

RICHLAND COUNTY COUNCIL

SOUTH CAROLINA

ORDINANCE REVIEW AD HOC COMMITTEE

June 21, 2016
3:00 PM
4th Floor Conference Room

1. **Call to Order**
2. **Approval of Minutes: April 19, 2016 [PAGES 2-4]**
3. **Adoption of Agenda**
4. **An Ordinance Amending the Richland County Code of Ordinances; Chapter 26, Land Development; so as to establish special requirements for restaurants [PAGES 5-12]**
5. **Adjournment**



Committee Members

Julie-Ann Dixon, Chair
District Nine

Bill Malinowski
District One

Seth Rose
District Five

RICHLAND COUNTY COUNCIL SOUTH CAROLINA

ORDINANCE REVIEW AD HOC COMMITTEE

April 19, 2016
3:00 PM
Administration Conference Room

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

CALL TO ORDER

Ms. Dixon called the meeting to order at approximately 3:04 PM

APPROVAL OF MINUTES

April 5, 2015 – Mr. Malinowski moved, seconded by Ms. Dixon, to approve the minutes as distributed. The vote in favor was unanimous.

ADOPTION OF THE AGENDA

Mr. Malinowski moved, seconded by Ms. Dixon, to adopt the agenda as published. The vote in favor was unanimous.

Amending Chapter 17 to prohibit the parking of motor vehicles in front yard within certain residential zoning districts – Mr. Bronson stated at the last committee meeting staff was directed to research through the Ombudsman's Office and Sheriff's Department the number of complaints received regarding this matter.

Currently the Sheriff's Department and Ombudsman's Office have no information regarding complaints since there is presently not an ordinance prohibiting parking in front yards.

The Ombudsman's Office has been instructed to begin tracking any complaints that are received regarding this matter.

Mr. Malinowski suggested a 6-month pilot program to track complaints received through the Ombudsman's Office.

Mr. Dixon inquired how it is going to be addressed if only certain parts of the County are providing complaints about the matter.

Mr. Malinowski stated if the complaints are coming from developments that have HOAs, the HOAs should be addressing the problem as a private matter. If they are complaint within the public purview the County will need to address those complaints.



Committee Members Present

Julie-Ann Dixon, Chair
Bill Malinowski
Seth Rose

Others Present:

Geo Price
Elizabeth McLean
Sandra Haynes
Kevin Bronson
Michelle Onley
Chris Cowan

**Ordinance Review Ad Hoc Committee
Tuesday, April 19, 2016
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Ms. Dixon stated this should not be a HOA matter, but the County should assist in enforcing the rules. The citizens look to Council to help put them on the right path; therefore, it is Council's duty to work with them.

A discussion took place of the existing ordinance covering tracker trailers.

Mr. Malinowski stated he had requested information regarding the effects of placing an impervious parking surface on the property.

Mr. Malinowski moved, seconded by Mr. Rose, to conduct a 6-month pilot study to track complaints received through the Ombudsman's Office. Any Council members that have received complaints are encouraged to provide those complaints to the Ombudsman's Office to be included in the study. The vote was in favor.

Mr. Rose moved, seconded by Mr. Malinowski, to reconsider this item. The vote in favor was unanimous.

Mr. Rose requested a friendly amendment to conduct a 3-month study instead of a 6-month study.

Mr. Malinowski accepted the friendly amendment. The vote was in favor.

Mr. Bronson stated staff will forward information regarding impervious surfaces at the same time as the finding from the study.

Motion that amends Richland County Code of Ordinances to provide that no person shall leave or confine an animal in any unattended motor vehicle under conditions that endanger the health or well-being of an animal due to heat, cold, lack of adequate ventilation, or lack of food or water, or other circumstances that could reasonably be expected to cause suffering, disability, or death to the animal. Allow that unless the animal suffers great bodily injury, a first conviction for violation of this section is punishable by a fine not exceeding one hundred dollars (\$100) per animal. If the animal suffers great bodily injury, a violation of this section is punishable by a fine not exceeding five hundred dollars (\$500), imprisonment in a county jail not exceeding six months, or by both a fine and imprisonment. Any subsequent violation of this section, regardless of injury to the animal, is also punishable by a fine not exceeding five hundred dollars (\$500), imprisonment in a county jail not exceeding six months, or by both a fine and imprisonment.

To allow a law enforcement officer or an animal control officer to remove an animal from a motor vehicle if the animal's safety appears to be in immediate danger from heat, cold, lack of adequate ventilation, lack of food or water, or other circumstances that could reasonably be expected to cause suffering, disability, or death to the animal.

A law enforcement officer, or animal control officer who removes an animal from a motor vehicle shall take it to an animal shelter or other place of safekeeping or, if the officer deems necessary, to a veterinary hospital for treatment.

A law enforcement officer or animal control officer is authorized to take all steps that are reasonably necessary for the removal of an animal from a motor vehicle, including, but not limited to, breaking into the motor vehicle, after a reasonable effort to locate the owner or other person responsible.

A law enforcement officer or animal control officer who removes an animal from a motor vehicle shall, in a secure and conspicuous location on or within the motor vehicle, leave written notice bearing his or her name and office, and the address of the location where the animal can be claimed. The animal may be claimed by the owner only after payment of all charges that have accrued for the maintenance, care, medical treatment, or impoundment of the animal.

This section does not affect in any way existing liabilities or immunities in current law, or create any new immunities or liabilities. [MANNING] – Mr. Bronson stated Ms. McLean has proposed an alternate ordinance that would accomplish Mr. Manning’s intent.

Ms. McLean stated the proposed ordinance would be a zero tolerance ordinance.

Mr. Malinowski expressed concern with the language included in the original proposed ordinance. Much of the language is subjective.

Ms. McLean stated the Legal Department does not recommend either proposed ordinance.

Ms. McLean provided the committee with copies of the current “Animal Care” Ordinance and the State law regarding animal cruelty.

Mr. Malinowski moved, seconded by Ms. Dixon, to make no changes to the current ordinance based on State and the language in the current ordinance already addressing the issues.

Mr. Rose made a substitute motion, seconded by Mr. Malinowski, to table this item. The vote in favor was unanimous.

ITEMS FOR DISCUSSION

An Ordinance Amending the Richland County Code of Ordinances; Chapter 26, Land Development; Article VII, General Development, Site, and Performance Standards; Section 26-173, Off-Street Parking Standards; Subsection (F), Parking of Recreational Vehicles, Boats, and Travel Trailers; so as to add utility trailers and to allow all such vehicles and trailers to be parked on any lot within the County [REFERRED FROM MARCH 23, 2016 ZONING PUBLIC HEARING] – Mr. Bronson stated this is the item that addresses off-street parking standards.

Ms. Dixon stated to hold this item in committee and address it when the parking on front yards ordinance is brought back after the 3-month study.

ADJOURNMENT

The meeting adjourned at approximately 3:38 PM

The Minutes were transcribed by Michelle M. Onley, Deputy Clerk of Council

STATE OF SOUTH CAROLINA
COUNTY COUNCIL FOR RICHLAND COUNTY
ORDINANCE NO. ___-16HR

AN ORDINANCE AMENDING THE RICHLAND COUNTY CODE OF ORDINANCES; CHAPTER 26, LAND DEVELOPMENT; SO AS TO CHANGE THE USES OF “RESTAURANTS, CAFETERIAS” AND “RESTAURANTS, FULL SERVICE (DINE-IN)” FROM PERMITTED TO ONES WITH SPECIAL REQUIREMENTS; AND TO ADD A NEW USE OF “RESTAURANTS, LIMITED SERVICE (DINE-IN)” WITH SPECIAL REQUIREMENTS.

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

SECTION I. The Richland County Code of Ordinances, Chapter 26, Land Development; Article V, Zoning Districts And District Standards; Section 26-141, Table of Permitted Uses, Permitted Uses with Special Requirements, and Special Exceptions; Subsection (f), Table of Permitted Uses, Permitted Uses with Special Requirements, and Special Exceptions; “Retail Trade and Food Services” of Table 26-V-2.; is hereby amended to read as follows:

(ORDINANCE CONTINUES ON NEXT PAGE)

USE TYPES	TROS	RU	RR	RS-E	RS-LD	RS-MD	RS-HD	MH	RM-MD	RM-HD	OI	NC	RC	GC	M-I	LI	HI
Retail Trade and Food Services																	
Antique Stores (See Also Used Merchandise Shops and Pawn Shops)											P	P	P	P	P		
Appliance Stores														P	P		
Art Dealers											P	P	P	P	P		
Arts and Crafts Supply Stores												P	P	P	P		
Auction Houses													P	P	P	P	
Automotive Parts and Accessories Stores													P	P	P	P	
Bakeries, Retail												P	P	P	P		
Bars and Other Drinking Places											SE	SE	SR	SR	SR	SR	
Bicycle Sales and Repair												P	P	P	P	P	
Boat and RV Dealers, New and Used														P	P	P	
Book, Periodical, and Music Stores											P	P	P	P	P		
Building Supply Sales with Outside Storage													P	P	P	P	P
Building Supply Sales without Outside Storage													P	P	P	P	P
Camera and Photographic Sales and Service													P	P	P		
Candle Shops													P	P	P		
Candy Stores (Confectionery, Nuts, Etc.)													P	P	P		
Caterers, No On Site Consumption											P	P	P	P	P	P	
Cigar Bars												SR		SR	SR	SR	
Clothing, Shoe, and Accessories Stores												P	P	P	P		
Coin, Stamp, or Similar Collectibles Shops												P	P	P	P		
Computer and Software Stores												P	P	P	P		

USE TYPES	TROS	RU	RR	RS-E	RS-LD	RS-MD	RS-HD	MH	RM-MD	RM-HD	OI	NC	RC	GC	M-I	LI	HI
Convenience Stores (with Gasoline Pumps)												P	P	P	P	P	P
Convenience Stores (without Gasoline Pumps)												P	P	P	P	P	P
Cosmetics, Beauty Supplies, and Perfume Stores												P	P	P	P		
Department, Variety or General Merchandise Stores												P	P	P	P		
Direct Selling Establishments, Not Otherwise Listed														P	P	P	
Drugstores, Pharmacies, with Drive-Thru											P		P	P	P	P	
Drugstores, Pharmacies, without Drive-Thru											P	P	P	P	P	P	
Electronic Shopping and Mail Order Houses														P	P	P	P
Fabric and Piece Goods Stores												P	P	P	P		
Flea Markets, Indoor													P	P	P	P	
Flea Markets, Outdoor													P	P	P	P	
Floor Covering Stores													P	P	P		
Florists												P	P	P	P		
Food Service Contractors												P	P	P	P		
Food Stores, Specialty, Not Otherwise Listed												P	P	P	P		
Formal Wear and Costume Rental												P	P	P	P		
Fruit and Vegetable Markets												P	P	P	P	P	
Fuel Sales (Non-Automotive)															SR		SR
Furniture and Home Furnishings													P	P	P		

USE TYPES	TROS	RU	RR	RS-E	RS-LD	RS-MD	RS-HD	MH	RM-MD	RM-HD	OI	NC	RC	GC	M-I	LI	HI
Garden Centers, Farm Supplies, or Retail Nurseries												P	P	P	P		
Gift, Novelty, Souvenir, or Card Shops												P	P	P	P		
Grocery/Food Stores (Not Including Convenience Stores)												P	P	P	P		
Hardware Stores												P	P	P	P		
Health and Personal Care Stores, Not Otherwise Listed												P	P	P	P		
Hobby, Toy, and Game Stores												P	P	P	P		
Home Centers												P	P	P	P		
Home Furnishing Stores, Not Otherwise Listed												P	P	P	P		
Jewelry, Luggage, and Leather Goods (May Include Repair)												P	P	P	P		
Liquor Stores												P	P	P	P		
Manufactured Home Sales														SR	SR	SR	
Meat Markets												P	P	P	P		
Miscellaneous Retail Sales -- Where Not Listed Elsewhere, and Where All Sales and Services are Conducted within an Enclosed Building												P	P	P	P		
Motor Vehicle Sales -- Car and Truck -- New and Used													P	P	P	P	
Motorcycle Dealers, New and Used													P	P	P	P	
Musical Instrument and Supplies Stores (May Include Instrument Repair)												P	P	P	P		
News Dealers and Newsstands												P	P	P	P		
Office Supplies and Stationery Stores											P	P	P	P	P		

USE TYPES	TROS	RU	RR	RS-E	RS-LD	RS-MD	RS-HD	MH	RM-MD	RM-HD	OI	NC	RC	GC	M-1	LI	HI
Optical Goods Stores											P	P	P	P	P		
Outdoor Power Equipment Stores													P	P	P		
Paint, Wallpaper, and Window Treatment Sales												P	P	P	P		
Pawnshops														P	P		
Pet and Pet Supplies Stores												P	P	P	P		
Record, Video Tape, and Disc Stores												P	P	P	P		
Restaurants, Cafeterias																	
Restaurants, Full Service (Dine-In Only)																	
Restaurants, Limited Service (Dine-In)																	
Restaurants, Limited Service (Delivery, Carry Out Only)																	
Restaurants, Limited Service (Drive-Thru)																	
Restaurants, Snack and Nonalcoholic Beverage Stores																	
Service Stations, Gasoline																	
Sporting Goods Stores																	
Television, Radio or Electronic Sales																	
Tire Sales																	
Tobacco Stores																	
Truck Stops																	
Used Merchandise Stores																	
Video Tape and Disc Rental																	
Warehouse Clubs and Superstores																	

SECTION II. The Richland County Code of Ordinances; Chapter 26, Land Development; Article VI, Supplemental Use Standards; Section 26-151, Permitted Uses with Special Requirements; Subsection (b), Permitted Uses with Special Requirements Listed by Zoning District; is hereby amended by the insertion of a new paragraph to read as Paragraph “(64) Restaurants, Cafeterias; Restaurants, Full Service (Dine-In Only); Restaurants, Limited Service (Dine-In) – OI, NC, RC, GC, M-1, LI”, the existing Paragraph (64) is renumbered to read as Paragraph (65), and all remaining paragraphs are renumbered in appropriate chronological order.

SECTION III. The Richland County Code of Ordinances; Chapter 26, Land Development; Article VI, Supplemental Use Standards; Section 26-151, Permitted Uses with Special Requirements; Subsection (c), Standards; is hereby amended by the insertion of a new paragraph to read as Paragraph “(64) Restaurants, Cafeterias; Restaurants, Full Service (Dine-In Only); Restaurants, Limited Service (Dine-In)”, the existing Paragraph (64) is renumbered to read as Paragraph (65), and all remaining paragraphs are renumbered in appropriate chronological order.

- (64) Restaurants, Cafeterias; Restaurants, Full Service (Dine-In Only); Restaurants, Limited Service (Dine-In)
 - a. Use districts: Office and Institutional; Neighborhood Commercial; Rural Commercial; General Commercial; M-1 Light Industrial; LI Light Industrial.
 - b. As a regular and substantial source of business to the licensed establishment, meals shall be served upon the demand of guests and patrons during the normal “mealtimes” which occur when the licensed business establishment is open to the public and that an adequate supply of food is present on the licensed premises to meet such demand.
 - c. Seating must be provided for at least twenty (20) patrons.
 - d. 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.
 - e. The bar area shall not cover more than twenty-five (25) percent of floor area, excluding the kitchen, storage area(s), serving areas and offices.
 - f. A full floor plan of the restaurant shall be provided to the Zoning Administrator.
 - g. Alcoholic beverages shall not be sold or dispensed unless the kitchen is open and prepared food items from the menu are available to patrons.

- h. The stage area for entertainment shall not exceed one-hundred (100) square feet.
- i. The area devoted to dancing shall not exceed 250 square feet or ten percent of total floor area (excluding the kitchen, storage area(s), serving areas and offices), whichever is greater.
- j. Admission/cover charges prior to entrance are prohibited.
- k. The use of metal detection wands, frisking, and identification checks on patrons is prohibited.
- l. The restaurant must be equipped with a kitchen that is primarily utilized for the cooking, preparation and serving of meals.
- m. 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.
- n. The restaurant must prepare for service to customers hot meals at least once each day the business establishment chooses to be open.
- o. If such establishment advertises, a substantial portion of its advertising must be devoted to its food services.
- p. Dancing poles within the establishment are prohibited.
- q. The following definitions shall be used in conjunction with this paragraph:
 - 1. "Meal" means an assortment of various prepared foods which shall be available to guests on the licensed premises during the normal "mealtimes" which occur when the licensed business establishment is open to the public. Sandwiches, boiled eggs, sausages and other snacks prepared off the licensed premises but sold thereon, shall not constitute a meal.
 - 2. "Kitchen" means a separate and distinct area of the business establishment that is used solely for the preparation, serving and disposal of solid foods that make up meals. Such area must be adequately equipped for the cooking and serving of solid foods, and the storage of same, and must include at least twenty-one cubic feet of refrigerated space for food and a stove.

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

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

SECTION VI. Effective Date. This ordinance shall be enforced from and after _____, 2016.

RICHLAND COUNTY COUNCIL

BY: _____
Torrey Rush, Chair

ATTEST THIS THE ____ DAY

OF _____, 2016

S. Monique McDaniels
Clerk of Council

RICHLAND COUNTY ATTORNEY'S OFFICE

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

Public Hearing: March 22, 2016 (tentative)
First Reading: March 22, 2016 (tentative)
Second Reading:
Third Reading: