direction of interest.

ACCESSORY DWELLING UNIT
An ancillary or secondary living unit to a single-family detached dwelling use that has a separate kitchen, bathroom, and sleeping area, existing either within the same structure, or on the same lot, as the primary dwelling unit. For purposes of determining maximum density, an accessory dwelling unit shall not count as a dwelling unit.

ACCESSORY USE OR STRUCTURE
A use or structure that is clearly incidental to and customarily found in connection with a principal building or use, is subordinate to and directly serves that principal building or use, and is subordinate in area, extent, and purpose to the principal building or principal use served. An accessory structure must be on the lot on which the principal use is located.

ACCESSWAY
A strip of land intended for use by pedestrians and bicyclists.

ACTIVITY AREA
For determining parking standards, the activity area is the area of a recreational facility where the recreation or amusement operation is actually conducted. This shall include all areas open to the public and used by employees of the facility. This term shall not include open areas that are not available to the public or storage areas.

ADDITION (TO AN EXISTING BUILDING)
An extension or increase in the floor area or height of a building or structure.

ADJACENT
A parcel of land that shares all or part of a common lot line or boundary with another parcel of land, or a parcel of land that would abut another parcel of land, but for the fact a street or right-of-way divides the parcels.

ADMINISTRATIVE ADJUSTMENT
Minor deviation from the dimensional or design standards of this Ordinance. See Sec. 26-2.5(n).

AE AND A1-30 ZONES
Risk zones within an area of special flood hazard that are subject to the 100-year flood. On the Flood Insurance Rate Maps (FIRMs) such areas are indicated and mandatory flood insurance applies.

AGRICULTURAL LAND
Land categorized by the Richland County Assessor as agricultural real property.

AGRICULTURAL RESEARCH FACILITY
A facility for the investigation, testing, and demonstration of agricultural products and processes, including biotechnical agriculture, veterinary, soil, plant and animal sciences.

AGRICULTURE
The keeping, grazing, or feeding of livestock; croplands; aquaculture; horticulture; silviculture; and/or apiaries. This definition does not include processing or distribution plants for agricultural products and supplies.

AGRITOURISM
Events and activities conducted on a working farm offered to the public or to invited groups for the purpose of recreation, education, or active involvement in the farm operation, and that are related to agriculture or natural resources and directly associated with and incidental to on-going agricultural activity on-site. Agritourism includes, but is not limited to, farm tours, hayrides, corn mazes, petting zoos, classes related to agricultural products or skills, and picnic and party facilities offer in conjunction with such activities.

AIRPORT
A place where aircraft may take off or land, discharge or receive cargo or passengers, be repaired or serviced, take on fuel, or be stored. The place shall include landing areas, runways, and other facilities designed, used, or intended to be used for the landing or taking off of aircraft, including all necessary taxiways, aircraft storage and tie-down areas, hangars, and other necessary buildings and open spaces, as well as terminals, parking facilities, and passenger loading and unloading areas. Accessory uses include offices, eating establishments, eating and drinking establishments, convenience and gift shops, and similar uses. For the purposes of the AHR-O Airport Height Restrictive Overlay district, "airport" specifically refers to Jim Hamilton-L.B. Owens Airport and McEntire Air National Guard Base.

AISLE
The traveled way by which motor vehicles enter and depart parking or loading spaces.

ALLEY
A private road primarily designed to serve as a secondary access to the side or rear of those properties whose principal frontage is on another road, either public or private, meeting minimum county requirements.

AMERICANS WITH DISABILITIES ACT (ADA)
A federal law enacted in 1990 to protect the civil rights of individuals with physical or mental disabilities from intentional or unintentional discrimination in housing, employment, education, access to public services and telecommunications and to ensure that persons with disabilities have equal access to same.

ANIMAL SHELTER
A facility used to house and care for stray, homeless, abandoned, or neglected animals that is owned, operated, or maintained by a public body or an established humane society or other private or nonprofit organization.

ANTENNA
Any device for radiating or receiving electromagnetic radiation. This definition shall specifically include, but is not limited to all radio, television, telephone, telecommunications, microwave, and satellite dish antennas.

APPEAL
A request for a review of a decision or interpretation made by an administrator or reviewing body in the administration of the Richland County Land Development Code. See Sec. 26-2.5(p).

APPLICANT
Any person who submits an application for review and/or approval in accordance with this Ordinance.

APPLICATION SUBMISSION
A procedure to submit a proposed application. See Sec. 26-2.4(d).

APPROACH SURFACE
For the purposes of the AHR-O Airport Height Restrictive Overlay district, a surface longitudinally centered on the extended runway centerline, extending outward and upward from the end of the primary surface and at the same slope as the approach zone height limitation slope.

ARBORETUM OR BOTANICAL GARDEN
Land where trees, shrubs, and/or other living plants are grown, exhibited or labeled for scientific, educational, conservation, or passive recreational purposes, not including the harvest of plants or their produce.

AREA OF SHALLOW FLOODING
A designated AO Zone on the county's Flood Insurance Rate Map (FIRM) with base flood depths of one to three feet where a clearly defined channel does not exist, where the path of flooding is unpredictable and indeterminate, and where velocity flow may be evident.

AREA OF SPECIAL FLOOD HAZARD
The land in the floodplain subject to a one percent or greater chance of flooding in any given year. This term also includes all wetlands within a community. For purposes of these regulations, the term "area of special flood hazard" is synonymous in meaning with the phrase "special flood hazard area."

ARENA, STADIUM, OR OUTDOOR THEATER
A building or structure designed or intended for use for spectator sports, entertainment events, expositions, and other public gatherings. Such uses may or may not include lighting facilities for illuminating the field or stage area, concessions, parking facilities, and maintenance areas. Examples include sports stadiums, amphitheaters, and drive-in movie theaters.

ARTERIAL ROAD, MINOR
A SCDOT designated roadway, as depicted on their "Functional Classification Map for the Columbia Urbanized Area", that carries a mix of local and through traffic and which links collector roads, and sometimes local streets, with principal arterials.

ARTERIAL ROAD, PRINCIPAL
A SCDOT designated roadway, as depicted on its "Functional Classification Map for the Columbia Urbanized Area" that is primarily intended to provide traffic service between urban areas.

ARTISAN GOODS PRODUCTION
Application, teaching, making, or fabrication of crafts or products by an artist, artisan or craftsperson either by hand or with minimal automation and may include direct sales to consumers. This definition includes uses such as small-scale fabrication, manufacturing, and other industrial uses and processes typically not permitted in non-industrial zoning districts such as welding and sculpting.

ARTIST STUDIO
Work space for one or more artists or artisans, including space for the accessory sale of art produced on the Premises.

AUCTION HOUSE
A place where the property of others, such as objects of art, furniture, and other goods (except livestock), are offered by a broker or auctioneer for sale to persons who bid on the items in competition with each other at scheduled sales periods or events.

AUTHORIZED AGENT
Any person with valid authority provided by the owner, as evidenced by a document either notarized or witnessed by at least two independent third parties authorizing the agent to represent the owner, and acting on behalf of the owner of land seeking an amendment or some type of approval as set forth in this Ordinance.

AUTOMATIC TELLER MACHINE (ATM)
A mechanized device operated by or on behalf of a bank or financial institution that allows customers to conduct automated banking or financial transactions. Where an ATM is provided at the site of a bank or financial institution for use by customers in motor vehicles, the ATM is considered a drive-through service accessory use. At other locations, an ATM may be considered a separate accessory use to the principal use(s) of the location.

Annual Average Daily Trips (AADTs).

The average twenty-four (24) hour traffic volume on a given roadway segment over a three hundred sixty-five (365) day period.

BAKERY
A facility for the production and sale of baked goods and confectioneries, primarily for retail sales to customers of the facility.

BANK, RETAIL
An establishment that provides retail banking services, mortgage lending, or similar financial services. Accessory uses may include automated teller machines and drive-through facilities. This use does not include non-depository personal credit institutions.

BAR OR OTHER DRINKING PLACE
An Eating/Drinking Establishment providing or dispensing by the drink for on-site consumption alcoholic beverages and in which the sale of food products such as sandwiches and light snacks is secondary. A bar may include provision of live entertainment and/or dancing; however, a bar shall not include any adult business use.

BASE FLOOD ELEVATION (BFE)
A flood having a one percent chance of being equaled or exceeded in any given year, also called regulatory flood.

BASEMENT
Any enclosed area of a building that is below grade on all sides.

BED AND BREAKFAST
Lodging accommodations, including breakfast, provided to paying guests for periods of two consecutive weeks or less within an owner-occupied single-family detached dwelling.

BEDROOM
Any room or space used or intended to be used for sleeping purposes.

BERM
A man-made landscape feature generally consisting of a linear, raised mound of soil covered with grass lawn or other permanent, living ground cover. Temporary soil stockpiles and retaining walls are not berms.

BICYCLE PARKING AREA
An area designated for the parking and storage of bicycles.

BICYCLE PARKING RACK
A stand used for mounting and securing bicycles when not in use.

BICYCLE PARKING SPACE
An area within a bicycle parking area designed to accommodate storage of one bicycle.

BIKEWAY
Any road, path, or way which is open to bicycle travel, regardless of whether such facilities are designated for the exclusive use of bicycles or are shared with other transportation modes.

BLOCK
A unit of land bounded by roads or by a combination of roads and public land, railroad rights-of-way, waterways, or any other barrier to the continuity of development.

BMP MANUAL
The Richland County Manual for Stormwater Best Management Practices prepared by the Richland County Department of Public Works.

BMPS
Best Management Practices (stormwater management); an acronym used to describe a structural or nonstructural management-based practice used singularly or in combination to reduce nonpoint source inputs to receiving waters in order to achieve water quality and quantity protection goals.

BOARD OF ZONING APPEALS
The Board of Zoning Appeals for Richland County, South Carolina. See Sec. 26-2.3(c).

BOLLARD LAMP
An outdoor luminaire that is a short (usually about 2-4 feet in height) post with the light source located at or near the top.

BORROW PIT
An excavated area where naturally occurring earthen materials are to be removed for use as ordinary fill at another location.

BROADCASTING STUDIO
A building or portion of a building used as a place to stage, record, and broadcast content for radio, television, or other broadcast media.

BUILDING
Any structure built for support, shelter or enclosure for any occupancy or storage, including storage tanks.

BUILDING CODE
The building codes adopted by Richland County (see Article III of Chapter 6 of the Richland County Code).

BUILDING FOOTPRINT
The outline of the total area covered by a building's perimeter at the ground level.

BUILDING FOUNDATION
For purposes of Sec. 26-5.3(g), Site Landscaping, the supporting substructure of a building.

BUILDING LINE
The inner edge of any required yard or required setback, and the corresponding outer edge of the buildable area.

BUILDING PERMIT
An authorization to construct a structure as issued by the Richland County Office Of Building Inspections which acknowledges that such building complies with the provisions of the Richland County Code related to building construction and related construction (electrical, plumbing, etc.).

BUILDING SUPPLY SALES
An establishment that sells lumber and may also sell roofing, siding, shingles, wallboard, paint, brick, tile, cement, sand, gravel, and other building materials and supplies, to the general public.

BUILDING, ENCLOSED
A structure, the inner portion of which is fully enveloped with walls (including doorways and windows) and roofing and which has no open sides.

BUILDING, HEIGHT
See "structure, height."

BUILDING, HIGH-RISE
Any building that exceeds three stories and 35 feet in height.

BUILD-TO LINE
A line that runs along perpendicular to the entire width of a lot, from the street right-of-way to the font building façade one a lot, along which a building must be constructed.

BUILD-TO ZONE
The area between the minimum and maximum build-to lines that extends the width of the lot.

CALIPER
The standard for trunk diameter measurements of nursery stock. Caliper of the trunk is measured six inches above the ground for four-inch or smaller caliper trees and 12 inches above the ground for larger sizes.

CAMBIUM
The layer of formative cells between the wood and bark in woody plants.

CAMPGROUND
An outdoor facility designed for overnight accommodation of persons in recreational vehicles, tents, rustic cabins, and/or shelters for recreation, education, naturalist, or vacation purposes. Accessory uses may include office, retail, and other commercial uses commonly established in such facilities and related parking facilities.

CANOPY (BUILDING)
A permanent attached structure which projects from and is supported by a building, which serves as a cover providing shelter or decoration and which extends beyond the building.

CANOPY (SERVICE STATION)
A permanent structure, attached to or projecting from a service station or convenience store, which serves as a cover for those customers purchasing gasoline, etc.

CAR WASH
An establishment primarily engaged in cleaning or detailing personal vehicles (cars or light trucks), whether full service, self-service, automatic or by hand.

CATERING
An establishment whose principal business is to prepare food on-site, then to transport and serve the food off-site. This use includes a commercial kitchen. No business consumption of food or beverages is permitted on the premises.

CEMETERY
A place used for the permanent interment of dead human bodies (or their cremated remains) or pet animal bodies. A “Cemetery” may include a mausoleum or columbarium but does not include a crematory.

CERTIFICATE OF ZONING COMPLIANCE
A document issued by Richland County upon final inspection of a new use or structure indicating compliance with the requirements of this chapter. See Sec. 26-2.5(m).

CHANGE IN (OF) USE
Substitution of one use of land or a building for another.

CHILDREN’S RESIDENTIAL CARE HOME
A staffed residence with a population fewer than twenty children who are in care apart from their parents, relatives, or guardians on a full-time basis.

CIVIC/INSTITUTIONAL BUILDINGS
Churches or places of worship; public or private schools; gymnasiums, assembly halls, community meeting rooms, and community service centers; post offices, fire stations, libraries, and museums; and

other government or public service buildings and facilities except for those requiring outdoor storage or maintenance yards.

CLEAR ZONE SURFACE

For McEntire Air National Guard Base, a surface located at established field elevation (251 mean sea level) at each end of the primary surface, with a length of one thousand (1,000) feet and the same width as the primary surface.

COLLECTOR ROAD

A roadway which provides connection between the arterial road system and local roads as well as traffic circulation within residential, commercial and industrial areas.

COLLEGE OR UNIVERSITY

An institution authorized to provide post-secondary courses of study and grant degrees, certificates, and/or diplomas.

COMMERCIAL RECREATION, INDOOR

An indoor establishment that is maintained or operated for the amusement, patronage, or recreation of the general public, members, or paying customers, including: amusement arcades; bowling centers; skating rinks; theaters, motion picture, other than drive-ins, paintball, airsoft and other similar uses.

COMMERCIAL RECREATION, OUTDOOR

An outdoor establishment that is maintained or operated for the amusement, patronage, or recreation of the general public, members, or paying customers, including: amusement or water parks; fairgrounds; batting cages; billiard parlors; go-cart, motorcycle and similar small vehicle tracks; miniature golf courses; freestanding golf driving ranges, and other similar uses; paintball and airsoft facilities are included within this use.

COMMERCIAL SERVICES

Any activity involving the provision of services carried out for profit, either for a business customer or an individual, including but not limited to: building maintenance services; carpet and upholstery cleaning services; courier services; janitorial services; locksmith shops; packaging and labeling services; photocopying and duplicating services; photofinishing laboratories; and security and related services.

COMMON AREA

Land within a development, not individually owned or dedicated for public use, which is designed and intended for the common use or enjoyment of the residents of the development.

COMMUNICATION TOWER

A mast, pole, monopole, guyed or freestanding framework, or other vertical elements that act as an antenna or to which an antenna is affixed or attached.

COMMUNITY FOOD SERVICES

Establishments primarily engaged in the collection, preparation, and delivery of food for the needy. Establishments may also distribute clothing and blankets to the poor; prepare and deliver meals to persons who by reason of age, disability, or illness are unable to prepare meals for themselves; collect

and distribute salvageable or donated food; or prepare and provide meals at fixed or mobile locations. Food banks, meal delivery programs, and soup kitchens are included in this use type.

COMMUNITY GARDEN

A private or public facility for cultivation of fruits, flowers, vegetables, or ornamental plants by more than one person, household, family, or non-profit organization for personal or group use, consumption, or donation. Community gardens may be divided into separate plots for cultivation by one or more individuals or may be farmed collectively by members of the group and may include common areas maintained and used by group members.

COMMUNITY RECREATION CENTER

A place, building, area, or other facility used for providing social and recreation programs and facilities. The center may be private or public and may be designed to accommodate and serve specific residential developments or significant segments of the community.

COMPATIBLE

Design of structures and landscapes that are consistent with structures and landscapes in the district of which they are a part, based on an objective comparison of identified physical elements such as architectural form, building mass, height, scale, land uses, and landscape architecture, as determined by the Zoning Administrator.

COMPLETENESS DETERMINATION

A procedure for determining when a proposed application is complete. See Sec. 26-2.4(e).

COMPREHENSIVE PLAN

A plan for the development of Richland County, adopted by the Richland County Council, pursuant to Title 6, Chapter 29, of the South Carolina Code of Laws (South Carolina Local Government Comprehensive Planning Enabling Act of 1994). The comprehensive plan includes the following planning elements: a population element; an economic development element; a natural resources element; a cultural resources element; a community facilities element; a housing element; and, a land use element.

CONSTRUCTION AND INERT DEBRIS LANDFILL

A landfill used to dispose of construction and demolition type debris.

CONSTRUCTION SITE OFFICE AND STORAGE

A temporary office structure and one or more sheds used by for the staging, management, and security of new construction and for the storage of materials on an active construction site.

CONSUMER GOODS REPAIR

The maintenance and rehabilitation of consumer goods and appliances customarily used in the home, not including vehicle repair, commercial and industrial equipment repair, or specialized equipment repair.

CONSUMER GOODS STORE

An establishment of 90,000 square feet or less that sells consumer goods at retail, such as department stores; variety stores; apparel and accessory stores; used merchandise stores; tobacco products stores; newspaper and magazine stores; florists; retail nurseries and lawn and garden supply stores; paint, glass, and wallpaper stores; hardware stores; and furniture and home furnishing stores.

CONSUMER GOODS STORE, LARGE
An establishment larger than 90,000 square feet that otherwise meets the definition of "consumer goods store."

CONTIGUOUS
Abutting directly or immediately adjacent to a boundary or separated only by a right-of-way or water body.

CONTINUING CARE COMMUNITY
A development that provides a continuum of accommodations and care, from independent living to convalescence care and long-term skilled nursing care, and enters into contracts to provide lifelong care. A continuing care community typically includes a full range of living arrangements from independent living, congregate housing, residential care and skilled nursing and sometimes hospice care. Continuing care communities provide a range of ancillary facilities and services such as health care, meals with common dining facilities, physical therapy, education, recreation, and other social and cultural activities.

CONTRACTOR'S OFFICE
A building or portion of a building used by a building, heating and air conditioning, plumbing, or electrical contractor, or contractor providing similar services, both as an office and for the storage of a limited quantity of materials, supplies, and equipment inside the building. If outdoor storage of materials, supplies, or equipment is associated with the office, the use is considered a contractor's yard.

CONTRACTOR'S YARD
A lot or portion of a lot or parcel used for outdoor storage and maintenance of construction equipment and other materials and facilities customarily required in the building trade by a construction contractor.

CONVENIENCE STORE
A retail store of 5,000 square feet or less in gross floor area, which carries a range of merchandise oriented to daily convenience and travelers' shopping needs. These stores may be part of a gasoline service station or an independent facility.

CORNICE
A horizontal decorative projection located at the top of a building.

CORRECTIONAL FACILITY
A publicly or privately operated facility to house persons awaiting trial or persons serving a sentence after being found guilty of committing a crime.

COUNTY
Richland County, South Carolina.

COUNTY ADMINISTRATOR
The Richland County Administrator.

COUNTY COUNCIL
Richland County Council. See Sec. 26-2.3(a).

COUNTY ENGINEER
The Richland County Engineer. See Sec. 26-2.3(e)(4).

CRITICAL FACILITY

Structures or facilities that produce, use or store highly volatile, flammable, explosive, toxic and/or water-reactive materials; hospitals, nursing homes and housing likely to contain occupants who may not be sufficiently mobile to avoid death or injury during a flood; police stations, fire stations, vehicles and equipment storage facilities, and emergency operations centers that are needed for flood response activities before, during, and after a flood; and public and private utility facilities that are vital to maintaining or restoring normal services to flooded areas before, during and after a flood.

CRITICAL ROOT ZONE

The minimum area beneath a tree which should be left undisturbed in order to preserve a sufficient root mass to give a tree a reasonable chance of survival. This area is located within a distance of one foot for each one inch of tree diameter (measured at four and one-half feet above ground level) of the tree.

CROSS-ACCESS EASEMENT

An easement wherein a grantor conveys to a grantee, the grantee's heirs, successors in interest, and/or assigns, a perpetual nonexclusive easement that may include such matters as: vehicular and pedestrian access, ingress, egress; the location and amount of parking of vehicles; and/or landscaped areas; and/or any shared maintenance responsibilities.

CUL-DE-SAC

A road having one end open to traffic and the other end terminated by a vehicular turnaround; a dead-end street.

CULTURAL FACILITY

A facility for displaying or preserving objects of interest, or providing facilities for one or more of the arts or sciences, to the public (e.g. museum).

DAY CARE CENTER

A state licensed, registered or approved facility which provides care, supervision or guidance for any person who is not related by blood, marriage or adoption to the owner or operator of such a facility, whether or not the facility is operated for profit and whether or not the facility makes a charge for services offered by it. This definition includes but is not limited to day nurseries, nursery schools, pre-kindergarten programs, adult daycare centers, child day care centers, group day care homes and family day care homes. For purposes of this Ordinance, "day care center" does not include:

1. Any education facility, whether private or public, which operates solely for educational purposes for grades kindergarten or above.
2. Facilities operated in connection with a shopping center, industrial or office building or service, or other facility, where the same children are cared for while parents or custodians of the children are occupied on the premises or are in the immediate vicinity and immediately available.
3. Summer resident or day camps.

DAYS

Unless otherwise specified, days shall mean calendar days. See Sec. 26-9.1(d), Computation of Time.

DBH
Abbreviation for diameter at breast height.

DENSITY
The amount of development per a given space unit — for example, the number of dwelling units or gross-floor-area of commercial development per gross acre of land.

DEVELOPER
Any person acting on his or her own behalf as a property owner, or as an agent for a property owner, who makes application for development plan approval as set forth in this chapter.

DEVELOPMENT
Any of the following actions undertaken by a public or private individual or entity:

1. Any land altering activities associated with the division of a lot, tract, or parcel of land into two or more lots, plots, sites, tracts, parcels, or other divisions by plan or deed; or
2. Any human-made change to improved or unimproved real estate, including, but not limited to, buildings or other structures, clearing, mining, dredging, filling, grading, paving, berming, diking, excavation or drilling operations, or storage of equipment or materials.

DIAMETER AT BREAST HEIGHT (DBH)
The diameter of a tree measured in inches 54 inches above the ground. If the tree splits into multiple trunks at a height below 54 inches, but above the ground, the diameter is measured at the highest point beneath the split.

DORMITORY
A building or part of a building operated by an academic institution and containing rooms forming one or more habitable units that are used or intended to be used by enrollees or employees of the institution for living and sleeping, but are not fully self-contained residential facilities.

DRAINAGE
A general term applied to the outflow of water or other fluid from a given area, whether by natural means (surface water runoff) or artificial means (drains, grading, etc.).

DRAINAGE CHANNEL
Any natural or man-made conveyance for surface water, including open channels, enclosed storm sewers, streams, rivers, lakes, ponds, or marshes.

DRAINAGE CHANNEL, PRIMARY
A drainage channel, stream, or creek draining an area of 300 acres or more.

DRAINAGE SYSTEM
The surface and subsurface system for removal of water from the land, including both the natural elements of streams, marshes, swales, and ponds, whether of an intermittent or continuous nature; and the man-made elements such as improved open channels, culverts, retention facilities, and enclosed storm sewers.

DRIP LINE
The perimeter of a tree's spread measured at the outermost tips of the branches and extending downward to the ground.

DRIVE-THRU FACILITY
A facility used to provide products or services to customers who remain in their vehicles, whether through a window or door in a building, a machine in a building or detached structure (e.g., ATM), or via a mechanical device (e.g., a pneumatic tube system). In addition to the pick-up window or door, drive-through service facilities also may include remote menu boards and ordering stations. Use types that commonly have drive-through service include banks, fast food restaurants, and drugstores.

DRIVEWAY
Any paved or unpaved way that provides access to property and is intended for vehicular access from a highway, street, or road.

DRT (DEVELOPMENT REVIEW TEAM)
Abbreviation for Development Review Team. See Sec. 26-2.3(d).

DRUGSTORE
A retail store engaged in the filling and sale of prescription drugs and the sale of medical supplies, nonprescription medicines, and related goods and services. It may also sell nonmedical goods such as cosmetics, toiletries, cards, and candy. Accessory uses may include automated teller machines (ATMs) and facilities providing drive-through service.

DU
Abbreviation for dwelling unit.

DU/AC
Abbreviation for dwelling unit per acre, a measure of land development density. See Density.

DWELLING
Any building designed, occupied, or intended for human occupancy; provided, however, dwelling shall not include a hotel, motel, rooming house, hospital, or other accommodation used more or less for transient occupancy.

DWELLING, ACCESSORY
A secondary dwelling unit established in conjunction with and clearly subordinate to a principal dwelling unit, whether a part of the same structure as the principal dwelling unit or a detached dwelling unit on the same lot.

DWELLING, FOUR-FAMILY
A building, commonly known as a “fourplex” or “quadplex” that contains four dwelling units, is not physically attached to any other principal structure, and is not a townhouse dwelling.

DWELLING, LIVE-WORK
A building or portion of a building combining a dwelling unit with an integrated work space principally used by one or more of the dwelling unit residents.

DWELLING, MULTI-FAMILY
Any building or buildings containing more than two dwelling units on a single lot that is not otherwise listed as a use type, including apartments, condominiums, etc.

DWELLING, SINGLE-FAMILY DETACHED
A single-family dwelling unit that is not attached to any other dwelling unit by any means.

DWELLING, THREE-FAMILY
A building, commonly known as a "triplex" that contains three dwelling units, is not physically attached to any other principal structure, and is not a townhouse dwelling.

DWELLING, TOWNHOUSE
Three or more single-family dwelling units, with private entrances, which are part of a structure together where dwelling units are attached horizontally in a linear arrangement, having a totally exposed front and rear wall to be used for access, light and ventilation

DWELLING, TWO-FAMILY
A building, commonly known as a "duplex," that contains exactly two dwelling units and is not physically attached to any other principal structure.

EASEMENT
A grant or reservation by the owner of land for the use of such land by others for a specific purpose or purposes.

EFFECTIVE LOT AREA
The gross horizontal area of a lot minus any portion of the lot encumbered by a recorded driveway or roadway easement.

ELECTRIC VEHICLE CHARGING
A vehicle parking space served by an electrical component assembly or cluster of components assemblies (battery charging station) designed and intended to transfer electric energy by conductive or inductive means from the electric grid or other off-board electrical source to a battery or other energy storage device within a vehicle that operates, partially or exclusively, on electric energy.

- A Level 1 charging station is a slow-charging station that typically operates on a 15- or 20-amp breaker on a 120-volt Alternating Current (AC) circuit.
- A Level 2 charging station is a medium-speed-charging station that typically operates on a 40- to 100-amp breaker on a 208- or 240-volt Alternating Current circuit.
- A level 3 charging station is an industrial grade charging station that operates on a high-voltage circuit to allow for fast charging.

ELEMENTARY, MIDDLE, OR HIGH SCHOOL
A public or private institution that satisfies the compulsory education laws of the State of South Carolina for kindergarten through grade 12, or some combination of those included years.

ELEVATED BUILDING
A non-basement building having the lowest floor elevated above the ground level by means of fill, solid foundation perimeter walls, piling, columns, piers or shear walls parallel to the flow of water.

ENCLOSED BUILDING
See "building, enclosed."

ENCROACHMENT PERMIT
A permit issued by the County on county maintained roadways or by SCDOT on state maintained roadways to use a public right-of-way for any purpose.

ENCROACHMENT, FLOODPLAIN OVERLAY DISTRICT STANDARDS
The advance or progression of uses, fill, excavation, buildings, structures, or developments into a floodplain or floodway.

ENGINEER
A person practicing engineering and licensed in the State of South Carolina pursuant to the requirements of Section 40-22-10, et seq., of the South Carolina Code of Laws, as amended. Also encompasses "registered engineer," "professional engineer," and "registered professional engineer."

ENTITLED PROPERTY
Any property that, prior to January 19, 2010 has been subject to either "Permitted Development Activity" or a "Valid Government Approval." If a Permitted Development Activity or Valid Governmental Approval has occurred with respect to any tract and such tract was subsequently subdivided, or in the future is subdivided, by an approved subdivision plat, then all subdivided parcels that were part of the original tract shall be considered Entitled Property.

ENTRANCE, MAIN
The principal doorway into a building or structure through which the majority of public entry is obtained.

EPHEMERAL STREAM
A stream or reach of a stream that flows briefly only in direct response to precipitation in the immediate locality and whose channel is at all times higher than the water table.

EQUESTRIAN CENTER
A facility designed and intended for the instruction and display of equestrian skills—including, but not limited to, show jumping and dressage—and the hosting of events, competitions, exhibitions, or other displays of equestrian skills. Accessory uses include the caring for, breeding, boarding, dealing, selling, renting, riding, or training equines. It includes barns, stables, rings, paddocks, or other related accessory structures.

EROSION AND SEDIMENT CONTROL PLAN
A plan which adequately describes necessary land management practices and control measures, including a timetable or schedule for their installation, which will effectively minimize soil erosion and sedimentation; prepared and approved as provided herein for application to a particular land area. This plan shall be incorporated into the Stormwater Pollution Prevention Plan (SWPPP).

EXISTING MANUFACTURED HOME PARK OR MANUFACTURED HOME SUBDIVISION (FLOODPLAIN OVERLAY DISTRICT STANDARDS)
A manufactured home park or manufactured home subdivision for which the construction of facilities for servicing the lots on such manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of roads, and either final site grading or the pouring of concrete

pads) is completed before November 4, 1981, which is the initial effective date of floodplain management regulations adopted by Richland County.

EXPANSION TO AN EXISTING MANUFACTURED HOME PARK OR MANUFACTURED HOME SUBDIVISION

The preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of roads, and either final site grading or the pouring of concrete slabs).

FAA

Abbreviation for the Federal Aviation Administration.

FAÇADE

The front, side or rear faces of a building.

FAIR OR BETTER CONDITION

A tree is in fair or better condition if:

- Its trunk is relatively sound and solid with no extensive decay or hollow and less than 20 percent of the cambium is dead;
- It contains no more than one major and several minor dead limbs; and
- It has no major insect or pathological problem.

FAR

Abbreviation for floor-to-area ratio, a dimensionless measurement unit dividing gross floor area of a building, buildings, or portion of building by the land area of the property the building sits on.

FARM DISTRIBUTION HUB

A place where farmers can deliver agricultural products for pick-up by consumers or wholesalers, but not including a central place operated by a farm cooperative where farmers can deliver products for pick-up by consumers. Farm product distribution hub does not include such uses as stockyard, auction house, slaughterhouse, or cannery or other processing facility.

FARM SUPPLY AND MACHINERY SALES AND SERVICE

An establishment for the sale of plant seeds and bulbs, animal feed, fertilizer, herbicides and soil conditioners, fungicides and insecticides, and similar products to farmers; or for the sale, rental, and/or repair of equipment normally or routinely used on farms or gardens, and related parts, tools and accessories—but not of non-farm equipment or materials.

FARM WINERY

An agricultural processing facility located on a farm with a producing vineyard, orchard, or similar growing area and with facilities for fermenting and bottling wine on the premises where the owner manufactures wine and/or pomace brandy from fresh fruits or other agricultural products as allowable by State law. A farm winery includes crushing, fermenting and refermenting, bottling, blending, bulk and bottle storage, aging, shipping, receiving, laboratory equipment and maintenance facilities, administrative office functions and related agricultural tourism activities.

FARMERS' MARKET
A collection of vendors using private or publicly owned property or property owned by a not-for-profit organization for the sale of agricultural and horticultural products grown by the vendor, or for the sale of baked, canned, or preserved foods prepared by the vendor. If the farmers' market occurs regularly for all or most of the year, it is considered a principal use. If the farmers' market occurs only occasionally or periodically for only a limited time period during the year, it is considered a temporary use.

FARMERS' MARKET, TEMPORARY
A collection of vendors using private or publicly owned property or property owned by a not-for-profit organization for the sale of agricultural and horticultural products grown by the vendor, or for the sale of baked, canned, or preserved foods prepared by the vendor. If the farmers' market occurs regularly for all or most of the year, it is considered a principal use. If the farmers' market occurs only occasionally or periodically for only a limited time period during the year, it is considered a temporary use.

FEMA
Federal Emergency Management Agency

FENCE OR WALL
An artificially erected freestanding barrier used to enclose (and protect) an area, restrict or prevent access to an area, to conceal or screen an area, and/or for decorative purposes. A fence may be open or solid and generally consists of wood, metal, concrete, or plastic posts connected by boards, rails, panels, wire, or mesh. A wall is generally solid and consists of masonry, stone, brick, tile, concrete, or plaster. Natural growth barriers such as hedges are not considered fences or walls.

FILL (FLOODPLAIN OVERLAY DISTRICT STANDARDS)
The placement of material at a specified location to bring the ground surface up to a desired location.

FIFTY YEAR FREQUENCY RAINFALL
A rainfall of an intensity expected to be equaled or exceeded, on the average, once in 50 years.

FITNESS OR TRAINING CENTER/STUDIO
A non-medical service establishment intended to maintain or improve the physical condition of persons that contains exercise and game equipment and facilities, steam baths and saunas, or similar equipment and facilities, including active or fitness class facilities such as dance studios and martial arts instructional schools.

FLAG
A fabric, banner, or bunting containing distinctive colors, patterns or symbols displayed on a pole.

FLEA MARKET
A collection of vendors using stalls, booths, or tables for the sale of merchandise, collectibles, crafts, antiques, and other items, excluding automobiles, automobile parts, and nonportable household appliances.

FLEET TERMINAL
A central facility for the distribution, storage, loading and repair of commercial fleet vehicles, with or without associated dispatch services and offices. This definition includes central facilities for courier services; limousine services; taxi services; and similar fleet dependent services.

FLOOD
A general or temporary condition of partial or complete inundation of normally dry land areas, caused by the overflow of a watercourse or the unusual and rapid accumulation and/or runoff of surface waters from any source.

FLOOD COORDINATOR
The Richland County Flood Coordinator. See Sec. 26-2.3(e)(3).

FLOOD INSURANCE RATE MAP (FIRM)
An official map of a community on which the FEMA has delineated both the areas of special flood hazard and the risk premium zones applicable to the community.

FLOOD INSURANCE STUDY
An official report provided by FEMA. The report contains flood profiles, as well as the Flood Boundary Floodway Map and the water surface elevation of the base flood. A Flood Insurance Study may include a study using detailed hydrologic and hydraulic analyses to model the base flood, determine base flood elevations, and designate floodways and risk zones (Zones AE, A1-30, AH and AO).

FLOODPLAIN
The areas adjoining a river, stream, watercourse, lake, or other body of standing water that have been or may be covered by floodwater.

FLOODPLAIN DEVELOPMENT PERMIT
A permit for approving development in the FP-O Floodplain Protection Overlay district. See Sec. 26-2.5(j).

FLOODPROOFING (FLOODPLAIN OVERLAY DISTRICT STANDARDS)
Design and construction of nonresidential structures and attendant utility and sanitary facilities that are watertight to at least two feet above the base flood elevation. Walls are substantially impermeable to the passage of water and have structural components capable of resisting hydrostatic and hydrodynamic loads and the effects of buoyancy.

FLOOD PRONE AREA
The area of land susceptible to a flood.

FLOOD RESISTANT MATERIALS (FLOODPLAIN OVERLAY DISTRICT STANDARDS)
Any building material capable of withstanding direct and prolonged contact with flood waters without sustaining significant damage. The term “prolonged contact” means at least seventy-two (72) hours, and the term “significant damage” means any damage requiring more than low-cost cosmetic repair (such as painting).

FLOODWAY
The channel of a river or other watercourse and the adjacent land areas which must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot.

FLOOR (FLOODPLAIN OVERLAY DISTRICT STANDARDS)
For slab-on-grade type buildings or buildings with basements, the top surface of the slab or basement floor constitutes the lowest floor. For footing, foundation wall, or pile type buildings having crawl

spaces under the building with no basements, the top surface of the finished flooring above the horizontal joist, beam, or other supporting member constitutes the lowest floor.

FOOD TRUCK
Any readily movable mobile food service establishment, including vehicles that are self-propelled, pushed, or pulled to a specific location.

FOOT-CANDLE
A measure of light striking a surface one square foot in area on which one unit of light (lumen) is uniformly distributed.

FOOTPRINT, BUILDING
See "building footprint."

FORESTRY
Activity that involves timbering, including, but not limited to, harvesting, site preparation, controlled burning, tree planting, applications of fertilizers, herbicides, and pesticides, weed control, animal damage control, fire control, insect and disease control, forest road construction, any other generally accepted forestry practices, and forestry support activities.

FRATERNITY OR SORORITY HOUSE
A building used by a college or university fraternity or sorority as a principal place of residence for its members.

FRONTAGE
The frontage of a parcel of land is that distance where a property line is common with a road right-of-way line or an edge of traveled way.

FT
Abbreviation for feet, a measure of distance.

FUEL SALES
An establishment primarily engaged in the retail sale of bottled or bulk liquefied petroleum gas, fuel oil, coal, wood, or other fuels. This does not include gasoline service stations.

FULL CUT-OFF
A light fixture constructed and installed in such a manner that all light emitted by it, either directly from the lamp (bulb) or a diffusing element, or indirectly by reflection or refraction from any part of the fixture, is projected below the horizontal plane of the fixture.

FUNERAL HOME
A building used for human funeral services. A funeral home may contain facilities for:

1. Embalming and other services used in the preparation of the dead for burial;
2. The display of the deceased;
3. The performance of ceremonies in connection with a funeral;
4. The performance of autopsies and similar surgical procedures;
5. The sale and storage of caskets, funeral urns, and other related funeral supplies; and

6. The storage of funeral vehicles.

GARAGE/YARD SALE
The sale or offering for sale to the general public of over five items of personal property at one time on any portion of a lot containing a residential use, whether within or outside any building.

GARDEN CENTER OR RETAIL NURSERY
An establishment that specializes in the retail of nursery plants or related items, which may include: plants that have been grown on the property or imported, nursery products and stock, potting soil, and other gardening materials and equipment.

GFA
See "gross floor area."

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

GOLF COURSE
A tract of land laid out with a course for playing the game of golf, including any accessory clubhouse, driving range, office, restaurant, concession stand, picnic tables, pro shop, maintenance building, shelters, restroom facility, or similar accessory use or structure. The facility may also include public trails private trails, and golf cart paths.

GOVERNMENT OFFICE
A facility used for the conduct of business of a unit of government. For purposes of this Ordinance, "government office" includes offices of County, State, and federal government or their agencies that provide administrative and/or direct services to the public, executive offices, legislative offices, courts, post offices, school administrative facilities, and individual and family services.

GRAND TREE
A grand tree is any tree in fair or better condition that equals or exceeds the following diameter sizes:

- Large hardwoods (e.g. Oak, Hickory, Tulip Poplar, Beech) and Longleaf Pines: 24 inches DBH
- Large softwoods, other than Longleaf Pines (e.g. Pine, Deodar Cedar, Red Cedar): 30 inches DBH
- Small hardwoods (e.g. Dogwood, Eastern Redbud, American Holly, Southern Magnolia): 10 inches DBH

GREEN ROOF
A roof or portion of a roof that is covered with vegetation planted in a growing medium over a waterproofing membrane, and that may include additional layers, such as a root barrier, and drainage and irrigation systems.

GREENWAY
A linear area maintained as open space in order to conserve natural and/or cultural resources, and to provide recreational opportunities, aesthetic and design benefits, and linkages between open space and recreational facilities and between these facilities and their users.

GROCERY/FOOD STORE
A store that is primarily engaged in selling food at retail for home preparation and consumption, such as grocery stores, fruit and vegetable markets, and retail bakeries and other specialty food products stores. A grocery store or food market may sell non-food commodities, such as beverages, dairy, dry goods, fresh produce, and other perishable items, frozen foods, household products, and paper goods; may sell beer, wine, and/or liquor sales for consumption off the premises with the appropriate beverage license; may include a drugstore; may include a delicatessen, and prepare minor amounts of food on site for immediate consumption; and may have a restaurant as an accessory use.

GROSS FLOOR AREA (GFA)
The total horizontal area of all floors of a building, including interior balconies and mezzanines, measured from the exterior faces of the exterior walls of a building.

GROUP HOME, FAMILY

A residential home, provided by an agency, organization or individual, for mentally or physically handicapped persons and which is licensed by the State of South Carolina to provide such a service. A family group home houses at most 9 residents.

GROUP HOME, LARGE

A residential home, provided by an agency, organization or individual, for mentally or physically handicapped persons and which is licensed by the State of South Carolina to provide such a service. A large group home houses 10 to 15 residents.

HAZARDOUS WASTE COLLECTION, STORAGE, AND DISPOSAL
The collection, storage, and disposal of waste consisting of substances that, because of their quantity, concentration, or physical or chemical characteristics, pose a significant present or potential hazard to human health and safety or to the environment if released into the workplace or the environment.

HABITABLE FLOOR (FLOODPLAIN OVERLAY DISTRICT STANDARDS)
Any floor useable for living purposes, which include working, sleeping, eating, cooking and recreation, or any combination thereof.

HEAVY VEHICLE WASH
An establishment primarily engaged in cleaning or detailing large vehicles or commercial fleet vehicles not included in the definition of “car wash.”

HEIGHT, STRUCTURE (OR BUILDING)
See “structure, height.”

HIGH RISE STRUCTURE (OR BUILDING)
Any building which exceeds three stories and 35 feet in height.

HIGHEST ADJACENT GRADE
The highest natural elevation of the ground surface, existing prior to construction, next to the proposed walls of the structure.

HOA
Abbreviation for Homeowners Association.

HOME HOUSING FOR POULTRY
The keeping of poultry for domestic purposes and associated structures used for feeding, shelter and confinement.

HOME-BASED BUSINESS
An occupation, profession, or trade that is conducted within a dwelling unit by a resident of the dwelling unit as a use that is clearly incidental and subordinate to the residential purpose of the dwelling unit. A home-based business does not include any use that meets the definition of another accessory use listed in this Ordinance, including but not limited to, home-based day care or hosted home-based lodging.

HOME-BASED DAY CARE
An accessory use to a single-family dwelling that consists of the provision of childcare to up to five children who do not reside in the dwelling, or the provision of supportive services, health monitoring, protection, or supervision to up to five persons who are aged or infirm or persons with disabilities and who do not reside in the dwelling.

HOME-BASED LODGING
The provision of a dwelling or portion of a dwelling for transient occupancy. This use does not include a bed and breakfast.

HOME-BASED LODGING, HOSTED
The provision of a room or space that is suitable or intended for transient occupancy, as an accessory use to a dwelling, for a fee.

HOSPITAL
An institution receiving inpatients and outpatients, that renders medical care on a 24-hours-per-day basis. The use includes general hospitals, sanitariums, sanatoriums, and institutions in which service is limited to special fields, such as cardiac, eye, ear, nose and throat, pediatric, orthopedic, skin, cancer, mental, tuberculosis, chronic disease, and obstetrics. Hospital facilities may include rooms for patients, surgery facilities, laboratories, offices of medical practitioners, and facilities for outpatient care, ambulatory care, respite care, training, medical day care and day care for sick children, gift shops, restaurants, and other accessory uses. For purposes of this Ordinance, hospitals do not include daycare facilities, residential care facilities, or medical or dental clinics/offices.

HOTEL OR MOTEL
A commercial establishment offering transient lodging in ten (10) or more rooms, in which sleeping accommodations are offered to the public, where there may be access through an inside lobby or the office or individual entrances to separate units, and in which there may be a public dining room for the convenience of the guests.

HUNT CLUB

A private sporting club organized and operated for the purpose of lawfully hunting game and/or wildlife, with or without dogs, and whether on horseback, a motorized vehicle, or on foot. A hunt club may include primary and accessory structures, such as a clubhouse, kennels, stables, and storage facilities.

ILLEGAL DISCHARGE
Any activity that results in a discharge to a stormwater system or receiving waters that is not composed entirely of stormwater; provided, however, this does not include: (a) discharge pursuant to an NPDES

permit (other than the NPDES permit issued for the Richland County stormwater system and its co-permittees), (b) discharges resulting from fire-fighting activities, and (c) any activity specifically addressed in this Code of Ordinances or by Richland County as not being significant sources of pollution.

ILLEGAL DUMPING
The disposal of waste in an unpermitted area or the pouring of liquid wastes or trash into stormwater drains.

ILLICIT CONNECTION
A connection to a stormwater system that results in a discharge that is not composed entirely of stormwater run-off; provided, however, this does not include discharges pursuant to an NPDES permit (other than the NPDES permit issued for the Richland County stormwater system and its co-permittees).

ILLUMINANCE, HORIZONTAL
The intensity of artificial light falling on a horizontal surface, measured in foot candles.

ILLUMINANCE, VERTICAL
The intensity of artificial light falling on a vertical surface, measured in foot candles.

ILLUMINATION
The casting of artificial light onto the ground or another surface.

IMPERVIOUS SURFACE
Any hard-surfaced, man-made area that does not readily absorb or retain water, including, but not limited to, building roofs, parking and driveway areas, graveled areas, sidewalks and paved recreation areas.

IMPERVIOUS SURFACE RATIO
The ratio between the surface area of a lot that is covered by impervious surfaces compared to the total surface area of a lot.

IMPROPER DISPOSAL
Any disposal other than through an illicit connection that results in an illegal discharge, including, but not limited to, the disposal of used oil, toxic materials or other hazardous liquids or substances resulting from the improper management of these materials.

IMPROVEMENTS
Pavements, curbs, gutters, sidewalks, paths, bikeways, sedimentation control facilities, re-vegetation, water mains, sanitary and storm sewers, drainways, gas lines, electrical and telephone lines and appurtenances, street signs, trees and lights, and any other similar items required for compliance with the regulations of this Ordinance or the conditions of approval.

INDUSTRIAL ROAD
A road for which the intended use is somewhat less than that of an arterial road and somewhat greater than that of a collector road. Such roads will generally be located in industrial/commercial areas or be used to provide access for heavy vehicles or heavy vehicular volumes to such areas.

INFILL PARCEL
A parcel of land that is located within the infill target areas and is suitable for residential development of four dwelling units or less.

INFRASTRUCTURE
Facilities and services that are needed to sustain industry, residential, commercial, and all other land use activities, including water and sewer lines and other utilities, streets and roads, communications and public facilities, such as fire stations, parks, etc.

INTERPRETATION (PROCEDURE)
Procedure for a formal written interpretation of any provision in the Ordinance. See Sec. 26-2.5(q).

IRRIGATION
A permanent, underground watering system equipped with surface, subsurface or overhead emitters and which provides 100 percent water coverage.

JURISDICTIONAL LINE
A line identified or approved by the United States Army Corp of Engineers (USACE) describing areas to be protected under the Federal Clean Water Act.

KENNEL
An establishment where more than four animals commonly kept as pets, such as cats or dogs, are boarded overnight. This does not include a veterinary hospital or clinic that provides boarding of animals as a regular, but not primary, focus of its business.

LAND
Any ground, soil, or earth including marshes, swamps, drainage-ways and areas not permanently covered by water.

LAND DEVELOPMENT MANUAL
The Land Development Manual for Richland County, which establishes minimum standards for design and construction of site grading and land development and re-development projects within the unincorporated areas of Richland County and other municipalities as approved by the Richland County Council, and which contains the policies and procedures used by the Richland County Public Works Department and the Community Planning and Development Department.

LAND DEVELOPMENT PERMIT
A document signed by an authorized county official, as required in this chapter, as a condition precedent to the commencement of a use or the erection, construction, reconstruction, restoration, alteration, conversion or installation of a structure or building, which document acknowledges that such use, structure, or building complies with the provisions of this chapter or an authorized variance therefrom. See Sec. 26-2.5(e).

LAND DEVELOPMENT PERMIT, MAJOR
The review of projects, exclusive of residential and commercial subdivisions, involving one or more of the following: one hundred thousand (100,000) or more square feet of nonresidential floor space; one hundred and fifty (150) or more multi-family residential units, lots or manufactured home spaces in a manufactured home district; and/or the dedication of new public road segments or the dedication to the county of land for open space or other public purposes. See Sec. 26-2.5(e)(2)b.

LAND DEVELOPMENT PERMIT, MINOR
The review of projects, exclusive of residential and commercial subdivisions, which do not meet the standards for applicability for "major land development review," but still require approval of a land development permit. See Sec. 26-2.5(e)(2)b.

LAND DISTURBANCE
Any activity involving the clearing, grading, transporting, filling, and/or any other activity which causes the land to be exposed to the dangers of erosion.

LAND DISTURBANCE PERMIT
A certificate issued by Richland County to perform work pursuant to an approved SWPPP prepared under the provisions of this chapter. It is issued after DHEC issues coverage under an NPDES General Permit for Large and Small Construction Activities. Sec. 26-2.5(k).

LAND SURVEYOR
A person currently licensed pursuant to the requirements of Section 40-22-10, et. seq., of the South Carolina Code of Laws, as amended.

LANDOWNER
A person who holds legal title to a property or the authorized agent of such a person.

LANDSCAPE ARCHITECT
A person practicing landscape architecture and licensed in the State of South Carolina pursuant to the requirements of Section 40-28-10, et. seq., of the South Carolina Code of Laws, as amended.

LARGE VEHICLE AND COMMERCIAL AND INDUSTRIAL EQUIPMENT REPAIR
Repair, rebuilding, and painting of agricultural, commercial, industrial, railroad or similar large vehicles, motors, machines, implements, and equipment.

LAWN, TREE, OR PEST CONTROL SERVICES
An establishment primarily engaged in providing lawn care services (e.g., mowing, aeration, seeding, fertilizer, landscaping), tree services (e.g. pruning, removal), or pest control services (e.g., inspection, extermination).

LDC
Abbreviation for this document, the Land Development Code.

LDM
Abbreviation for the Land Development Manual.

LEVEE
A man-made structure, usually an earthen embankment, designed and constructed in accordance with sound engineering practices to contain, control, or divert the flow of water so as to provide protection from temporary flooding.

LEVEL OF SERVICE (LOS)
A qualitative term describing how the traffic flow on a given road segment is perceived by its users, i.e. good conditions = A or B; tolerable conditions = C or D; and intolerable conditions = E or F. This relationship is measured by its current traffic volume to its engineering designed traffic volume ratio.

LOS A = a v/c ratio of 0.00 to 0.49 LOS B = a v/c ratio of 0.50 to 0.74

LOS C = a v/c ratio of 0.75 to 1.00 LOS D = a v/c ratio of 1.01 to 1.15

LOS E = a v/c ratio of 1.16 to 1.34 LOS F = a v/c ratio of 1.35 plus

LIBRARY
A facility for the use, but not sale, of literary, historical, scientific, musical, artistic, or other reference materials. Accessory uses include offices and storage facilities used by staff and meeting rooms.

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

LIGHTING, INTERNAL
For purposes of Sec. 26-5.11, Exterior Lighting, only, artificial lighting provided either through lighting on the sign face or though lighting within a sign made of transparent or translucent material.

LIMITED FUEL/OIL/BOTTLED GAS DISTRIBUTION
The distribution, for compensation, of fuel oil or bottled gases such as propane of liquid petroleum in containers no greater than five gallons in volume.

LIMITED STORAGE (FLOODPLAIN OVERLAY DISTRICT STANDARDS)
An area used for storage and intended to be limited to incidental items that can withstand exposure to the elements and have low flood damage potential. Such an area must be of flood resistant or breakaway material, void of utilities (except for essential lighting), and cannot be temperature controlled.

LINEN OR UNIFORM SUPPLY
Establishments primarily engaged in supplying to commercial establishments or household users, on a contractual basis, such laundered items as uniforms, other work-related clothing, gowns, table linens, bed linens, towels, and similar items.

LOADING AREA
Off-street space used for the parking of a vehicle while loading or unloading merchandise or materials.

LOADING BERTH
Space within the Loading Area where a vehicle is parked during the loading or unloading process.

LOCAL ROAD, COMMERCIAL
A road in a commercial area used primarily for access to abutting properties and to feed traffic to collector roads. This classification includes roads located parallel and adjacent to limited access roads or highways that provide access to abutting commercial properties and protection from through traffic.

LOCAL ROAD, RESIDENTIAL
A road in a residential area used primarily for access to abutting properties and to feed traffic to collector roads. This classification includes roads located parallel and adjacent to limited access roads or highways that provide access to abutting residential properties and protection from through traffic. Average daily traffic is less than two thousand (2,000) vehicles.

LOOP LANE
A roadway that arches away from a road and re-intersects the same road at some distance away from the "first" intersection.

LOT
A parcel of land clearly defined by plat or by metes and bounds description and held, or intended to be held, in separate lease or ownership.

LOT AREA
The horizontal area within the exterior lines of a lot.

LOT COVERAGE
A measure of intensity of land use that represents the portion of a site that is impervious (i.e., does not absorb water). This portion includes, but is not limited to, all areas covered by buildings, parked structures, driveways, roads, sidewalks, and any area of concrete asphalt.

LOT FRONTAGE
That part of a lot (a lot line) abutting on a road.

LOT WIDTH
The distance between straight lines connecting front and rear lot lines at each side of a lot. See Sec. 26-9.2(a)(3).

LOT, ADJACENT
A lot that is contiguous to another lot.

LOW IMPACT DEVELOPMENT
Systems and practices that use or mimic natural processes that result in the infiltration, evapotranspiration, or use of stormwater as close to its source as possible.

LOWEST FLOOR
The lowest floor of the lowest enclosed area. Any unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access, or limited storage in an area other than a basement area, is not considered a building's lowest floor provided that such an enclosure is not built so as to render the structure in violation of other provisions of this chapter.

LUMEN (PHOTOTOPIC LUMEN)
The measure of brightness of the illumination exiting a bulb, provided by a manufacturer.

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

LUMINAIRE
The complete lighting unit, including the lamp, fixture, pole, and/or other parts. Luminaire heights are measured from ground level to the top of the luminaire.

MANUFACTURED HOME
A factory-built, single-family structure that is manufactured under the authority of 42 U.S.C. Sec. 5401, the National Manufactured Home Construction and Safety Standards Act, is transportable in one or more sections, is built on a permanent chassis and is used as a place of human habitation. The term "manufactured home" shall not include prefabricated modular dwellings placed on permanent

foundations, nor shall it include travel trailers, campers, or similar units designed for recreation or other short term uses.

MANUFACTURED HOME PARK

A lot used, designed or intended to be used for the purpose of supplying a parking space for two or more occupied manufactured homes for rent or sale, and which includes buildings, structures, vehicles, or enclosures used or intended to be used as part of that manufactured home park. Sales or storage lots for unoccupied manufactured homes are not considered to be manufactured home parks.

MANUFACTURED HOME SALES

A facility that is engaged in the sales or installation of manufactured homes.

MANUFACTURING, ASSEMBLY, AND FABRICATION, GENERAL

An establishment primarily engaged in manufacture of large base sector products, or that typically produces noise, smoke, vapors, fumes, dust, glare, odor, or vibration, including but not limited to production of: apparel; beverage, soft drink and water; dairy products; dolls, toys, and games; fabricated metal products; food manufacturing, not otherwise listed; furniture and related products; glass and glass products; jewelry and silverware; leather and allied products (no tanning); machinery; manufacturing, not otherwise listed; office supplies (not paper); paper products (no coating and laminating); soap, cleaning compounds, and toilet preparations; sporting and athletic goods; textile product mills; transportation equipment; and wood products, excluding chip mills.

MANUFACTURING, ASSEMBLY, AND FABRICATION, INTENSIVE

An establishment primarily engaged in manufacturing that regularly uses hazardous chemicals or procedures or produce hazardous byproducts, including but not limited to: animal food; animal slaughtering and processing; beverage, other than soft drink and water, and tobacco; cement and concrete products; chemicals and chemical products; clay products; leather and hide tanning and finishing; lime and gypsum products; paint, coating, and adhesives; paper products (coating and laminating); petroleum and coal products manufacturing; primary metal manufacturing; pulp, paper, and paperboard mills; rubber and plastic products; seafood product preparation and packaging; and textile mills; wood products, and chip mills.

MANUFACTURING, ASSEMBLY, AND FABRICATION, LIGHT

An establishment primarily engaged in manufacturing uses that involve the mechanical transformation of predominantly previously prepared materials into new products, including assembly of component parts and the creation of products for sale to the wholesale or retail markets or directly to consumers. Such uses are wholly confined within an enclosed building, do not include processing of hazardous gases and chemicals, and do not emit noxious noise, smoke, vapors, fumes, dust, glare, odor, or vibration. Including but not limited to: bakeries, manufacturing; computer, appliance, and electronic products; medical equipment and supplies; printing and publishing; signs.

MARINA

A waterfront facility which provides for the berthing, mooring, or water storage of boats. The use may include the sale of fuel and incidental supplies for the boat owners, crews and guests.

MASONRY WALL

A wall constructed of brick, stone or stucco.

MAX.
Abbreviation for maximum.

MAXIMUM EXTENT PRACTICABLE
No feasible or practical alternative exists, as determined by the decision-maker, and all possible efforts to comply with the standards or regulation to minimize potential harmful or adverse impacts have been undertaken by an applicant. Economic considerations may be taken into account but shall not be the overriding factor in determining "maximum extent practicable."

MEDICAL, DENTAL, AND HEALTH PRACTITIONER
A small-scale facility or office where patients are admitted for examination and treatment by one or more physicians, dentists, or other health practitioners on a short-term basis. The use includes the offices of physicians, dentists, chiropractors, optometrists, podiatrists, audiologists, speech pathologists, physical therapists, therapeutic massage clinics, acupuncturists, psychologists, and other health practitioners. It also includes facilities providing short-term outpatient care and treatment (which may or may not be overnight), such as urgent care centers, kidney dialysis centers, ambulatory surgical clinics, outpatient pain therapy clinics, biofeedback centers, sleep disorder clinics, family planning clinics, community health clinics, health maintenance organization (HMO) medical clinics, drug and alcohol treatment facilities, and hospice care facilities. Such facilities that provide overnight care and treatment may include sleeping rooms for care workers and members of patients' families. This use does not include hospitals (which are much larger in scale).

MEMBERSHIP ORGANIZATION FACILITY
Establishments primarily engaged in promoting the civic and social interests of their members. Such establishments must be incorporated and operating as not-for-profit organizations.

MIN.
Abbreviation for minimum.

MINING/EXTRACTION
The extraction of rock, sand, or gravel from a mine and/or the process of crushing of mined sand or gravel material, screening the materials by size and washing them with the use of water sprays, and stockpiling and dewatering them.

MIXED-USE DEVELOPMENT
A tract of land or structure developed for both residential and nonresidential uses. Such uses may be vertically integrated within a multi-story building or horizontally integrated within a single story building or on a lot or development site.

MONUMENT
A permanent marker, used to identify the boundary lines of any lot, parcel, tract, street lines, or survey control points.

MOTOR FREIGHT FACILITY
A facility for the refueling, parking, and minor servicing of tractor trailer trucks and similar heavy commercial vehicles during their transport of goods. Such a facility may include the sale of accessories and equipment for such vehicles and overnight accommodations, showers and restaurant facilities primarily for the use of truck crews.

MULTIMODAL
The development of transportation facilities, regulations, and designs that provide safe and efficient access to the transportation network for multiple forms of transportation, including pedestrians, bicycles, transit vehicles, emergency vehicles, and motor vehicles.

MULTI-USE TRAIL
A path physically separated from motor vehicle traffic by an open space or barrier and either within a highway right-of- way or within an independent right-of- way. A multi-use path is used by bicyclists, pedestrians, joggers, skaters, and other non-motorized travelers.

NEW CONSTRUCTION (FLOODPLAIN OVERLAY DISTRICT STANDARDS)
For purposes of floodplain management, a structure for which the start of construction commenced on or after November 4, 1981, or any subsequent improvements to any structure.

NEW DEVELOPMENT
Development of a site not previously developed or redevelopment of a site previously developed.

NEW MANUFACTURED HOME PARK OR NEW MANUFACTURED HOME SUBDIVISION (FLOODPLAIN OVERLAY DISTRICT STANDARDS)
This term shall mean a manufactured home park or manufactured home subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of roads, and either final site grading or the pouring of concrete slabs) is completed on or after November 4, 1981.

NIT
A unit of illuminance equivalent to one candela per square meter (cd/m^2).

NONCONFORMING LOT
A lot that does not meet the minimum requirements for the zoning district in which it is located. See Sec. 26-7.4.

NONCONFORMING OFF-STREET PARKING AND LANDSCAPING
Off-street parking or landscaping that does not meet the requirements for the zoning district or use of the land in which it is located. See Sec. 26-7.6.

NONCONFORMING SIGN
A sign that does not meet the requirements for the zoning district or use of the land in which it is located. See Sec. 26-7.5.

NONCONFORMING STRUCTURE
A structure that does not meet the minimum requirements for the zoning district in which it is located.

NONCONFORMING USE
A use which would not be permitted in the zoning district in which it is located. See Sec. 26-7.2.

NONCONFORMITY
A legal use, structure, lot, development, and/or feature which existed prior to the adoption of this Ordinance or any amendment thereto, that does not presently conform to standards in this Ordinance.

NON-DEPOSITORY PERSONAL CREDIT INSTITUTION
An establishment that provides loans to individuals with personal checks or titles as collateral, but that does not engage in deposit banking. Examples include payday and title loan establishments.

NON-HAZARDOUS WASTE COLLECTION, STORAGE, AND DISPOSAL
A landfill or other facility that collects, stores, and disposes of municipal solid waste (household waste), but cannot accept infectious waste or hazardous waste. This use does not include construction and inert debris landfills, scrapyards, or recycling activities.

NON-STORMWATER DISCHARGE
Any discharge to the stormwater system that is not comprised entirely of stormwater.

NPDES
National Pollutant Discharge Elimination System; an acronym used to describe the national program for issuing, modifying, revoking and reissuing, terminating, monitoring and enforcing permits, and imposing and enforcing pretreatment requirements, under Secs. 307, 402, 318, and 405 of the federal Clean Water Act.

NPDES STORMWATER PERMIT
The permit issued by DHEC under the primacy authority from the U.S. Environmental Protection Agency (EPA) that authorizes the discharge of pollutants, in this case stormwater, to waters of the United States, whether the permit is applicable on an individual, group, or general area-wide basis. (Ord. 006-10HR; 1-19-10)

NURSING CARE FACILITY
A facility where inpatient nursing and rehabilitative services are provided to patients who require continuous health care, but not hospital services.

OFFICE
An establishment characterized by activities generally focusing on business, professional, insurance, or financial services conducted in an office setting. Examples include advertising agencies, graphic design services, computer and data processing services, legal services, accounting services, financial services, engineering services, and architectural services. Accessory uses may include cafeterias, health facilities, parking, or other amenities primarily for the use of employees in the firm or building.

ONE HUNDRED YEAR RAINFALL
A rainfall of an intensity expected to be equaled or exceeded, on the average, once in 100 years.

ON-SITE STORMWATER MANAGEMENT
The design and construction of a stormwater management facility within and for a single development.

OPEN SPACE
Land areas that are not occupied by buildings, structures, impermeable areas, streets, alleys, or required buffer transition and street protective yards.

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

ORDINANCE
When capitalized as "the Ordinance," this document.

OUTDOOR POWER EQUIPMENT STORE
An establishment primarily engaged in the retail sale of household and gardening power equipment and machinery.

OUTDOOR SEATING
The provision of on-site outdoor seating areas by an eating or drinking establishment where food and/or beverages are served for consumption. This accessory use also may include outdoor seating areas on public sidewalks in front of the establishment.

OUTDOOR STORAGE
An unroofed area used for the long-term deposit (more than 24 hours) of any goods, material, merchandise, vehicles, or junk as an accessory use to and associated with a nonresidential use on the property.

OVERLAY DISTRICT
A zoning district that prescribes special regulations to be applied to a site in combination with the base or underlying district.

OWNER
Any person, agent, firm, or corporation having a legal or equitable interest in the property.

OWNER/OPERATOR
For the purpose of this Ordinance and in the context of stormwater associated with construction activity, means any party associated with a construction project that meets either of the following two criteria:

1. The party has operational control over construction plans and specifications. Note: A party has "operational control over construction plans and specifications" if they have the authority to prepare or modify SWPPPs; or
2. The party has "operational control over day-to-day activities" at a Project that are necessary to ensure compliance with a SWPPP for the Site or other permit conditions (e.g., they are authorized to direct workers at a Site to carry out activities required by the SWPPP or comply with other permit conditions). This definition is provided to inform permittees of the EPA's interpretation of how the regulatory definitions of "Owner or Operator" and "facility or activity" are applied to discharges of storm water associated with construction activity.

PARAPET
That portion of a wall that extends above the roof line.

PARK OR GREENWAY
A park consists of land used for recreation, exercise, sports, education, rehabilitation, or similar activities, or a land area intended to enhance the enjoyment of natural features or natural beauty, specifically excluding commercially operated amusement parks. A public park that includes athletic fields, swimming pools, playgrounds, and similar facilities is included in this definition. A greenway is a

linear area maintained as open space to provide linkages between open space and recreational facilities and between these facilities and their users (see definition of "greenway").

PARKING BAY
The portion of an off-street parking area consisting of one row of parking spaces or stalls and the aisle from which motor vehicles enter and the leave the spaces.

PARKING LOT
See "Vehicular surface area."

PARKING LOT, PRIMARY
The parking lot that contains the majority of the required parking spaces for a business, institution, or other type of use.

PARKING SPACE, OFF-STREET
An area designated for temporary storage of one motor vehicle that is located outside of a dedicated street right-of-way, vehicular travel way, or parking aisle.

PARKING, COMMERCIAL
A structure or off-street, hard-surfaced, ground level area composed of one or more levels or floors that is used exclusively for the temporary storage of motor vehicles. A parking structure may be totally below grade or partially or totally above grade, with levels either being open to the sides (deck) or enclosed (garage).

PARKING, OFF-SITE
Land within a certain distance of a feet of a use (measured by the actual desistance of the pedestrian walkway from the parking area to the primary pedestrian entrances), utilized to fulfill the parking requirements set forth in Sec. 26-5.2, Off-Street Parking and Loading.

PARKING, OFF-STREET
Space occupied by automobiles for parking on premises other than streets or roads.

PARKING, OVERFLOW
Parking areas designed to handle parking that is unusual for a particular use and happens only on rare occasions such as special events.

PARKING, SHARED
A parking area used jointly by two or more uses.

PASSENGER TERMINAL, SURFACE TRANSPORTATION
Any structure or transit facility that is primarily used as part of a transit system for the purpose of loading, unloading, or transferring of passengers or accommodating the movement of passengers from one mode of transportation to another. This use does not include bus stops.

PAWNSHOP
An establishment that: 1) lends money on the security of tangible personal property, other than vehicles requiring a license under State Law, choses in action, title, securities, or printed evidences of indebtedness, that is deposited with or left in the possession of a pawnbroker, or 2) purchases tangible personal property on condition that it may be redeemed or repurchased by the seller for a fixed price within a fixed period of time.

PEAK HOUR TRIPS
The estimated average hourly traffic on a given roadway at the peak times of day, generally 7:00 – 9:00 am for AM Peak Hour Trips, and 4:00 – 6:00 PM for PM Peak Hour Trips.

PEDESTRIAN LEVEL BUILDING FAÇADE
The portion of a building façade extending from the average finished ground elevation at the base of the façade to a height of eight feet above that elevation.

PERFORMING ARTS CENTER
A facility for the viewing of live performances of theater, dance, music, or other similar arts.

PERSON
Any individual or group of individuals, partnership, association, corporation, company, firm, joint venture, trust, estate, commission, board, public or private institution, utility, cooperative, interstate body, any governmental or quasi-governmental entity, or other legal entity.

PERSONAL SERVICES
Establishments primarily engaged in the provision of frequent or recurrent needed services of a personal nature, such as barber shops, beauty salons, clothing alterations and repairs, footwear repairs, furniture repair shops and upholstery, laundry and dry cleaning, picture framing, tanning salons, taxidermists, watch and jewelry repair, and weight reducing centers.

PET GROOMING
An establishment where a pet animal may be cleaned, styled or otherwise have its appearance maintained. This does not include boarding facilities such as kennels.

PETROLEUM PRODUCTS WHOLESALE SALES
A permanent facility for the storage of gasoline, propane, butane, or other petroleum products offered for wholesale distribution (not for direct sale to the general public).

PILASTER
An element used to give the appearance of a supporting column and to articulate an extent of wall, with only an ornamental function.

PLACE OF WORSHIP
A structure (or structures) and the parcel on which it is located, in/on which persons regularly assemble for religious worship. The term “place of worship” shall not include accessory uses such as day cares, schools, thrift shops, and other facilities designed for ministries incidental to the use as a place of worship. Family life centers, church offices, regular worship (“Sunday School”) classrooms and fellowship halls are considered accessory uses and part of a “place of worship”.

PLANNED DEVELOPMENT
Developments having a mix of uses that are planned and developed under unified control and in accordance with more flexible standards and procedures in order to achieve innovative site design. See Sec. 26-2.5(c).

PLANNING COMMISSION
The Richland County Planning Commission. See Sec. 26-2.3(b).

PLANNING DEPARTMENT
The Richland County Community Planning and Development Department.

PLANNING DIRECTOR
The Director of the Richland County Planning and Development Services Department. See Sec. 26-2.3(e)(1).

PLAT
A map, or delineated representation of the subdivision of lands, prepared by a surveyor licensed in South Carolina, being a complete and exact representation of the subdivision or parcel and including other information, which is in compliance with all the relevant requirements of this Ordinance and other County statutes, laws and regulations.

PLAT, FINAL
A set of drawings, and other documentation, prepared in compliance with the requirements of this Ordinance and that are presented for final approval and recordation by the county.

POLLUTANT
Dredged spoil; solid waste; incinerator residue; sewage; garbage; sewage sludge; munitions; medical waste; chemical wastes; biological materials; radioactive materials; heat; wrecked or discarded equipment; rock; sand; cellar dirt; municipal, agricultural and industrial waste; and certain characteristics of wastewater (e.g. the measure of acidity or basicity of a solution (pH), temperature, Total Suspended Solids (TSS), turbidity, color, Biological Oxygen Demand (BOD), Chemical Oxygen Demand (COD), toxicity, or odor). A foreign substance, that if permitted to get into the public water system, will degrade its quality so as to constitute a moderate hazard, or impair the usefulness or quality of the water to a degree which does not create an actual hazard to the public health but which does adversely and unreasonably affect such water for domestic use.

PORTABLE STORAGE CONTAINER
A purpose-built, fully enclosed, box-like container designed for temporary storage and transport of household goods and other personal property. Such containers are uniquely designed for ease of loading to and from a transport vehicle.

POST-DEVELOPMENT
Land surface conditions as changed due to development.

POULTRY FARM
A tract of land devoted to raising poultry.

POWER GENERATION FACILITY
A facility for the generation of electricity at utility scale, that is not a large scale solar or wind energy conversion system.

PRE-APPLICATION CONFERENCE
A procedure for an applicant to determine submission requirements, procedures and standards applicable to an anticipated application. See Sec. 26-2.4(c).

PRE-APPLICATION NEIGHBORHOOD MEETING
A procedure for educating owners and residents of nearby land about a proposed application. See Sec. 26-2.4(b).

PRE-DEVELOPMENT
Natural or existing land surface conditions prior to proposed development.

PRESERVE
Land set aside for protection and propagation.

PRIMARY ENTRANCE
A place of ingress and egress to a building, parcel, or development used by the public and facing the street from which the structure obtains its street address.

PRIMARY SURFACE
A surface longitudinally centered on a runway.

PRIMARY SURFACE (JIM HAMILTON-L.B. OWENS AIRPORT)
The primary surface extends two hundred feet beyond each end of the runway. The elevation of any point on the primary surface is the same as the elevation of the nearest point on the runway centerline. The width of the primary surface is 500 feet.

PRIMARY SURFACE (MCENTIRE AIR NATIONAL GUARD BASE)
The primary surface for military airports is located on the ground or water longitudinally centered on each runway with the same length as the runway. The width of the primary surface for runways is 2,000 feet.

PRIVATE ROADWAY
An area of land that is privately owned, provides vehicular access to residential lots, and has not been dedicated; or a private right-of-way created by recorded easement, or other instrument, where no recording has taken place, or no right of interest has accrued to the public and has not been designated as part of the county road maintenance system.

PRIVATE ROADWAY
An area of land that is privately owned, provides vehicular access to residential lots, and has not been dedicated; or a private right-of-way created by recorded easement, or other instrument, where no recording has taken place, or no right of interest has accrued to the public and has not been designated as part of the county road maintenance system.

PRODUCE STAND
A building or structure used for the retail sales of fresh fruits, vegetables, flowers, herbs or plants grown on the same parcel of land where the stand is located. Such use may also involve the accessory sales of other unprocessed foodstuffs, home processed food products such as jams, jellies, pickles, sauces or baked goods, and homemade handicrafts. Such uses also include “pick your own” establishments where customers gather their own produce from the fields for purchase and off-site consumption. A produce stand may be either a principal use operated seasonally or an accessory use.

PUBLIC NUISANCE

For purposes of Sec. Sec. 26-5.12(b), Stormwater Management, only, (a) Any condition that constitutes a breeding ground or harbor for rats, mosquitoes, harmful insects or other pests; (b) An open place containing a concentration of combustible items such as mattresses, boxes, paper, automobile tires and tubes, garbage, trash, refuse, brush, old clothes, rags, or any other combustible materials or objects of a like nature; (c) Any open place containing a collection of garbage, food waste, animal waste, or any other rotten or putrescible matter of any kind; (d) Any open place containing furniture, appliances, or metal products of any kind or nature which have jagged edges of metal or glass or areas of confinement; (e) Any condition which blocks, hinders or obstructs in any way the natural flow of streams, creeks, surface water, ditches, or drains, to the extent that the blockage or hindrance or obstruction creates standing or stagnant water.

PUBLIC RECREATION FACILITY

Facilities, other than parks, owned or controlled by a public entity for the purpose of providing recreational pursuits. Public recreation shall include such facilities as swimming pools, gymnasiums and indoor tracks.

PUBLIC SAFETY FACILITY

A police station, fire station, ambulance service facility, or other emergency medical service facility.

PUBLIC WORKS DEPARTMENT

The Richland County Public Works Department.

RACETRACKS AND DRAG STRIPS

A facility containing a roadway that is used primarily for automobile, animal, and/or motorcycle racing. A racetrack may include seating, concession areas, and parking facilities along with accessory offices.

RADIO OR TELEVISION BROADCASTING FACILITY

Commercial and public communications uses including radio and television broadcasting and receiving stations and studios, with facilities entirely within buildings.

RAIL TRANSPORTATION FACILITY

An area and related facilities connected with the loading, unloading, assembly, or disassembly of trains, including without limitation passenger or freight terminals, operations and maintenance shacks, train sheds, and classification yards.

REAL ESTATE OFFICE (MODEL HOME/UNIT)

A dwelling, dwelling unit, or other marketable unit of a new development that is used for real estate sales or leasing activities associated with the development pending construction of the development and the initial sales of homes or units in the development.

REAL ESTATE OFFICE (TRAILER OR MODULAR UNIT)

A construction trailer, modular building, or other similar building constructed off-site and temporarily placed within a new development for the purpose of real estate sales or leasing activities associated with the project pending construction of the development and the initial sales of homes or units in the development.

RECREATION, ACTIVE
For purposes of Sec. 26-5.4, Open Space Set-Asides, diversions or pastimes that typically include athletic games or other vigorous physical activities and specialized equipment or facilities, such as ballfields, playgrounds, tennis courts, pools, jogging trails, community buildings and clubhouses, and land dedicated for parks.

RECREATION, PASSIVE
For purposes of Sec. 26-5.4, Open Space Set-Asides, leisure activities and pastimes that require minimal movement of people, such as wildlife observation, sitting, walking, and other leisurely pastimes. Such activities do not require athletic fields or courts, playground equipment, swimming pools, or similar specialized equipment or facilities, but may make use of walking trails, pathways, arranged plantings, gardens, community gardens, green roofs, gazebos, and similar features.

RECREATIONAL VEHICLE
A vehicular-type unit primarily designed as temporary living quarters for recreational, camping, or travel use, which either has its own motive power or is mounted on or drawn by another vehicle. For the purposes of floodplain management, recreational vehicle is defined as: a vehicle which is: (a) built on a single chassis; (b) 400 square feet or less when measured at the largest horizontal projection; (c) designed to be self-propelled or permanently towable by a light duty truck/light duty vehicle as defined by South Carolina Department of Motor Vehicles; and, (d) designed primarily not for use as a permanent dwelling, but as temporary living quarters for recreational, camping, travel, or seasonal use.

RECYCLING COLLECTION STATION
A location providing designated containers (commonly known as drop-off stations) for the collection of recyclable materials. Materials are stored in containers temporarily until they are transported to a separate processing facility.

RECYCLING SORTING FACILITY
A facility for the sorting, processing, assembling, packaging, baling and storage of recyclable materials.

REGISTER OF DEEDS
The Register of Deeds for Richland County, South Carolina, or the Register of Deeds for Lexington County, South Carolina.

REGULATORY FLOODWAY
The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation by more than one foot, as identified on an official Flood Insurance Rate Map or other available information.

REMEDIATION SERVICES
An establishment providing cleanup of contaminated buildings, soil, or groundwater, which may include abatement of biohazards, asbestos, lead, or other contaminants.

RENTAL CENTER
An establishment that offers home furnishings, appliances, televisions and other electronics, and similar household goods and equipment to the public for rent.

REPETITIVE LOSS
Flood-related damages sustained by a structure on two separate occasions during a ten year period for which the cost of repairs at the time of each such flood event, on the average, equals or exceeds 25 percent of the market value of the structure before the damage occurred.

RESIDENTIAL FOOTPRINT (LOT COVERAGE)
This includes all the areas of a parcel (lot) covered by buildings and other structures with surfaces greater than 36 inches above the finished and natural grade with the exception of covered front porches, pergolas, porticos, balconies, overhangs, and similar architectural features placed on the front (facing the street) elevation of a building.

RESTAURANT
An establishment primarily for the sale of food and drink that is prepared, served, and consumed for the most part within the principal building.

RESTAURANT, CARRY-OUT
Any establishment, without a drive-through facility, which provides as a principal use, the preparation and/or sale of food, frozen desserts, or beverages for immediate consumption off the premises.

RESTAURANT, DRIVE-THROUGH
An establishment engaged in the retail sale of ready-to-consume food and drinks in portable or disposable containers, for consumption on or off the premises, and has drive-through facilities so that patrons may be served while remaining in their automobiles.

RETAIL SALES (AS ACCESSORY TO AN INDUSTRIAL USE)
The offering of products associated with a manufacturing or warehouse/distribution use for retail sale to the general public on the premises of the manufacturing or warehouse/distribution use. An example is an outlet or seconds shop located at a manufacturing plant.

RETENTION STRUCTURE
A permanent structure whose primary purpose is to permanently store a given volume of stormwater runoff.

RIDING OR BOARDING STABLE

An establishment where horses are boarded and cared for, where horses may be rented to the general public for riding, and where instruction in riding, jumping, and showing may be offered.

RIGHT-OF-WAY
A strip of land for public purposes, including but not limited to utilities, streets, pedestrian walkways, and bicycle paths.

ROAD
An open way designed for the operation of vehicles, including, but not limited to, streets, avenues, boulevards, highways, freeways, lanes, and/or courts. This definition shall not include driveways or ingress/egress easements.

ROAD FRONTAGE
The distance for which a lot line of a lot adjoins a public road, from one lot line intersecting said road to the furthest distance lot line intersecting the same road.

ROAD, HALF
A street or road that is intended to be developed by constructing one-half of a required width of a road with the remainder to be provided at some future date.

ROAD, MAIN
The main entrance(s) to a Conservation subdivision, which collects traffic from internal park roads, connecting to arterial roads external to the subdivision.

ROAD, MINOR RESIDENTIAL
A loop road which serves not more than 40 dwelling units or a cul-de-sac road that serves not more than 20 dwelling units, either of which carries no through traffic and is used for access to abutting residential lots.

ROAD, MINOR RURAL
A road serving 20 or fewer lots in low density, primarily rural areas, and which does not provide connectivity to properties other than those served.

ROAD, PARK
A one-way road within a residential subdivision.

ROAD, RURAL
A road serving development in low density, primarily rural areas, and which would not be classified as a collector or an arterial road.

ROAD, T
A road that ends in a T shape; also known as a hammer head road.

ROOF PITCH
The amount of slope of a roof expressed in terms of feet of rise per feet of run (e.g. 3:12).

ROOMING OR BOARDING HOUSE

An establishment, other than a hotel, motel, or bed and breakfast, in which more than three persons who are not members of the owner's immediate family are housed or lodged in rooms used or intended to be used for living and sleeping, but not for cooking or eating purposes, for compensation, with or without meals being provided. Any dwelling in which such accommodations are offered in 10 or more rooms shall be considered to be a hotel or motel.

RUNOFF
The portion of the precipitation on the land that reaches the drainage system.

RUNWAY
A defined area at an airport prepared for landing and takeoff of aircraft along its length.

RUNWAY AIRSPACE IMAGINARY SURFACE (OR ZONE)
Runway airspace imaginary surfaces are the result of the application of obstruction height criteria to McEntire JNGB. Imaginary surfaces are surfaces in space around airfields in relation to runways. The surfaces are designed to define the obstacle-free airspace at and around the airfield. Obstructions to air navigation are considered to be: natural objects or man-made structures that protrude above the planes or imaginary surfaces, and/or; man-made objects that extend more than 200 feet AGL at the site of the structure.

RUNWAY CLEAR ZONE
Runway clear zones are areas on the ground, located at the ends of each runway. They possess a high potential for accidents, and their use is restricted to be compatible with aircraft operations.

RURAL RETREAT
A use, compatible with agriculture, horticulture, animal husbandry, and/or open space, which is engaged in the study, testing, design, invention, evaluation, or development of technologies, techniques, processes, or professional and consulting services, and education and training related to such advances and services. Rural retreats may be utilized for basic and applied research services and education wherein the inquiry process is conducted in a manner similar to that of institutions of higher learning or management consulting firms. Rural retreat facilities may include facilities for associated training programs, seminars, conferences, and related activities.

SANITARY SEWER PRE-TREATMENT
The reduction of the amount of pollutants, the elimination of pollutants, or the alteration of the nature of pollutant properties in wastewater to a less harmful state prior to or in lieu of discharging or otherwise introducing such pollutants into a sanitary sewer system. The reduction or alteration may be obtained by physical, chemical, or biological processes, process changes or by other means, except as prohibited by the Clean Water Act.

SCHOOL, BUSINESS OR TRADE
An establishment, other than a college or university, that provides specialized on-site training and education beyond the high school level, principally in business, commercial, or trade skills, that does not provide lodging or dwelling units for students or faculty, and that has programs that typically result in the awarding of a certificate.

SCRAPYARD
A use involving storage or processing of inoperable, unused, dismantled or wrecked vehicles, equipment or machinery or the storage or processing of scrap metal, waste paper, rags, food processing wastes, construction wastes, industrial wastes, secondhand building materials, or other scrap, salvage, waste or junk materials.

SCREEN
To visually shield or obscure one abutting or nearby structure, use or parking area from another by using fencing, walls, berms, or densely planted vegetation.

SEDIMENTATION
The process which operates at or near the surfaces of the ground, to deposit soil, debris and other materials either on other ground surfaces or in water channels.

SELF-SERVICE STORAGE FACILITY
A facility primarily engaged in providing for rent individual, self-contained units or areas leased for self-service storage of personal property. The storage units or areas are designed to allow private access by the tenant for storing or removing personal property. This use does not include a transfer and storage business not involving individual storage areas and where employees are the primary movers of property being stored or transferred (see the Freight Movement, Warehousing, and Wholesale use category). Accessory uses may include leasing offices, outdoor storage of boats and recreational

vehicles, incidental sales or rental of moving supplies and equipment, and living quarters for a resident manager or security guard. Use of the storage areas for sales, service, repair, or manufacturing operations is not considered accessory to self-service storage. The rental of trucks or equipment is also not considered accessory to the use.

SETBACK
The minimum distance by which any building or structure must be separated from the lot lines of the lot on which it is located. See Sec. 26-9.2(a)(7).

SETBACK, FRONT
A setback extending across the full width of a lot between the front lot line and the foremost point of any structure on the lot. See Sec. 26-9.2(a)(7).

SETBACK, REAR
A setback extending across the full width of a lot between the rear lot line and the rearmost point of any structure on the lot. See Sec. 26-9.2(a)(7).

SETBACK, SIDE
A setback between a side lot line and the nearmost point of the nearest structure, extending from the required front setback to the required rear setback. See Sec. 26-9.2(a)(7).

SEXUALLY ORIENTED BUSINESS
An adult arcade, adult bookstore, adult video store, adult cabaret, adult motel, adult motion picture theater, sexual device shop, or sexual encounter center.

SF
Abbreviation for square foot or square feet, a measure of area.

SHADE TREE
Any tree listed as a “shade tree” in the development design manual of the county with respect to landscaping.

SHARED PARKING
Public or private parking shared by two or more uses.

SHIPPING CONTAINER STRUCTURE
A structure originally, specifically or formally designed for or used in the packing, shipping, movement or transportation of freight, articles, goods or commodities, designed for or capable of being mounted or moved on a rail car and/or designed for or capable of being mounted on a chassis or bogie for movement by truck or trailer or loaded on a ship.

SHOOTING RANGE, INDOOR
An indoor facility used for firearm target practice, competitions, or similar uses, including but not limited to archery, skeet, trap and similar shooting activities.

SHOOTING RANGE, OUTDOOR
An outdoor facility used for firearm target practice, competitions, or similar uses, including but not limited to archery, skeet, trap, and similar shooting activities.

SHORT-TERM OR TRANSITIONAL HOUSING
Congregate facilities characterized by a clientele composed of persons who generally do not possess personal automobiles to assist them in their daily transportation throughout the area and its vicinity. Such facilities may include indigent care facilities, shelter facilities, hostels, and similar facilities.

SHRUB
A woody plant, generally multi-stemmed, of smaller stature than a tree.

SIDEWALK
The portion of a street or cross walkway, paved or otherwise surfaced, intended for pedestrian use only.

SIGHT AREA, OR SIGHT TRIANGLE
The space between 2.5 and ten feet in height located directly above the triangle formed by a line connecting intersecting property lines at rights-of-way or sections of driveway at rights-of-way at the following distances; the sight area must be kept clear of objects such as hedges, fences and other obstructions:

1. 15 feet at driveways;
2. 15 feet at intersecting property lines at rights-of-way in Nonresidential and Mixed-Use
3. 25 feet at intersecting property lines at rights-of-way in Residential Districts.

SIGHTSEEING TOUR SERVICES
An establishment that conducts guided tours of local attractions, either walking or by vehicle, primarily to tourists.

SIGN COPY
The graphic content or message of a sign applied to an exterior display surface of the sign.

SIGN FACE
The part of the sign that is or can be used to identify, advertise or communicate information, or that attracts the attention of the public for any purpose. The frame or structural members may be considered as part of the sign face if it is so designed with lighting or other ornamentation that is incorporated for the sign design.

SIGN HEIGHT
The vertical distance from the highest point of a sign or its support, whichever is greater, to the base of a sign at grade.

SIGN PERMIT
A permit that approves deployment of a sign. See Sec. 26-2.5(i).

SIGN, CANOPY
A sign attached to or applied to the exterior surface of an awning or canopy.

SIGN, COMBINED DEVELOPMENT
A sign listing the businesses located within a combined development. A combined development is two or more establishments or businesses occupying a common building or adjoining buildings which are designed and developed in a coordinated manner and which share parking, driveways, and other common facilities.

SIGN, FREESTANDING
A sign that is attached to, erected on, or supported by some structure (such as a pole, mast, frame or other structure) that is not itself an integral part of or attached to a building or other structure whose principal function is something other than the support of a sign.

SIGN, GROUND-MOUNTED
A freestanding sign, other than a pole sign, that is located near the ground and attached to and supported by a masonry wall or pilasters.

SIGN, MANUALLY CHANGEABLE COPY
An on-premises sign on which message copy is changed manually through attachment of letters, numbers, symbols, and other similar characters or changeable pictorial panels.

SIGN, MARQUEE
A sign that is fabricated as a permanent roof-like structure at the entry to a building, which projects beyond the building or extends along and projects beyond the wall of the building, and which generally contains a commercial message.

SIGN, OFF-PREMISES
A sign that directs attention to a business, commodity, service or entertainment not exclusively related to the premises where such sign is located or to which it is affixed.

SIGN, ON-PREMISES
A sign relating in its subject matter to the premises on which it is located, or to products, accommodations, services, or activities on the premises.

SIGN, PORTABLE
A sign designed or intended to be moved easily that is not permanently embedded in the ground or affixed to a building or other structure, including any sign that rests upon the ground, a frame, a building or other structure. “Portable sign” shall include, but not be limited to, the following types of signs: trailer signs (with or without wheels), menu and sandwich boards, hot air or gas-filled balloons used for advertising, sidewalk or curb signs, and A-frame signs.

SIGN, PROJECTING
A sign attached to a building or other structure and extending in whole or in part more than 14 inches beyond the building.

SIGN, ROAD OR STREET
A sign placed at a roadway intersection that indicates the road name and block number

SIGN, ROOF
A sign that is mounted on the roof of a building or that is wholly dependent upon a building for support and projects above the highest point of a building with a flat roof, the eave line of a building with a gambrel, gable or hip roof, or the deck line of a building with a mansard roof.

SIGN, TEMPORARY
A sign not intended or designed for permanent display.

SIGN, WALL
A permanent sign mounted flat against and projecting less than fourteen (14) inches from, or painted on the wall of, a building or structure with the exposed face of the sign in a plane parallel to the face of the wall. This term shall include permanent window signage.

SIGN, WINDOW
Any sign painted, drawn, or otherwise affixed to the inside of an exterior window or glass door of a commercial or office building.

SKETCH PLAN
A sketch preliminary plat or site plan to enable the developer/subdivider to save time and expense in reaching a general agreement with authorized officials of Richland County as to the form of the plat or plan and the objectives of this Ordinance.

SLUDGE
Any solid, semi-solid, or liquid waste generated from a municipal, commercial, or industrial wastewater treatment plant, water supply treatment plant, or air pollution control facility exclusive of the treated effluent from a wastewater treatment plant

SMALL MATURING TREE
Any tree listed as a "small maturing tree" in the development design manual of the county with respect to landscaping.

SMART GROWTH
A concept whose principals invest time, attention, and resources in restoring a sense of community and activity to city centers and older neighborhoods.

SMOKING PLACE
An establishment that offers a meaningful selection of cigars, tobacco for pipes, hookah, or other smoking products for smoking on the premises, and which may be licensed for the on-premise consumption of beer, wine, or alcoholic beverages, or some combination of those, as well as, limited food service. The term does not include any establishment which is primarily a bar or restaurant. No bar can be considered a smoking place unless at least 51 percent of its gross revenue can be demonstrated to come from the sale of cigars, pipe tobacco, and other products for smoking.

SOLAR ENERGY CONVERSION SYSTEM
Equipment for the collection of solar energy or its conversion to electrical energy for use on the same property, or for incidental sale to a public utility, when that equipment is accessory to a principal use of the property. Components are typically mounted on the roof(s) of principal or accessory structures, but may be mounted on other parts of structures, or on the ground.

SOLAR ENERGY CONVERSION SYSTEM, LARGE SCALE
A system consisting of solar panels, modules, and related equipment (e.g., heat exchanger, pipes, inverter, wiring, storage) that collects solar radiation and transfers it as heat to a carrier fluid for use in hot water heating or space heating and cooling, and/or that collects solar energy and converts it into electricity. As a principal use, a solar energy conversion system is designed to meet demands for a large area and is typically mounted on the ground.

SOUTH CAROLINA DEPARTMENT OF TRANSPORTATION (SCDOT)
The State agency responsible for maintaining state and federal roads and administering distribution of the state and federal gas tax funds.

SPECIAL EXCEPTION
Uses that are generally compatible with land uses permitted in a zoning district, but that because of their unique characteristics or potential impacts on the surrounding neighborhood and or the county as a whole, require individual consideration of their location, design, configuration and/or operation at the particular location proposed.

SPECIAL EXCEPTION PERMIT
A permit that approves a special exception. See Sec. 26-2.5(d).

START OF CONSTRUCTION
The date the building permit was issued; provided, however, the actual start of construction, repair and reconstruction, rehabilitation, addition, or substantial improvement was within one hundred and eighty 180 days of the permit date. The actual start means the first placement of permanent construction of a structure (including a manufactured home) on a site, such as the pouring of slabs or footings, installation of piles, construction of columns, or any work beyond the stage of excavation or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading, and filling; nor does it include the installation of roads and/or walkways; nor does it include excavation for footings, piers or foundations, or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of the building, whether or not that alteration affects the external dimensions of the building.

STORMWATER
Any surface flow, runoff and drainage consisting entirely of water from any form of natural precipitation and resulting from such precipitation.

STORMWATER DESIGN MANUAL
The manual of design, performance and review standards for stormwater management, prepared under the direction of the county engineer, with input from stakeholders. The requirements established by the "Stormwater Design Manual" are mandatory, and shall be updated as often as necessary.

STORMWATER MANAGEMENT
The collection, conveyance, storage, treatment and disposal of stormwater runoff in a manner to minimize channel erosion, flood damage, and or degradation of water quality and in a manner to enhance and insure the public health, safety, and general welfare.

STORMWATER MANAGEMENT FACILITIES
Structures and man-made features designed for the collection, conveyance, storage, treatment and disposal of stormwater runoff into and through the drainage system. Stormwater management facilities include vegetative and/or structural measures, to control the increased volume and rate of stormwater runoff caused by man-made changes to the land.

STORMWATER OUTFALL
The point at which a stormwater system discharges to the receiving waters.

STORMWATER RUNOFF
The direct response of a watershed to precipitation, including surface and subsurface flows resulting from precipitation.

STORMWATER SYSTEM
The publicly-owned facilities by which stormwater is collected and/or conveyed, including, but not limited to roads with drainage systems, streets, gutters, curbs, inlets, piped storm drains, pumping facilities, basins, drainage channels or other drainage structures.

STORY
That portion of a building included between the upper surface of a floor and the upper surface of the floor or roof next above. It is measured as the vertical distance from top to top of two successive tiers of beams of finished floor surfaces and, for the topmost story, from the top of the floor finish to the top of the ceiling joists or, where there is not a ceiling, to the top of the roof rafters.

STREET
See "road."

STREET PROTECTIVE YARD
A required open yard area in which trees are planted abutting roads.

STRUCTURAL FILL
Landfilling for future beneficial use utilizing land-clearing debris, hardened concrete, hardened/cured asphalt, bricks, blocks, and other materials specified by DHEC by regulation, compacted and landfilled in a manner acceptable to DHEC, consistent with applicable engineering and construction standards and carried out as a part of normal activities associated with construction, demolition, and land-clearing operations; however, the materials utilized must not have been contaminated by hazardous constituents, petroleum products, or painted with lead-based paint. Structural fill may not provide a sound structural base for building purposes.

STRUCTURE
Anything constructed or erected which requires location on or in the ground or is attached to something having a location on the ground or anything as defined by the building code as a structure. Structures do not include ditches and their appurtenances, poles, lines, cables or transmission or distribution facilities of public utilities, freestanding mailboxes, on-grade slabs, walks, driveways, landscaping materials, fences, or golf course tee boxes, fairways, sand traps or greens. This term includes both permanent and temporary structures.

STRUCTURE SIZE STANDARDS
Unless otherwise defined, this term means standards regulating the building footprint of a structure relative to the area of the lot on which the structure sits.

STRUCTURE, HEIGHT
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 placed above roof level and not intended for human occupancy shall not be subject to height limitations.

STRUCTURE, PRINCIPAL

A structure where the principal use of the lot on which it is located is conducted.

SUBDIVISION

All divisions of a tract or parcel of land into two or more lots, building sites, or other divisions for the purpose, whether immediate or future, of sale, lease or building development. The definition of subdivision includes:

4. All division of land.
5. Re-subdivision involving a further division or relocation of lot lines of any lot or lots within a subdivision previously made and approved or recorded according to law.
6. The alteration of any roads or the establishment of any new roads within any subdivision previously made and approved or recorded according to law.
7. Combinations of recorded lots.

SUBDIVISION, EXEMPT

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 Ordinance; the division of land into parcels of five acres or more where it does not result in the creation of a new roadway or the widening of an existing roadway; the combination or recombination of entire lots of record where no new road or change in existing roads is involved; or the division of a parcel into two 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 Ordinance. See Sec. 26-2.5(f)(2)b.

SUBDIVISION, MAJOR

Any subdivision that does not meet the criteria for an administrative subdivision or a minor subdivision. See Sec. 26-2.5(f)(2)b.

SUBDIVISION, MINOR

Those divisions of land that do not qualify for administrative subdivision review, but which consist of less than 50 lots. Additionally, a minor subdivision shall not involve the dedication of land to the county for open space or other public purposes. See Sec. 26-2.5(f)(2)b.

SUBSTANTIAL DAMAGE

Damage of any origin sustained by a structure whereby the cost of restoring the structure to its pre-damage condition would equal or exceed 50 percent of the market value of the structure before the damage occurred. Substantial damage also means flood-related damage sustained by a structure on two or more separate occasions during a ten year period for which the cost of repairs at the time of each

such flood event, on the average, exceeds 25 percent of the market value of the structure before the damage occurred.

SUBSTANTIAL IMPROVEMENT
Any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before the "start of construction" of the improvement. This term includes structures that have incurred "repetitive loss" or "substantial damage," regardless of the actual repair work performed. This term also includes any improvements, singularly or collectively, made on or to a structure during any ten year period for which the cost of total improvements, including any repairs, over that period is equal to or exceeds fifty percent of the market value of the structure.

SWIMMING POOL
A man-made enclosure at least three feet deep at the deep end that is filled with water and used for wading or swimming.

SWINE FARM
A tract of land devoted to raising fifty (50) or more animals of porcine species.

SWPPP
Abbreviation for Storm Water Pollution Prevention Plan.

SWPPP
Stormwater Pollution Prevention Plan; an acronym used for a document that describes the BMPs and activities to be implemented by a person or business to identify sources of pollution or contamination at a site and the actions to eliminate or reduce pollutant discharges to stormwater, stormwater conveyance systems, and/or receiving waters to the maximum extent practicable.

TANDEM PARKING
Two parking spaces placed end-to-end, rather than side-by-side, where one parking space does not abut a driveway or access aisle.

TATTOO OR BODY PIERCING FACILITY
An establishment wherein designs, letters, figures, body piercing, or other marks are placed upon the skin of any person, using ink or other substances that result in the permanent coloration, or piercing of the skin by means of use of needles or other instruments designed to contact or puncture the skin.

TECHNICAL REPRESENTATIVE
South Carolina Registered Professional Civil Engineer, Registered Landscape Architect, or Tier B. Land Surveyor responsible for sealing stormwater management plans.

TEMPORARY EVENT
Temporary uses, such as circuses, carnivals, fairs, festivals, and religious events in a temporary structure, and similar types of events.

TEMPORARY SALE
Temporary structures or areas for the display of goods and merchandise as part of promotional or seasonal activities.

TEMPORARY USE
A land use (or structure) that is needed or is in place for a limited duration.

TEMPORARY USE PERMIT
A permit that approves a temporary use. See Sec. 26-2.5(l).

TEN YEAR FREQUENCY RAINFALL
A rainfall of an intensity expected to be equaled or exceeded, on the average, once in ten years.

TEN-YEAR FREQUENCY RAINFALL
A rainfall of an intensity expected to be equaled or exceeded, on the average, once in ten years.

TEXT AMENDMENT
A procedure for an amendment to the text of this Ordinance. See Sec. 26-2.5(a).

THOROUGHFARE ROAD
Interstates, other freeways, expressways or major roads that provide for the expeditious movement of high volumes of traffic within the county.

TIMBER AND TIMBER PRODUCTS WHOLESALE SALES
Facilities primarily engaged in timber and timber product wholesale operations (not including lumber).

TMDL
Total Maximum Daily Load; an acronym used to describe the sum of the individual wasteload allocations (WLAs) for point sources and load allocations (LAs) for nonpoint sources and natural background. If a receiving water has only one point source discharger, the TMDL is the sum of that point source WLA plus the LAs for any nonpoint sources of pollution and natural background sources, tributaries, or adjacent segments. TMDLs can be expressed in terms of either mass per time, toxicity, or other appropriate measure.

TOP OF BANK
The elevation of the uppermost point on the rise of land which borders of a water resource such as a river, creek or lake.

TOTAL SITE AREA
The entire area within the boundary of the parcel inclusive of all interior future open space areas and road/utility rights of way.

TRADITIONAL NEIGHBORHOOD DESIGN
A planning concept that calls for residential neighborhoods to be designed in the format of a small, village-type atmosphere within neighborhoods. These are characterized by homes and buildings on smaller lots, narrow front yards with front porches and gardens, detached garages in the backyard, walkable streets (sidewalks), pubic parks and green spaces.

TRAFFIC IMPACT ASSESSMENT (TIA)
A document which analyzes the transportation impacts of proposed land development projects on the adjacent roadways, nearby intersections and affected property owners and provides recommended mitigation measures to address the identified impacts.

TRAFFIC MITIGATION AGREEMENT

A written agreement among Richland County, SCDOT and the applicant to allow the LOS mitigation measures identified in the TIA to be provided in a timely manner. At a minimum, the agreement shall include:

1. A specific list of the required mitigation measures and preliminary cost estimates;
2. A timetable by which the improvements will be phased and/or completed;
3. A proportionate cost sharing agreement for such improvements;
4. An designation of the party, or parties, responsible to ensure the recommended improvement is completed in a timely manner; and
5. Any other such matters as may be appropriate to the specific agreement.

TRANSIT STOP

The location where passengers wait to board a regularly scheduled public transportation service. A transit stop may include a concrete pad, a seating area designed for the convenience of transit passengers, and a shelter.

TREE

A usually tall, woody plant, distinguished from a shrub by having comparatively greater size and longevity, and characteristically defined as:

1. Large maturing tree – Single trunk whose canopy dimensions have the potential to reach at least 45 feet tall and 25 feet wide at maturity.
2. Medium maturing tree – Single trunk whose canopy dimensions have the potential to reach at least 25 feet tall and 20 feet wide at maturity.
3. Small maturing tree – Single trunk or multi-stem whose canopy dimensions have the potential to reach at least fifteen 15 feet tall and fifteen 15 feet wide at maturity.

TREE PROTECTION PLAN

A plan that identifies the critical root zone where trees are to be protected and preserved, and replacement trees planted on a property to meet minimum requirements, as well as methods of tree protection to be undertaken on the site. See Sec. Sec. 26-5.3(i)(3)c, Tree Protection Plan.

TREE PROTECTION ZONE

In relation to a protected tree, the largest of the following:

- The area located within a distance of one foot for each one inch of tree diameter (DBH) of the tree;
- The area located within a distance of one-half the tree's height of the tree; or
- The area within a distance of six feet of the tree.

TREE REMOVAL PERMIT

A permit that approves removal of one or more trees. See Sec. 26-2.5(h).

TREE, MATURE
Any tree that has obtained the maximum capability of growth, flowering, and reproduction.

TWENTY-FIVE YEAR FREQUENCY RAINFALL
A rainfall of an intensity expected to be equaled or exceeded, on the average, once in 25 years.

USACE
The United States Army Corps of Engineers.

UTILITIES
Electricity, gas, steam, communications, transportation, wastewater, or water that is furnished to the public under state or county regulations by a person, firm, corporation, municipal department or board.

UTILITY, MAJOR
A structure or facility that is a relatively major component of an infrastructure system providing community- or region-wide utility services. Examples of major utility facilities include water treatment plants, water towers, sewage treatment facilities, solid waste facilities, gas compressor stations, and electrical substations. This use does not include telecommunications facilities or towers.

UTILITY, MINOR
A structure or facility that by itself is a relatively minor component of an infrastructure system providing community- or region-wide utility services and that needs to be in or near the neighborhood or use type where the service is provided, such as utility lines and substations. Examples of minor utility facilities include, water and sewage pipes and pump stations, stormwater pipes and retention/detention facilities, telephone lines and local exchanges, electric lines and transformers, gas transmission pipes and valves, and CATV lines.

VACANT LOT
A lot or parcel of land on which no improvements have been constructed.

VALET PARKING
Typical practices associated with, and the act of, driving another person's vehicle to and from a parking location so that said person and any passengers originally within the vehicle may unload and load at or near their immediate destination.

VARIANCE
A device that grants a property owner relief from the provisions of this Ordinance. See Sec. 26-2.5(o).

VEGETATION
All plant growth, including trees, shrubs, grasses, vines, forbs, and mosses.

VEHICLE FUELING STATION
An facility used for the retail dispensing of vehicle fuels. Such uses may include gas, diesel, and alternative propulsion fuel stations in conjunction with another use such as, but not limited to, a convenience store, grocery store, or other retail use. This use does not include an electric vehicle charging as an accessory use.

VEHICLE PARTS AND ACCESSORIES STORE
An establishment for the retail sale of minor parts and accessories for vehicles including oils, lubricants, detailing materials, paints, and tires, but not including major components such as engines or vehicle body parts.

VEHICLE REPAIR, MAJOR
An establishment engaged in the significant repair and replacement of parts and motor services to automobiles, including, but not limited to, such services as: engine rebuilding, reconditioning of automobiles, the removal from any vehicle of a major portion (i.e., the differential, transmission, head, engine block, or oil pan) thereof for replacement or repair, the repair of damaged motor vehicles or trailers (including body, frame, or fender straightening or repair), and/or the painting of vehicles.

VEHICLE REPAIR, MINOR
An establishment engaged in the sale of automotive fuels or oils, and the incidental repair and replacement of parts and motor services to automobiles, including oil change, tire sales, and alignment, but not including any operation specified under "vehicle repair, major."

VEHICLE SALES AND RENTAL
Establishments that provide for the sale or rental of new or used autos, small trucks or vans, trailers, motorcycles, motor homes, or recreational vehicles. Typical examples include automobile dealers, auto malls, car rental agencies, and moving equipment rental establishments (e.g., U-Haul).

VEHICLE TOWING
An establishment providing the service of transporting individual motor vehicles and providing temporary storage of the vehicles, whether operable or temporarily inoperable, in an impound yard or storage area. This does not include junk, salvage, scrap, or wrecking yards.

VEHICULAR SURFACE AREA
An area primarily used for the temporary storage of motor vehicles or for the driving of motor vehicles incidental to their storage, but not including driveways used for ingress and egress to a development.

VETERINARY HOSPITAL OR CLINIC
A facility used for the care, diagnosis, and treatment of sick, ailing, infirm, or injured animals and preventive care for healthy animals, where such animals are limited to dogs, cats, and other comparable household pets. Accessory uses may include animal grooming services, short-term boarding that is incidental to medical care or treatment, and limited retail sales of pet-related merchandise.

VETERINARY SERVICES (LIVESTOCK)
A facility used for the care, diagnosis, and treatment of sick, ailing, infirm, or injured farm animals, such as cows, horses, and pigs, and preventive care for healthy farm animals.

VOLUME TO CAPACITY (V/C) RATIO
A measure of the operating capacity of a roadway or intersection, in terms of the number of vehicles passing through, divided by the number of vehicles that theoretically could pass through when the intersection or roadway is operating at its designed capacity. A v/c ratio of 1.0 means the roadway or intersection is operating at theoretical capacity; if the v/c ratio is less than 1.0, the traffic facility has additional capacity.

WALL OFFSET
Projections or recesses organized in a random or repeating pattern along a building wall used to visually interrupt the mass of the façade plane.

WAREHOUSE/DISTRIBUTION FACILITY
A facility primarily engaged in the storage and distribution of manufactured products, supplies, and equipment, excluding bulk storage of materials that are flammable or explosive or that present hazards or conditions commonly recognized as offensive.

WASTE COLLECTION, STORAGE, AND DISPOSAL
Facility for the collection, storage, or disposal of refuse using incinerators, waste treatment plants, landfills, or other means of disposal.

WASTEWATER
Any water or other liquid, other than uncontaminated stormwater, discharged from a facility.

WATER QUALITY
Those characteristics of stormwater runoff that relate to the physical, chemical, biological and radiological integrity of water.

WATER RESOURCE YARD
A setback running approximately parallel to the tops of the banks of designated water resources to be protected for, and defined by, the location of critical riparian vegetation and habitat.

WATERS
For the purpose of identifying NPDES stormwater permit "point discharges", waters means surface water, within Richland County's jurisdictional boundaries as identified on USGS 1:24,000 scale quadrangle sheets.

WATERS OF THE STATE
Refer to the State of South Carolina Department of Health and Environmental Control, Regulation R.61-9.122, Part A, Section 122.2 "Definitions."

WATERSHED
The land area that drains to one stream, lake or river and affects the water quality in that waterbody.

WETLANDS
Areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. This terms includes swamps, bogs, marshes, and similar areas.

WIND ENERGY CONVERSION SYSTEM
A facility consisting of one or more rotating wind turbines and related equipment that converts the kinetic energy in wind into mechanical energy. A wind energy conversion system as an accessory use is intended to primarily reduce on-site consumption of utility power for a home or business.

WIND ENERGY CONVERSION SYSTEM, LARGE SCALE
The equipment that converts and then stores or transfers energy from the wind into usable forms of energy, including any base, blade, foundation, generator, nacelle, rotor, transformer, turbine, vane, wind tower, wire, or other component used in the system. It may also include the collection,

transmission lines, and any related accessory use, building, or structure. A large-scale wind energy conversion system har a capacity of more than 50 kilowatts.

ZONING ADMINISTRATOR

The Zoning Administrator of Richland County. See Sec. 26-2.3(e)(2).

ZONING MAP AMENDMENT

A procedure for an amendment to the Official Zoning Map. See Sec. 26-2.5(b).

ZOO

A facility, indoor or outdoor, where animals are kept for viewing by the public. Accessory uses may include office, retail, and other commercial uses commonly established in such facilities and related parking structures.

Appendix 26-A: Required SWPPP Application Materials

A SWPPP submitted for approval in accordance with Sec. 26-2.5(l), Land Disturbance Permit (with approved SWPPP), shall comply with the requirements in this appendix.

General Requirements

1. The applicant is responsible for submitting all designs, presentations, and other materials identified in this appendix.
2. The SWPPP shall include such stream flow and stormwater runoff calculations and other information as may be reasonably required by the County Engineer in accordance with the provisions of the LDC.
3. The SWPPP shall be certified by the applicant and sealed by a South Carolina registered professional engineer, registered landscape architect, or Tier B land surveyor, provided, a landowner may develop and certify the SWPPP for a tract of land containing one acre or less if:
    a. The property is not part of a larger common disturbance impacting more than one acre; and
    b. Water will not be allowed to flow in any one direction more than 200 feet over disturbed land; and
    c. The cuts and fills established will not exceed a height or depth of over five feet; and
    d. There will be no concentrated off-site water to be controlled on the site.
4. A SWPPP submitted for approval shall contain certification by the person responsible for the land disturbing activity:
    a. That the land disturbing activity will be accomplished pursuant to the plan; and
    b. That the County and DHEC have the right to conduct on-site inspections.

Level I SWPP Requirements

Required Contents

A Level I SWPPP shall include the following contents, as applicable:

1. An anticipated starting and completion date of the various stages of land disturbing activities and the expected date the final stabilization will be completed.
2. A narrative description of the SWPPP to be used during land disturbing activities.
3. General description of topographic and soil conditions of the tract, including showing the intent of the drainage pattern for each individual lot.
4. A general description of adjacent property and a description of existing structures, buildings, and other fixed improvements located on surrounding properties:
5. The boundary lines of the site on which the work is to be performed;
6. A topographic map of the site if required by the county;

7. The location of temporary and permanent vegetative and structural stormwater management and sediment control measures; and
8. Water quality buffers and setbacks requirements to protect receiving water bodies shall be maintained as required.

Required Form

The required information and certifications for a Level I SWPPP may be indicated on one plan sheet. More detailed hydrologic or soils information may be required on a case by case basis by the implementing agency. Storm water detention/retention may be required if excessive water problems are known to exist in the area.

Level II SWPPP Requirements

In Accordance with State NPDES Permit

A Level II SWPPP shall be prepared in accordance with South Carolina NPDES General Permit for Storm Water Discharges from Large and Small Construction Activities (SCR100000).

Preparation and Certification by Licensed Individual

A Level II SWPPP shall be prepared, amended when necessary, certified, and stamped by a qualified individual who is licensed as follows:

a. Registered professional engineers as described in Title 40, Chapter 22;
b. Registered landscape architects as described in Title 40, Chapter 28, Section 10, item (b);
c. Tier B land surveyors as described in Title 40, Chapter 22; or
d. Federal government employees as described by Title 40, Chapter 22, Section 280(A)(3).

Required Contents

A Level II SWPPP shall include the following contents:

1. A standard application form (NOI) must be submitted to the county.
2. A vicinity map indicating north arrow, scale, and other information necessary to locate the property or tax parcel.
3. A current existing aerial photo of the site, as taken from the county's Internet Mapping Service (IMS).
4. A plan at an appropriate scale accompanied by a design report that is sealed by a qualified design professional. The design professional shall certify that the plans have been designed in accordance with approved stormwater-related ordinances, programs, regulations, standards and criteria. The plan and design report shall, at a minimum, indicate the following:
    a. The location of the land disturbing activity shown on a United States Geological Survey (USGS) 7.5 minute topographic map or copy.
    b. The existing and proposed topography, overlaid on a current plat showing existing and proposed contours as required by Richland County. This includes showing the intent of the drainage pattern for each individual lot. (Ord. 055-12HR; 10- 16-12)

c. The proposed grading and earth disturbance including:

   i. Surface area involved; and

   ii. Limits of grading including limitation of mass clearing and grading whenever possible.

d. Stormwater management and stormwater drainage computations (see detailed requirements under "Stormwater Management" heading below), including:

   i. Pre- and post-development velocities, peak rates of discharge, and inflow and outflow hydrographs of stormwater runoff at all existing and proposed points of discharge from the site,

   ii. Site conditions around points of all surface water discharge including vegetation and method of flow conveyance from the land disturbing activity, and

   iii. Design details for structural controls.

e. Erosion and sediment control provisions (see detailed requirements under "Erosion and Sedimentation Control" heading below), including:

   i. Provisions to preserve topsoil and limit disturbance;

   ii. Details of site grading; and

   iii. Design details for structural controls which includes diversions and swales.

5. FEMA flood maps and federal and state wetland maps, where appropriate.

6. Additional information necessary for a complete project review may be required by Richland County, as deemed appropriate. This additional information may include items such as public sewers, water lines, septic fields, wells etc.

7. The seal of a South Carolina registered professional engineer, registered landscape architect, or Tier B land surveyor.

Erosion and Sedimentation Control

1. All plans shall include details and descriptions of temporary and permanent erosion and sediment control measures and other protective measures shown on the SWPPP. Procedures in a SWPPP shall provide that all sediment and erosion controls are inspected at least once every seven calendar days, or at least once every 14 calendar days and within 24 hours of the end of a storm event of 0.5 inches or greater.

2. Specifications for a sequence of construction operations shall be contained on all plans describing the relationship between the implementation and maintenance of sediment controls, including permanent and temporary stabilization and the various stages or phases of earth disturbance and construction. The specifications for the sequence of construction shall, at a minimum, include the following activities:

   a. Clearing and grubbing for those areas necessary for installation of perimeter controls;

   b. Installation of sediment basins and traps;

   c. Construction or perimeter controls;

   d. Remaining clearing and grubbing;

e. Road grading;

f. Grading for the remainder of the site;

g. Utility installation and whether storm drains will be used or blocked until after completion of construction;

h. Final grading, landscaping, or stabilization; and

i. Removal of sediment controls.

3. The sequence of construction operations may be modified with prior approval by Richland County. In addition, if there is to be no construction activity for 14 or more days, the site must be temporarily stabilized.

4. The plans shall contain a description of the predominant soil types on the site, as described in the United States Department of Agriculture (USDA) comprehensive soils classification system.

5. Locations of all waters of the U.S. and State (including wetlands) shall be shown on the plan.

6. Locations of all preconstruction stormwater discharge points and post construction stormwater discharge points shall be shown on the plan.