

**RICHLAND COUNTY COUNCIL
REGULAR SESSION
COUNCIL CHAMBERS
APRIL 3, 2007
6:00 P.M.**

**CALL TO ORDER Honorable Joseph McEachern,
Chairman**

INVOCATION Honorable Joyce Dickerson

**PLEDGE OF ALLEGIANCE
 Honorable Joyce Dickerson**

CITIZEN'S INPUT

APPROVAL OF MINUTES

Regular Session: March 20, 2007 [Pages 7-17]

Zoning Public Hearing: March 27, 2007 [Pages 18-22]

ADOPTION OF AGENDA

**REPORT OF THE COUNTY ATTORNEY FOR EXECUTIVE
SESSION ITEMS**

REPORT OF THE COUNTY ADMINISTRATOR

- a. Community Development**
- b. Employee Grievance**

REPORT OF THE CLERK OF COUNCIL

REPORT OF THE CHAIRMAN

OPEN/CLOSE PUBLIC HEARINGS

1.a., 1.b., 2.h., 2.i.

APPROVAL OF CONSENT ITEMS

1.a., 1.b., 1.c., 1.d., 2.a., 2.d., 2.e., 2.f., 2.g., 3.c., 3.e., 4.a., 4.b., 4.d., 4.e., 4.f.,

1. THIRD READING ITEMS

- a. Budget Amendment: Request to transfer \$50,000 to the Council Services Budget [PUBLIC HEARING][CONSENT] [Pages 23-24]**
- b. An Ordinance amending the Richland County Code of Ordinances, Chapter 17, Motor vehicles and traffic; Article II, General Traffic and Parking regulations; Section 17-9, through truck prohibited; so as to prohibit through truck traffic on Bakersfield Road and Richland County, South Carolina [PUBLIC HEARING] [CONSENT] [Pages 25-26]**
- c. 07-06MA
Dunbar Funeral Home
RU to O1 (2 plus acres)
General Commercial
20281-01-16(p)
4219 Hardscrabble Road [CONSENT] [Pages 27-29]**
- d. An Ordinance amending the Richland County Code of Ordinances, Chapter 26, Land Development; Article V, Zoning District and District Standards; Section 26-141, Table of Permitted Uses with Special Requirements, and Special Exceptions; Business, Professional and and Personal Services” of Table 20-V-2; and Article VI, Supplemental Use Standards; Section 26-151, Permitted Uses with special Requirements; so as to permit certain body piercing facilities with special requirements in the GC General Commercial Districts [CONSENT] [Pages 30-82]**

2. SECOND READING ITEMS

- a. An Ordinance amending the Richland County Code of Ordinances, Chapter 21, Roads, Highways and Bridges Article 1, in general; Section 21-11, traffic engineering; so as to permit the construction and maintenance of electric traffic signalization devices for County maintained roads [CONSENT] [Pages 83-84]**

- b. 06-54MA**
Stephen Spangler
Beach Equity Investment
HI to RM-HD
Multi-Family Residential
17200-03-01(p)
Farrow Road & Business Park Blvd. [Pages 85-87]
- c. 06-55MA**
Stephen Spangler
Beach Equity Investment
HI to RM-HD
Multi-Family Residential
17200-03-24
Farrow Road & Business Park Blvd. [Pages 88-89]
- d. 07-14MA**
Jerry Rye
RU to GC (3.287 acres)
Office Retail
00500-04-03
US 76 & Wessinger Road [CONSENT] [Pages 90-91]
- e. 07-18MA**
Carolina Ceramics
RU to HI (118.91 acres)
Shale Mining Operation
23700-03-02 & 26600-03-01
Hidden Valley Road & Hwy. 232 [CONSENT]
[Pages 92-93]
- f. 07-21MA**
Lake Carolina
PDD to amended PDD (167.1 acres)
PDD Amendment
23300-03-01
Lake Carolina & Kelly Mill Road [CONSENT]
[Pages 94-97]
- g. 07-03MA**
Congaree Point
M-1/GC to PDD
Mixed Use Development
13500-02-04 & 13510-01-03
Atlas & Bluff Road [CONSENT] [Pages 98-101]

- e. **Request for approval of a Sanitary Sewer Extension Agreement for the upgrade of an existing sewer lift station and the construction of an odor control building to serve the Eagles Rest Subdivision [CONSENT]**
 - f. **Request for approval of a Sanitary Sewer Extension Agreement for sewer service to River Shoals Subdivision**
4. **REPORT OF ADMINISTRATION AND FINANCE COMMITTEE [Pages 124-125]**
- a. **Sheriff's Department: Budget Amendment for Special duty Pay and request for one additional FTE [CONSENT] [Pages 126-127]**
 - b. **Sheriff's Department: Request to approve JABG Community Crime Prevention Program Grant (No Personnel \$1,428 match) [CONSENT]**
 - c. **An Ordinance amending the Richland County Code of Ordinances; Chapter 16, Licenses and Miscellaneous Business Regulations; Article 1, In General; so as to standardize this section to business license ordinances statewide [CONSENT] [Pages 128-140]**
 - d. **An Ordinance amending the Richland County Code of Ordinances, Chapter 2, Administration; Article VII, Boards, Commissions and Committees; Section 2-326, Boards and Commissions created and recognized; so as to create a Business Service Center Appeals Board [CONSENT] [Pages 141-143]**
 - e. **Request to approve the selection of Fitts and Goodwin as the Design/Build team for the wholesale Farmers' Market project [CONSENT]**
5. **REPORT OF RULES AND APPOINTMENTS COMMITTEE [Pages 144-145]**
- I. **NOTIFICATION OF VACANCIES ON BOARDS, COMMISSIONS, AND COMMITTEES**
- a. **Riverbanks Park Commission-1**
 - b. **Planning Commission-1 [Page 146]**

- II CLARIFICATION OF COUNCIL RULES**
 - A. Section 2.5 Participation, Regarding Perceived Conflicts of Interest [Page 147]**
 - B. Section 4.6 Reports (Committee), Regarding forwarding an Item to full Council that is recommended for denial in Committee [Page 148]**
- III. Requirements for funding request after the budget process**
 - a. Super majority Vote required**
 - b. Request for the Discretionary Grants Committee to meet twice a year**
- IV. An Ordinance amending the Richland County Code of Ordinances, Chapter 2, Administration: Article VII, Boards, Commissions and Committees: Section 2-326, Boards and Commissions created and recognized; Subsection (B), the Richland County Planning Commission; so that no more than two members are from any one occupation, specialty, or industry. [Pages 149-150]**
- 6. REPORT OF THE ECONOMIC DEVELOPMENT COMMITTEE**
 - a. Citadel Foundation/Northpoint Industrial Park – Contract Approval**
- 7. MOTION PERIOD**
 - a. Fair Housing Resolution – A Resolution affirming Richland County’s commitment to fair housing [Page 151]**
- 8. CITIZEN’S INPUT**
- 9. ADJOURNMENT**

MINUTES OF



RICHLAND COUNTY COUNCIL REGULAR SESSION TUESDAY, MARCH 20, 2007 6:00 p.m.

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.

MEMBERS PRESENT:

Chair	Joseph McEachern
Vice Chair	Valerie Hutchinson
Member	Joyce Dickerson
Member	Norman Jackson
Member	Damon Jeter
Member	Paul Livingston
Member	Bill Malinowski
Member	Mike Montgomery
Member	L. Gregory Pearce, Jr.
Member	Bernice G. Scott
Member	Kit Smith

ITHERS PRESENT - Michielle Cannon-Finch, Milton Pope, Tony McDonald, Roxanne Matthews, Stephany Snowden, Joe Cronin, Brad Farrar, Amelia Linder, Anna Almeida, Jennie Sherry-Linder, Audrey Shifflett, Teresa Smith, Andy Metts, Chief Harrell, Rodolfo Callwood, Sandra Hayes, Monique Walters, Michelle Onley

CALL TO ORDER

The meeting was called to order at approximately 6:07 p.m.

INVOCATION

The Invocation was given by the Honorable Damon Jeter

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by the Honorable Damon Jeter

PRESENTATION

Richland Memorial Hospital Annual Report—Board of Trustees – Ms. Ann Washington Pringle, Chair of the Richland Memorial Hospital Board of Trustees, presented the annual report to Council. She recognized Mr. Vince Ford, Ms. Judy C. Smith and Ms. Beebe Adams were in attendance.

Mr. Chuck Beaman, President and CEO of Palmetto Health, gave a brief overview of Palmetto Health. He reminded Council that they were invited to a Celebration Reviewing the First Ten Years of Reinvestment Back into the Community on March 21st from 11:00 a.m.-12:30 p.m. in the Baptist Auditorium on Sumter Street.

CITIZEN'S INPUT

Mr. Bill Edmonds spoke regarding the bidding process for the Broad Water Regional Wastewater Treatment Plant Construction Contract.

ADOPTION OF AGENDA

Mr. Pearce moved, seconded by Ms. Hutchinson, to adopt the agenda as distributed. The vote in favor was unanimous.

APPROVAL OF MINUTES

Regular Session: March 13, 2007 – Mr. Jeter moved to reconsider the Undesignated Hospitality Tax Funding Request for the SC Gospel Quartet 8th Annual Awards Banquet and Concert. The vote was in favor.

Mr. Livingston stated the title of the minutes on p. 7 should be Special Called Meeting not Regular Session.

Mr. Montgomery stated that the substitute motion vote on the p. 12 (Undesignated Hospitality Tax Funding Request: SC Gospel Quartet 8th Annual Awards Banquet and Concert) and the vote on p. 13 (Undesignated Hospitality Tax Funding Request: Capital Chevrolet Classic) were incorrectly recorded in the minutes.

Ms. Scott moved, seconded Ms. Dickerson, to approve the minutes as corrected. The vote in favor was unanimous.

REPORT OF COUNTY ATTORNEY FOR EXECUTIVE SESSION ITEMS

The following item was a potential Executive Session Item:

- a. **Transportation Commission Contract for Services Award**

REPORT OF THE COUNTY ADMINISTRATOR

Animal Care – Mr. Pope stated there was no report at this time.

Recognition of Community Development – Mr. Pope requested that this item be deferred until the next Council meeting.

Recognition of Detention Center Volunteers – Mr. Pope requested that this item be deferred until the next Council meeting.

REPORT OF THE CLERK OF COUNCIL

SCAC County Focus Magazine – Ms. Finch stated that she had additional copies of the magazine available.

Neighborhood Planning Conference-March 31st, Midlands Technical College, Northeast Campus – Ms. Finch reminded Council of the Neighborhood Planning Conference on March 31st from 7:30 a.m-3:00 p.m. at Midlands Technical College, Northeast Campus.

Homebuilders' Association – Ms. Finch stated that the Homebuilders' Association invited Council to attend a luncheon on April 10th at 12:00 p.m. regarding the Economic Impact on Housing in Richland. The speaker will be Dr. Elliott Eisenberg of the National Homebuilders' Association. The location is still to be determined.

Parking Decals – Ms. Finch stated that Security had alerted her regarding cars parked in the garage without the proper parking decals.

Annual NaCo Conference – Ms. Finch stated that the annual conference will be held July 13-17th in Richmond, Virginia. Please contact Ms. Finch if you plan to attend.

Governor's Land Use Conference – Ms. Finch stated that this conference will be held in Charleston.

REPORT OF THE CHAIRMAN

Neighborhood Planning Conference – Mr. McEachern asked that Council please attend this conference.

PUBLIC HEARING ITEMS

Mr. McEachern opened the floor to the following public hearings:

- **Ordinance Authorizing the Issuance and Sale of the Broad River Sewer System General Obligation Refunding Bonds of Richland County, South**

- Carolina in the Principal Amount not to exceed \$16,500,000.00 – No one signed up to speak.**
- **Ordinance Authorizing Deed to Forum Development II, LLC for Lot 14 in the Richland Northeast Industrial Park (Portion of TMS #25800-04-01) – No one signed up to speak.**
 - **An Ordinance Authorizing Quit-Claim Deed to Janice Juanita Newbold-Molden and Albert Wallace for a Certain Portion of a Right-of-Way Known as Bluff Oaks Road, Richland County – No one signed up to speak.**
 - **An Ordinance Authorizing the Granting of a Waterline Right-of-Way Easement to the City of Columbia, Across Property Identified as a Portion of TMS #R162-03-20, to Serve the New Columbia State Farmers' Market – No one signed up to speak.**
 - **An Ordinance Amending the FY 2006-2007 Special Revenue Fund Annual Budget to Add Six Firefighters to Fire Services. Funds are presently available in the Departmental Budget to cover the Costs of these new positions. There will be no additional costs for this fiscal year. – No one signed up to speak.**
 - **An Ordinance Amending the FY 2006-2007 General Fund Annual Budget to Add Four Emergency Medical Technicians and Four Paramedics to Emergency Medical Services. Funds are presently available in the Department Budget to cover the costs of these new positions. There will be no additional costs for this fiscal year. – No one signed up to speak.**
 - **An Ordinance Authorizing the Granting of a Sewer Easement to Ginn-LA University Club, LTD, LLP, Across Property Lying to the North of McNulty Street, Blythewood, South Carolina and Identified as a Portion of TMS #15209-01-04 – No one signed up to speak.**
 - **An Ordinance Amending the Richland County Code of Ordinances, Chapter 2, Administration; Article VI, Elected and Special Officers; Section 2-262, Salaries of Certain Elected Officials; so as to provide for the salaries of such officials and for subsequent pay increases – No one signed up to speak.**

The public hearing was closed.

APPROVAL OF CONSENT ITEMS

Ms. Scott moved, seconded by Ms. Dickerson, to approve the following consent items:

- **Ordinance Authorizing the Issuance and Sale of the Broad River Sewer System General Obligation Refunding Bonds of Richland County, South Carolina in the Principal Amount not to exceed \$16,500,000.00 [Third Reading]**
- **Ordinance Authorizing Deed to Forum Development II, LLC for Lot 14 in the Richland Northeast Industrial Park (Portion of TMS #25800-04-01) [Third Reading]**

- **06-63MA, C. Douglas Caughman, RU to GC (3.54 Acres), Family Day Care & General Commercial, 19011-02-01(p), 378 & Garners Ferry Road [Third Reading]**
- **06-64MA, James Craig/Heritage Forest Development, M-1 to RS-LD (26.23 Acres), Single Family Residential Subdivision, 17600-02-04, Wooten Road [Third Reading]**
- **07-01MA, Cynthia Stewart, RU to OI (2 Acres), Insurance Office, 25900-04-04, Two Notch [Third Reading]**
- **07-10MA, Copper Beach Townhouses, HI to RM-HD (54.6 Acres), Multi-Family Townhouses, 13607-02-01, Bluff Road & Southern Drive [Third Reading]**
- **07-08MA, H. H. Hunt, M-1 to GC (10.42 Acres), Proposed Apartment Project, 04914-01-01 & 04910-01-07, Piney Woods Road [Third Reading]**
- **An Ordinance Amending the Richland County Code of Ordinances, Chapter 2, Administration; Article VII, Boards, Commissions and Committees; Section 2-326, Boards and Commissions created and recognized; Subsection (k), Richland County Transportation Study Commission; so as to amend the membership and structure of the commission [Third Reading]**
- **An Ordinance Authorizing Quit-Claim Deed to Janice Juanita Newbold-Molden and Albert Wallace for a Certain Portion of a Right-of-Way Known as Bluff Oaks Road, Richland County [Third Reading]**
- **An Ordinance Authorizing the Granting of a Waterline Right-of-Way Easement to the City of Columbia, Across Property Identified as a Portion of TMS #R162-03-20, to serve the New Columbia State Farmers' Market**
- **An Ordinance Amending the FY 2006-2007 Special Revenue Fund Annual Budget to Add Six Firefighters to Fire Services. Funds are presently available in the Departmental Budget to cover the costs of these new positions. There will be no additional costs for this fiscal year. [Third Reading]**
- **An Ordinance Amending the FY 2006-2007 General Fund Annual Budget to Add Four Emergency Medical Technicians and Four Paramedics to Emergency Medical Services. Funds are presently available in the Department Budget to cover the costs of these new Positions. There will be no additional costs for this fiscal year. [Third Reading]**
- **An Ordinance Authorizing the Granting of a Sewer Easement to Ginn-LA University Club, LTD, LLP, Across Property Lying to the North of McNulty Street, Blythewood, South Carolina and Identified as a Portion of TMS #15209-01-04 [Third Reading]**
- **Budget Amendment: Request to Transfer \$50,000 to the Council Services Budget [Second Reading]**
- **An Ordinance Amending the Richland County Code of Ordinances, Chapter 17, Motor Vehicles and Traffic; Article II, General Traffic and Parking Regulations; Section 17-9, Through Truck Prohibited; so as to prohibit through truck traffic on Bakersfield Road and Richland County, South Carolina [Second Reading]**

- **Ordinance Amending Ordinance No. 110-06HR, Which Authorized a Deed to L-J, Inc. for Lots 18 & 19 in the Richland Northeast Industrial Park so as to allow the lots to be conveyed to David N. Jordan [Second Reading]**
- **07-06MA, Dunbar Funeral Home, RU to OI (2 Plus Acres), General Commercial, 20281-01-16(p), 4219 Hard Scrabble Road [Second Reading]**

The vote in favor was unanimous.

THIRD READING ITEMS

07-09MA, Robert Fuller/Dunlap & Sharp Condos, M-1 to GC (3.54 Acres), Student Condominium Residential Project 11111-01-54, Bluff Industrial Blvd. Extension – Ms. Smith moved, by unanimous consent, to waive Council rules for public input on this item. The motion failed. A discussion took place.

Ms. Scott moved, seconded by Ms. Dickerson, to approve this item.

Ms. Smith made a substitute motion, seconded by Mr. Pearce, to defer this item for six weeks and to direct staff to begin work on a plan to deal with industry/residential development in the meantime.

<u>In Favor</u>	<u>Oppose</u>
Pearce	Jackson
Malinowski	Jeter
Hutchinson	Livingston
McEachern	Dickerson
Smith	Scott
Montgomery	

The substitute motion passed.

POINT OF ORDER – Ms. Smith stated that she thought the discussion should be between Ms. Scott and herself in private.

An Ordinance Amending the Richland County Code of Ordinances, Chapter 2, Administration; Article X, Purchasing; Division 2, Competitive Purchasing Policy; Section 2-598, General Provisions; Subsection (A): So as to exempt certain contracts from the County's requirements under this article – Mr. Montgomery moved, seconded by Ms. Dickerson, to approve this item. The vote in favor was unanimous.

An Ordinance Amending the Richland County Code of Ordinances, Chapter 2, Administration; Article VI, Elected and Special Officers; Section 1-262, Salaries of Certain Elected Officials; so as to provide for the salaries of such officials and for subsequent pay increases – Mr. Montgomery moved, seconded by Ms. Hutchinson, to approve this item. The vote in favor was unanimous.

Ordinance Approving the Broad River Regional Wastewater Treatment Plant Rate Adjustment – Mr. Livingston moved, seconded by Ms. Dickerson, to approve this item.

Mr. Pearce moved, seconded by Mr. Montgomery, to amend 2.b., line 3 to read:
... beginning July 1, 2007.

Mr. Pope stated that bond counsel suggested the addition of 2.c. to read: Prior to the effective date in connection with the collection system, which received a permit to operate from the South Carolina Department of Health and Environmental Control, sewer taps shall be sold or made available at a rate of \$2,200.00. All other taps sold or made available from the date of this enactment of this ordinance shall be sold or made available at the increased rate of \$3,000.00.

Mr. Livingston accepted the amendments to the original motion.

Mr. Malinowski made a substitute motion, seconded by Mr. Montgomery, to increase the user fee to \$42.02 and the tap fee be increased to \$4,000.00. A discussion took place.

<u>In Favor</u>	<u>Oppose</u>
Pearce	Dickerson
Malinowski	Scott
Jackson	
Jeter	
Hutchinson	
McEachern	
Livingston	
Smith	
Montgomery	

The substitute motion passed.

- a. **Award of Construction Contract** – Mr. Pearce moved, seconded by Ms. Smith, to approve this item. A discussion took place.

Mr. Montgomery moved, seconded by Mr. Livingston, to defer this item until after Executive Session. The vote in favor was unanimous.

REPORT OF THE DEVELOPMENT AND SERVICES COMMITTEE

An Ordinance to the Richland County Code of Ordinances; Chapter 21, Roads, Highways and Bridges; Article 1, In general; Section 21-11, Traffic Engineering; so as to permit the construction and maintenance of electric traffic signalization devices for County maintained roads – Mr. Montgomery moved, seconded by Mr. Pearce, to approve this item and forwarded the prioritization and funding materials to the D&S Committee. A discussion took place. The vote in favor was unanimous.

REPORT OF THE ADMINISTRATION AND FINANCE COMMITTEE

Approval of Contract with SunGard Bi-Tech for the Purchase of Finance and Human Resource Software System – Mr. Pearce moved, seconded by Ms. Smith, to defer this item until the April 3rd Council meeting. The vote in favor was unanimous.

Transportation Commission Contract for Services Award – Mr. Montgomery moved, seconded by Mr. Pearce, to defer this item until after Executive Session. A discussion took place.

REPORT OF WORK SESSION

Animal Care – Ms. Smith moved, seconded by Mr. Pearce, to direct administration to prepare two options for our consideration within 30 days. Option 1 would be to negotiate a MOU with the City of Columbia for Animal Services that would include an option to contract with a private agency to work toward a no-kill policy. The second option would be a county owned and operated comprehensive animal services facility that would also include an option to contract with a private agency to work toward a no-kill policy. The vote in favor was unanimous.

County Administrator's Contract – The item was received as information.

CITIZEN'S INPUT

Mr. Earl McLeod spoke regarding the process of a public hearing.

EXECUTIVE SESSION ITEMS

- a. **Broad River Regional Wastewater Treatment Plant Award of Construction Contract** – Mr. Montgomery moved, seconded by Ms. Smith, to approve the administration's recommendation. The vote was in favor.
- b. **Transportation Commission Contract for Services Award** – Mr. Montgomery moved, seconded by Mr. Livingston, to approve the administration's recommendation with the following stipulation: that we require regular reports on minority business participation and that they meet the commitment that they have made as a minimum with regard to minority business participation.

Ms. Smith requested the following amendment: to direct requests for funding to the CTC.

Mr. Montgomery and Mr. Livingston accepted the amendment.

Mr. Jackson made a substitute motion, seconded by Ms. Hutchinson, to direct the committee to collect all necessary data before Council makes a final decision on the awarding of the contract for services. A discussion took place.

<u>In Favor</u>	<u>Oppose</u>
Malinowski	Pearce
Jackson	McEachern
Jeter	Livingston
Hutchinson	Smith
Dickerson	Scott
	Montgomery

The substitute motion failed.

<u>In Favor</u>	<u>Oppose</u>
Pearce	Malinowski
Jeter	Jackson
McEachern	Hutchinson
Livingston	Dickerson
Smith	
Scott	
Montgomery	

The main motion passed.

Ms. Montgomery moved, seconded by Ms. Dickerson, to go into Executive Session. The vote in favor was unanimous.

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Council went into Executive Session at approximately 8:00 p.m. and came out at approximately 8:42 p.m.
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Mr. Montgomery moved, seconded by Ms. Scott to come out of Executive Session. The vote in favor was unanimous.

Undesignated Hospitality Tax Funding Request: SC Gospel Quartet 8th Annual Awards Banquet and Concert – Mr. Jeter moved, seconded Ms. Scott, to appropriate \$20,000 from the Undesignated Hospitality Tax Fund for the 8th Annual SC Gospel Quartet Concert.

Mr. Livingston moved, seconded by Mr. Jeter, to incorporate the following amendment: that any subsequent hospitality tax requests not taken up during the budget process requires at least a 2/3 vote of Council.

POINT OF ORDER – Ms. Smith stated that this is a rules change and requires notice to the Council and will need to be referred to the Rules Committee.

Mr. Livingston withdrew the amendment to the motion.

The vote was in favor.

MOTION PERIOD

Resolution for Marlin Henderson – Ms. Scott moved, seconded by Mr. Montgomery, to adopt a resolution for Richland County employee Marlin Henderson upon her retirement. The vote in favor was unanimous.

Hopkins Rural Development Work Session – Ms. Scott moved, seconded by Mr. Montgomery, to schedule a Hopkins Rural Development work session for March 26th at 4:30 p.m. The vote in favor was unanimous.

Planning Commission – Mr. Jackson forward to the D&S Committee the composition of the Planning Commission be reviewed with regards to no more than two members from the same special interest group participate in the commission.

City of Columbia Debt – Mr. Jackson forwarded to the A&F Committee the collection of all outstanding debt owed by the City of Columbia from contracts and agreements.

Discretionary Grants Committee – Mr. Jackson forwarded to the A&F Committee a request that the Discretionary Grants Committee meet twice a year.

Subsequent Hospitality Tax Funding Requests – Mr. Livingston forwarded to the Rules & Appointments Committee a request that all subsequent Hospitality Tax funding requests outside the budget process require 2/3 vote of Council.

Resolution for Dr. Chavis – Mr. McEachern moved, seconded Ms. Scott, to adopt a resolution for Dr. Chavis, Ridgewood Baptist Church, upon his retirement. The vote in favor was unanimous.

Resolution for Dr. Gloria Blackwell – Mr. McEachern moved, seconded by Mr. Pearce, to adopt a resolution for Dr. Gloria Blackwell in honor of her 80th birthday. The vote in favor was unanimous.

Woodrow Wilson House – Mr. Pearce stated that he would be forwarding to Council a website for the Woodrow Wilson House restoration.

Subdivision Review – Mr. Jackson forwarded to the D&S Committee a request to place the review of subdivisions under the authority of the Planning Commission.

Sewer Extension Policy – Mr. Malinowski forwarded to the D&S Committee a request to place the sewer extension under the authority of County Council.

Floodplain Ordinance – Mr. Jackson forwarded to the Planning Commission the review of the fill in floodplain ordinance.

An Ordinance Authorizing the Granting of a Sewer Easement to Ginn-LA University Club, LTD, LLP, Across Property Lying to the North of McNulty Street, Blythewood, South Carolina and Identified as a Portion of TMS #15209-01-04 – Ms. Scott moved, seconded by Ms. Smith, to reconsider this item. The motion failed.

ADJOURNMENT

The meeting adjourned at approximately 9:30 p.m.

Joseph McEachern, Chair

Valerie Hutchinson, Vice-Chair

Joyce Dickerson

Norman Jackson

Damon Jeter

Paul Livingston

Bill Malinowski

Mike Montgomery

L. Gregory Pearce, Jr.

Bernice G. Scott

Kit Smith

The minutes were transcribed by Michelle M. Onley

MINUTES OF



RICHLAND COUNTY COUNCIL ZONING PUBLIC HEARING TUESDAY, MARCH 27, 2007 7:00 p.m.

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.

MEMBERS PRESENT:

Chair	Joseph McEachern
Vice-Chair	Valerie Hutchinson
Member	Joyce Dickerson
Member	Norman Jackson
Member	Damon Jeter
Member	Paul Livingston
Member	Bill Malinowski
Member	Mike Montgomery
Member	L. Gregory Pearce, Jr.
Member	Bernice G. Scott
Member	Kit Smith

OTHERS PRESENT: Michielle Cannon-Finch, Milton Pope, Jennifer Dowden, Amelia Linder, Anna Almeida, Suzie Haynes, Jennie Sherry-Linder, Michael Criss, Geo Price, Monique Walters, Michelle Onley

CALL TO ORDER

The meeting was called to order at approximately 7:10 p.m.

ADDITIONS/DELETIONS TO AGENDA – Ms. Almeida stated that the applicant for Case# 06-61MA has withdrawn his request.

Ms. Scott moved, seconded by Mr. Jackson, to move Case# 07-03MA to the beginning of the agenda. The vote in favor was unanimous.

MAP AMENDMENTS

07-03MA, Congaree Point, M-1/GC to PDD, Mixed Use Development, 13500-02-04 & 13510-01-03, Atlas & Bluff Rd.

Mr. McEachern opened the floor to the public hearing.

Mr. Darrell Strother spoke in favor of this item.

The floor to the public hearing was closed.

Ms. Scott moved, seconded by Mr. Jackson, to approve the re-zoning request for First Reading. A discussion took place.

Mr. Malinowski made a substitute motion to approve staff's recommendations for the number of homes originally set. The motion died for a lack of a second.

The vote was in favor on the main motion.

06-54MA, Stephen Spangler, Beach Equity Investment, HI to RM-HD, Multi-Family Residential, 17200-03-01, Farrow Rd. & Business Park Blvd,

Ms. Smith recused herself and did not participate in any discussion or vote relating to this item representing a potential conflict of interest.

A discussion took place.

Mr. McEachern opened the floor to the public hearing.

Mr. Dan Doyle and Mr. Deepal Eliatamby spoke in favor of this item.

The floor to the public hearing was closed.

Ms. Scott moved, seconded by Mr. Pearce, to approve the re-zoning request for First Reading. A discussion took place.

The vote was in favor.

06-55MA, Stephen Spangler, Beach Equity Investment, HI to RM-HD, Multi-Family Residential, 17200-03-24, Farrow Rd. & Business Park Blvd.

Ms. Smith recused herself and did not participate in any discussion or vote relating to this item representing a potential conflict of interest.

A discussion took place.

Mr. McEachern opened the floor to the public hearing.

Mr. Dan Doyle and Mr. Deepal Eliatamby spoke in favor of this item.

The floor to the public hearing was closed.

Ms. Scott moved, seconded by Mr. Pearce, to approve the re-zoning request for First Reading. A discussion took place.

The vote was in favor.

07-02MA, Doug Webber, RU to RC (3.63 Acres), Office/Warehouse, 02600-04-25, 11232 Broad River Rd.

Mr. McEachern opened the floor to the public hearing.

Mr. Doug Weber spoke in favor of this item.

Mr. Edward Barnhill, Mr. Robert Thompson, Ms. Connie Thompson, Mr. Winston Holliday, Ms. Carolyn Holliday, and Mr. Robbie Mylen spoke against this item.

The floor to the public hearing was closed.

Mr. Malinowski moved, seconded by Mr. Jackson, to deny the re-zoning. The vote in favor was unanimous.

07-11MA, Carey Shealy, RS-MD to GC (.43 Acres), General Commercial/Office, 17011-01-08, Off Two Notch Rd.

Mr. Jackson moved, seconded by Mr. Malinowski, to defer the public hearing and the re-zoning request. A discussion took place.

The vote in favor was unanimous.

07-14MA, Jerry Rye, RU to GC (3.287 Acres), Office/Retail, 00500-04-03, US # 76 & Wessinger Rd.

Mr. McEachern opened the floor to the public hearing.

The citizen that signed up to speak in favor of this item declined to speak at this time.

The floor to the public hearing was closed.

Mr. Malinowski moved, seconded by Ms. Scott, to approve the re-zoning request for First Reading. The vote in favor was unanimous.

07-18MA, Carolina Ceramics, RU to HI (118.91 Acres) Shale Mining Operation, 23700-03-02, Hidden Valley Rd. & Hwy. 232

Mr. McEachern opened the floor to the public hearing.

The citizens that signed up to speak in favor of this item declined to speak at this time.

The floor to the public hearing was closed.

Ms. Dickerson moved, seconded by Ms. Scott, to approve the re-zoning request for First Reading. The vote in favor was unanimous.

07-21MA, Lake Carolina, PUD-2 to PDD (167.1 Acres), PUD Amendment, 23300-03-01 & 23200-01-02, Lake Carolina & Kelly Mill Rd.

Mr. McEachern opened the floor to the public hearing.

The citizen that signed up to speak in favor of this item declined to speak at this time.

The floor to the public hearing was closed.

Ms. Dickerson moved, seconded by Ms. Scott, to approve the re-zoning request for First Reading. A discussion took place.

The vote in favor was unanimous.

TEXT AMENDMENT

An Ordinance Amending the Richland County Code of Ordinances, Chapter 26, Land Development; Article V, Zoning Districts and District Standards; Section 26-141, Table of Permitted Uses with Special Requirements, and Special Exceptions; "Business, Professional and Personal Services" of Table 20-V-2; and Article VI, Supplemental Use Standards; Section 26-151, Permitted Uses with Special Requirements; so as to Permit Certain Body Piercing Facilities with Special Requirements in the GC General Commercial Districts

Mr. McEachern opened the floor to the public hearing.

The citizen that signed up to speak in favor of this item declined to speak at this time.

The floor to the public hearing was closed.

Ms. Scott moved, seconded by Mr. Jeter, to approve this item for Second Reading. The vote in favor was unanimous.

OTHER BUSINESS

Rezoning Procedures – Ms. Almeida stated that a chart was provided as a guide for which items would go back to Planning Commission.

ADJOURNMENT – The meeting adjourned at approximately 8:00 p.m.

Submitted respectfully by,

Joseph McEachern
Chair

The minutes were transcribed by Michelle M. Onley

STATE OF SOUTH CAROLINA
COUNTY COUNCIL FOR RICHLAND COUNTY
ORDINANCE NO. ___-07HR

AN ORDINANCE AMENDING THE FISCAL YEAR 2006-2007 GENERAL FUND ANNUAL BUDGET TO ADD FIFTY THOUSAND DOLLARS (\$50,000.00) TO COUNCIL SERVICES BUDGET.

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

SECTION I. That the amount of Fifty Thousand Dollars (\$50,000.00) be appropriated to the FY 2006-2007 Council Services budget. Therefore, the Fiscal Year 2006-2007 General Fund Annual Budget is hereby amended as follows:

REVENUE

Revenue appropriated July 1, 2006 as amended:	\$119,118,265
Appropriation of Unrestricted General Fund Balance:	_____ 50,000
Total General Fund Revenue As Amended:	\$119,168,265

EXPENDITURES

Expenditures appropriated July 1, 2006 as amended:	\$119,118,265
Increase in Council Services Budget:	_____ 50,000
Total General Fund Expenditures As Amended:	\$119,168,265

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

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

SECTION IV. Effective Date. This ordinance shall be enforced from and after _____, 2007.

RICHLAND COUNTY COUNCIL

BY: _____
Joseph McEachern, Chair

ATTEST THIS THE ____ DAY

OF _____, 2007

Michielle R. Cannon-Finch
Clerk of Council

RICHLAND COUNTY ATTORNEY'S OFFICE

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

First Reading: March 13, 2007
Second Reading: March 20, 2007
Public Hearing: April 3, 2007 (tentative)
Third Reading: April 3, 2007 (tentative)

AMENDED DRAFT 2-28-07

STATE OF SOUTH CAROLINA
COUNTY COUNCIL FOR RICHLAND COUNTY
ORDINANCE NO. ___-07HR

AN ORDINANCE AMENDING THE RICHLAND COUNTY CODE OF ORDINANCES; CHAPTER 17, MOTOR VEHICLES AND TRAFFIC; ARTICLE II, GENERAL TRAFFIC AND PARKING REGULATIONS; SECTION 17-9, THROUGH TRUCK TRAFFIC PROHIBITED; SO AS TO PROHIBIT THROUGH TRUCK TRAFFIC ON BAKERSFIELD ROAD BETWEEN DUTCH SQUARE BOULEVARD AND MORNINGHILL DRIVE IN RICHLAND COUNTY, SOUTH CAROLINA IN RICHLAND COUNTY, SOUTH CAROLINA; AND TO DEFINE "TRUCK".

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

SECTION I. The Richland County Code of Ordinances; Chapter 17, Motor Vehicles and Traffic; Article II. General Traffic and Parking Regulations; Section 17-9, Through Truck Traffic Prohibited; is hereby amended by the deletion of the language contained therein and the substitution of the following language:

Section 17-9. Through truck traffic prohibited.

(a) All through truck traffic is prohibited on the following roads in Richland County, South Carolina:

- (1) Sparkleberry Lane;
- (2) Congress Road between Leesburg Road and Garners Ferry Road;
- (3) Bynum Road;
- (4) Summit Parkway;
- (5) Valhalla Drive;
- (6) Olympia Avenue between Heyward Street and Bluff Road; and
- (7) Bakersfield Road between Dutch Square Boulevard and Morninghill Drive.

(b) For the purpose of this Section, the following definitions shall apply:

- (1) Truck means: a) every motor vehicle designed and used primarily for drawing other vehicles, and not so constructed as to carry a load other than a part of the weight of the vehicle and the load so drawn; b) every vehicle having more than two (2) axles, with or without motive power, other than a pole trailer,

designed for carrying persons or property and for being drawn by a motor vehicle and so constructed that some part of its weight and that of its load rests upon or is carried by another vehicle; and/or c) every vehicle having more than two (2) axles, with or without motive power, other than a pole trailer, designed for carrying persons or property and for being drawn by a motor vehicle, and so constructed that no part of its weight rests upon the towing vehicle.

(2) Through truck traffic means truck traffic moving from the beginning point of the road to the ending point of the road without stopping.

SECTION II. Severability. If any section, subsection, or clause of this Ordinance shall be held by a court of competent jurisdiction to be unconstitutional or otherwise invalid, such finding shall not affect the validity of the remaining sections, subsections, and clauses of this Ordinance.

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

SECTION IV. Effective Date. This Ordinance shall be enforced from and after _____, 2007.

RICHLAND COUNTY COUNCIL

BY: _____
Joseph McEachern, Chair

ATTEST this the ____ day of
_____, 2007

Michielle R. Cannon-Finch
Clerk of Council

RICHLAND COUNTY ATTORNEY'S OFFICE

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

First Reading: March 13, 2007
Second Reading: March 20, 2007
Public Hearing: April 3, 2007 (tentative)
Third Reading: April 3, 2007 (tentative)

STATE OF SOUTH CAROLINA
COUNTY COUNCIL OF RICHLAND COUNTY
ORDINANCE NO. ____-07HR

AN ORDINANCE OF THE COUNTY COUNCIL OF RICHLAND COUNTY, SOUTH CAROLINA, AMENDING THE ZONING MAP OF UNINCORPORATED RICHLAND COUNTY, SOUTH CAROLINA, TO CHANGE THE ZONING DESIGNATION FOR THE REAL PROPERTY DESCRIBED AS A PORTION OF TMS # 20281-01-16 FROM RU (RURAL DISTRICT) TO OI (OFFICE AND INSTITUTIONAL DISTRICT); AND PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE.

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

Section I. The Zoning Map of unincorporated Richland County is hereby amended to change a portion of the property (TMS # 20281-01-16) described in Exhibit A, which is attached hereto, from RU (Rural District) zoning to OI (Office and Institutional District) zoning.

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

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

Section IV. This ordinance shall be effective from and after _____, 2007.

RICHLAND COUNTY COUNCIL

By: _____
Joseph McEachern, Chair

Attest this _____ day of
_____, 2007.

Michielle R. Cannon-Finch
Clerk of Council

RICHLAND COUNTY ATTORNEY'S OFFICE

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

Public Hearing: February 27, 2007
First Reading: March 13, 2007
Second Reading: March 20, 2007
Third Reading: April 3, 2007 (tentative)

EXHIBIT A

STATE OF SOUTH CAROLINA
COUNTY COUNCIL FOR RICHLAND COUNTY
ORDINANCE NO. ___-07HR

AN ORDINANCE AMENDING THE RICHLAND COUNTY CODE OF ORDINANCES, CHAPTER 26, LAND DEVELOPMENT; ARTICLE V, ZONING DISTRICTS AND DISTRICT STANDARDS; SECTION 26-141, TABLE OF PERMITTED USES WITH SPECIAL REQUIREMENTS, AND SPECIAL EXCEPTIONS; "BUSINESS, PROFESSIONAL AND PERSONAL SERVICES" OF TABLE 20-V-2.; AND ARTICLE VI, SUPPLEMENTAL USE STANDARDS; SECTION 26-151, PERMITTED USES WITH SPECIAL REQUIREMENTS; SO AS TO PERMIT CERTAIN BODY PIERCING FACILITIES WITH SPECIAL REQUIREMENTS IN THE GC GENERAL COMMERCIAL DISTRICTS.

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; "Business, Professional and Personal Services" of Table 20-V-2.; is hereby amended to read as follows:

(ORDINANCE CONTINUES ON NEXT PAGE)

USE TYPES	RU	RR	RS-E	RS-LD	RS-MD	RS-HD	MH	RM-MD	RM-HD	OI	NC	RC	GC	M-1	LI	HI
<u>Business, Professional and Personal Services</u>																
Accounting, Tax Preparation, Bookkeeping, and Payroll Services										P	P	P	P	P	P	
Advertising, Public Relations, and Related Agencies										P	P	P	P	P		
Automatic Teller Machines										P	P	P	P	P	P	P
Automobile Parking (Commercial)										P	P	P	P	P	P	P
Automobile Rental or Leasing													P	P	P	P
Automobile Towing, Not Including Storage												P	P	P	P	P
Automobile Towing, Including Storage Services														P	P	P
Banks, Finance, and Insurance Offices										P	SR	SR	P	P	P	
Barber Shops, Beauty Salons, and Related Services	SR							SR	SR	P	P	P	P	P	P	
Bed and Breakfast Homes/Inns	P	SR						SR	SR	P	P	SR	P	P		
Building Maintenance Services, Not Otherwise Listed													P	P	P	P
<u>Body Piercing Facilities</u>													<u>SR</u>			
Car and Light Truck Washes (See also Truck Washes)												SR	P	P	P	P
Carpet and Upholstery Cleaning Services													P	P	P	P
Clothing Alterations/Repairs; Footwear Repairs										P	P	P	P	P		
Computer Systems Design and Related Services										P	P	P	P	P	P	P

USE TYPES	RU	RR	SR-E	RS-LD	RS-MD	RS-HD	MH	RM-MD	RM-HD	OI	NC	RC	GC	M-1	LI	HI
Construction, Building, General Contracting, with Outside Storage														SR	SR	P
Construction, Building, General Contracting, without Outside Storage										P	P	P	P	P	P	P
Construction, Heavy, with Outside Storage														SR	SR	P
Construction, Heavy, without Outside Storage														P	P	P
Construction, Special Trades, with Outside Storage														SR	SR	P
Construction, Special Trades, without Outside Storage										P	P	P	P	P	P	P
Employment Services										P	P	P	P	P	P	
Engineering, Architectural, and Related Services										P	P	P	P	P	P	
Exterminating and Pest Control Services												P	P	P	P	
Funeral Homes and Services										P	P	P	P	P	P	
Furniture Repair Shops and Upholstery												P	P	P	P	P
Hotels and Motels												P	P	P	P	
Janitorial Services												P	P	P	P	P
Kennels	SR									SR		SR	SR	SR	SR	
Landscape and Horticultural Services	P												P	P	P	
Laundromats, Coin Operated											P	P	P	P	P	
Laundry and Dry Cleaning Services, Non-Coin Operated										P	P	P	P	P	P	P
Legal Services (Law Offices, Etc.)										P	P	P	P	P		

USE TYPES	RU	RR	SR-E	RS-LD	RS-MD	RS-HD	MH	RM-MD	RM-HD	OI	NC	RC	GC	M-1	LI	HI
Linen and Uniform Supply													P	P	P	P
Locksmith Shops											P	P	P	P		
Management, Scientific, and Technical Consulting Services										P	P	P	P	P	P	
Massage Therapists										P	P	P	P	P		
Medical/Health Care Offices										P	P	P	P	P		
Medical, Dental, or Related Laboratories										P	P	P	P	P	P	
Motion Picture Production/Sound Recording													P	P	P	
Office Administrative and Support Services, Not Otherwise Listed										P	P	P	P	P	P	
Landscape and Horticultural Services	P												P	P	P	
Packaging and Labeling Services										P	P	P	P	P	P	P
Pet Care Services (Excluding Veterinary Offices and Kennels)										P	SR	SR	P	P	P	
Photocopying and Duplicating Services										P	P	P	P	P	P	P
Photofinishing Laboratories										P	P	P	P	P	P	P
Photography Studios										P	P	P	P	P		
Picture Framing Shops										P	P	P	P	P		
Professional, Scientific, and Technical Services, Not Otherwise Listed										P	P	P	P	P	P	
Publishing Industries													P	P	P	P
Real Estate and Leasing Offices										P	P	P	P	P		
Recreational Vehicle Parks and Recreation Camps	SR															

USE TYPES	RU	RR	SR-E	RS-LD	RS-MD	RS-HD	MH	RM-MD	RM-HD	OI	NC	RC	GC	M-1	LI	HI
Rental Centers, with Outside Storage													SR	P	P	P
Rental Centers, without Outside Storage												P	P	P	P	P
Repair and Maintenance Services, Appliance and Electronics												SR	SR	SR	SR	P
Repair and Maintenance Services, Automobile, Major														P	P	P
Repair and Maintenance Services, Automobile, Minor												P	P	P	P	P
Repair and Maintenance Services, Boat and Commercial Trucks, Large														P		P
Repair and Maintenance Services, Boat and Commercial Trucks, Small														P	P	P
Repair and Maintenance Services, Commercial and Industrial Equipment														P	P	P
Repair and Maintenance Services, Home and Garden Equipment													P	P	P	
Recreational Vehicle Parks and Recreation Camps	SR															
Rental Centers, with Outside Storage													SR	P	P	P
Rental Centers, without Outside Storage												P	P	P	P	P
Research and Development Services										SR			P	P	P	P
Security and Related Services													P	P	P	
Septic Tank Services												P		P		P
Tanning Salons											P	P	P	P		

USE TYPES	RU	RR	SR-E	RS-LD	RS-MD	RS-HD	MH	RM-MD	RM-HD	OI	NC	RC	GC	M-1	LI	HI
Taxidermists												P	P	P	P	
Theaters, Live Performances													P	P		
Theaters, Motion Picture, Drive-Ins												SE	SE	P	SE	
Theaters, Motion Picture, Other Than Drive-Ins											SE	P	P	P	P	
Tire Recapping														P		P
Travel Agencies (without Tour Buses or Other Vehicles)										P	P	P	P	P		
Traveler Accommodations, Not Otherwise Listed												P	P	P		
Truck (Medium and Heavy) Washes													P	P	P	P
Vending Machine Operators														P	P	P
Veterinary Services (Non-Livestock, May Include Totally Enclosed Kennels Operated in Connection with Veterinary Services)										SR	SR	P	P	P	P	
Watch and Jewelry Repair Shops										P	P	P	P	P		
Weight Reducing Centers										P	P	P	P	P		

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

- (1) Accessory Dwellings - (RU, RR, RS-E, RS-LD, RS-MD, RS-HD, M-1)
- (2) Amusement or Water Parks, Fairgrounds - (GC, M-1, LI)
- (3) Animal Shelters - (GC, M-1, LI)
- (4) Antennas - (All Districts)
- (5) Athletic Fields - (NC, RC)
- (6) Banks, Finance, and Insurance Offices – (NC, RC)
- (7) Barber Shops, Beauty Salons, and Related Services - (RU, RM-MD, RM-HD)
- (8) Bars and other Drinking Places - (RC, GC, M-1, LI)
- (9) Batting Cages - (GC, M-1, LI)
- (10) Bed and Breakfast Homes/Inns - (RR, RM-MD, RM-HD, RC)
- (11) Beer/Wine/Distilled Alcoholic Beverages – (GC)
- (12) Body Piercing Facilities – (GC)
- ~~(13)~~ Buildings, High-Rise, Four (4) or Five (5) Stories – (RM-HD, GC)
- ~~(14)~~ Car and Light Truck Washes- (RC)
- ~~(15)~~ Cemeteries and Mausoleums - (OI, NC, RC, GC, M-1, LI, HI)
- ~~(16)~~ Clubs or Lodges – (RU)
- ~~(17)~~ Continued Care Retirement Communities - (RM-MD, RM-HD, OI, RC, GC)
- ~~(18)~~ Construction, Building, General Contracting, with Outside Storage - (M-1, LI)
- ~~(19)~~ Construction, Building, Heavy, with Outside Storage - (M-1, LI)

- (~~19~~20) Construction, Special Trades, with Outside Storage - (M-1, LI)
- (~~20~~21) Country Clubs with Golf Courses - (RU, GC, M-1, LI)
- (~~21~~22) Day Care, Adult, Home Occupation (6 or Less) – (OI, NC, RC, GC)
- (~~22~~23) Day Care Centers, Adult - (OI, NC, RC, GC)
- (~~23~~24) Day Care, Child, Family Day Care, Home Occupation (5 or less) - (OI, NC, RC, GC)
- (~~24~~25) Day Care, Child, Group Day Care, Home Occupation (6 to 12) – (OI, NC, RC, GC)
- (~~25~~26) Day Care Centers, Child, Licensed Centers - (OI, NC, RC, GC, M-1, LI)
- (~~26~~27) Drugs and Druggists' Sundries – (GC)
- (~~27~~28) Durable Goods, Not Otherwise Listed – (GC)
- (~~28~~29) Dwellings, Manufactured Homes on Individual Lots - (RU, MH)
- (~~29~~30) Dwellings, Manufactured Homes on Individual Lots - (RR, RS-E)
- (~~30~~31) Dwellings, Single Family, Zero Lot Line, Common and Parallel -
(Common: RM-MD, RM-HD, OI, GC, M-1; Parallel: RS-E, RS-LD, RS-MD, RS-HD, RM-MD, RM-HD, OI, M-1)
- (~~31~~32) Electrical Goods – (GC)
- (~~32~~33) Fuel Oil Sales (Non-Automotive) - (M-1, HI)
- (~~33~~34) Furniture and Home Furnishings – (GC)
- (~~34~~35) Golf Courses - (GC, M-1, LI)
- (~~35~~36) Golf Driving Ranges (Freestanding) - (RC, GC, M-1, LI)
- (~~36~~37) Go-Cart, Motorcycle, and Similar Small Vehicle Tracks - (GC)
- (~~37~~38) Group Homes (9 or Less) - (RU, RR, RS-E, RS-LD, RS-MD, RS-HD, MH, RM-MD, RM-HD)
- (~~38~~39) Home Occupations - (RU, RR, RS-E, RS-LD, RS-MD, RS-HD, MH, RM-MD, RM-HD, OI, NC, RC, GC)
- (~~39~~40) Kennels - (RU, OI, RC, GC, M-1, LI)

- (~~40~~41) Libraries – (RU, RR, RS-E, RS-LD, RS-MD, RS-HD, MH, RM-MD, RM-HD)
- (~~41~~42) Lumber and Other Construction Materials – (GC)
- (~~42~~43) Machinery, Equipment and Supplies – (GC)
- (~~43~~44) Manufactured Home Sales – (GC, M-1)
- (~~44~~45) Manufactured Home Parks – (MH, M-1)
- (~~45~~46) Market Showrooms - (GC)
- (~~46~~47) Motor Vehicles, New Parts and Supplies – (GC)
- (~~47~~48) Motor Vehicles, Tires and Tubes – (GC)
- (~~48~~49) Nondurable Goods, Not Otherwise Listed – (GC)
- (~~49~~50) Paints and Varnishes – (GC)
- (~~50~~51) Pet Care Services – (NC, RC)
- (~~51~~52) Petroleum and Coal Products Manufacturing - (HI)
- (~~52~~53) Petroleum and Petroleum Products - (M-1, HI)
- (~~53~~54) Places of Worship – (RU, RR, RM-MD, RM-HD, RC)
- (~~54~~55) Plumbing and Heating Equipment and Supplies – (GC)
- (~~55~~56) Poultry Farms – (RU)
- (~~56~~57) Produce Stands – (RU)
- (~~57~~58) Public or Private Parks- (All Districts)
- (~~58~~59) Public Recreation Facilities- (All Districts)
- (~~59~~60) Radio, Television, and Other Similar Transmitting Towers – (M-1)
- (~~60~~61) Recreational Vehicle Parks and Recreation Camps – (RU)
- (~~61~~62) Rental Centers, With Outside Storage – (GC)

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

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

- (c) *Standards.* The development standards listed herein are additional to other requirements of this chapter. These development standards are use-specific and apply to those uses designated with an “SR” in the Table of Permitted Uses, Permitted Uses with Special Requirements, and Special Exceptions (Table 26-V-2. Section 26-141).

- (1) *Accessory dwellings.*

- a. Use districts: Rural; Rural Residential; Residential, Single-Family, Estate; Residential, Single-Family, Low Density; Residential, Single-Family, Medium Density; Residential, Single-Family, High Density, M-1 Light Industrial.
- b. Accessory dwellings shall be located only on lots containing one single-family detached structure. (However, other conforming accessory structures may also be located on the lot).
- c. Only one accessory dwelling shall be permitted per single-family dwelling.
- d. If the accessory dwelling is located within the same structure as the principal dwelling, the principal dwelling shall not be altered in any way so as to appear from a public or private road to be multi-family housing.
- e. A manufactured home may not be used as an accessory dwelling.
- f. The gross floor area of the accessory dwelling shall not exceed five hundred (500) square feet or contain more than one-fourth of the heated floor area of the principal single-family dwelling, whichever is greater.

(2) *Amusement or waterparks, fairgrounds.*

- a. Use districts: General Commercial; M-1 and LI Light Industrial.
- b. The minimum lot size for an amusement park, waterpark, or fairground shall be five (5) acres.
- c. No principal building or structure shall be located within fifty (50) feet of any property line.
- d. Security fencing, a minimum of six (6) feet in height, shall be provided along the entire boundary of the park activities.
- e. No amusement equipment, machinery, or mechanical device of any kind may be operated within two hundred (200) feet of any residentially zoned property.

(3) *Animal shelters.*

- a. Use districts: General Commercial; M-1 and LI Light Industrial.

- b. Any building (which is part of an animal shelter) housing animals shall be located a minimum of one hundred and fifty (150) feet from any residentially zoned or developed property.
- c. Fenced outdoor runs are allowed for use during the hours of 6:00 am to 10:00 p.m.; however, no animal may be kept in the run for boarding purposes, and pens for the animals must be located indoors. Feeding of animals must be conducted indoors and is prohibited in the runs.
- d. All animal refuse and food must be kept in airtight containers and disposed of on a regular basis. Animal wastes shall not be stored any closer than fifty (50) feet from any property line or surface water.

(4) *Antennas.*

- a. Use districts: All Districts.
- b. In residential districts, no antenna shall be permitted between the front of a principal structure and any adjacent public road. In the case of corner lots, no antenna shall be permitted between the side of a principal structure and the road. No dish type antenna more than eighteen (18) inches in diameter shall be placed on the roof or other portion of a building so as to be visible from any adjacent property.
- c. In nonresidential districts, antennas may be placed at any location that is not visible from any adjacent public road. Antennas may be placed on top of a principal structure less than thirty (30) feet in height, provided that screening is provided with materials compatible with the principal structure at least equal in height to the antenna. Antennas may be placed on top of a flat roofed structure that exceeds thirty (30) feet in height. Antennas erected on any pitched roof structure, regardless of height of the structure, must be screened with materials compatible with the principal structure. The screening shall not be less than the height of the antenna. In these districts, dish type antennas measuring less than three (3) feet in diameter may be placed at any location on a principal structure, except for the building façade or any road oriented side wall.

(5) *Athletic fields.*

- a. Use districts: Neighborhood Commercial; Rural Commercial.

- b. All athletic fields shall have primary access to collector or thoroughfare roads.
 - c. Lights shall be positioned and shielded so as not to shine onto adjacent properties.
 - d. Loud speaker systems shall not be operated before 8:00 a.m. or after 10:00 p.m.
- (6) *Banks, finance, and insurance offices.*
- a. Use districts: Neighborhood Commercial; Rural Commercial.
 - b. No drive-thru service permitted.
- (7) *Barber shops, beauty salons, and related services.*
- a. Use districts: Rural; Residential, Multi-Family, Medium Density; Residential, Multi-Family, High Density.
 - b. No more than four (4) workstations are permitted.
 - c. Signage shall be limited to a single sign, not to exceed three (3) square feet and not containing internal lighting. Such signage shall be attached to the building.
- (8) *Bars and other drinking places.*
- a. Use districts: Rural Commercial; General Commercial; M-1 and LI Light Industrial.
 - b. Lots used for drinking places shall be located no closer than four hundred (400) feet from any other lot used as a drinking place, and shall be no closer than six hundred (600) feet to any lot which contains a school (public or private) or a place of worship.
 - c. Bars and other drinking places shall provide adequate off-street parking at a rate of twelve (12) spaces for each one thousand (1,000) square feet of gross floor area.
 - d. Parking areas related to the establishment of a bar or other drinking place shall be located no closer than thirty (30) feet to the property line of residentially zoned or used property.
 - e. A minimum six (6) foot high opaque fence shall be erected adjacent to the property line of abutting residentially zoned or used property.

(9) *Batting cages.*

- a. Use districts. General Commercial; M-1 and LI Light Industrial.
- b. No equipment, machinery, or mechanical device of any kind shall be operated within two hundred (200) feet of any residentially zoned property.
- c. Fencing, netting or other control measures shall be provided around the perimeter of the batting area to prevent balls from leaving the designated area.
- d. Lights shall be positioned and shielded so as not to shine onto adjacent properties.
- e. Loud speaker systems shall not be operated before 8:00 a.m. or after 10:00 p.m.

(10) *Bed and breakfast homes/inns.*

- a. Use districts: Rural Residential; Residential, Multi-Family, Medium Density; Residential, Multi-Family, High Density; Rural Commercial.
- b. Bed and breakfast homes/inns shall be located a minimum of one thousand five hundred (1,500) feet from any other bed and breakfast home/inn
- c. The owner or manager of the home/inn shall reside on the property.
- d. The maximum number of guest rooms provided by the bed and breakfast home/inn shall be five (5).
- e. Activities and functions designed to accommodate the guests shall take place within the principal structure.
- f. Off-street parking for bed and breakfast homes/inns shall be provided as required in Section 26-173 of this chapter. Parking shall be provided on the same lot on which the bed and breakfast inn is located, at the rear of the lot, and screened (with vegetation) from adjacent properties and from the road.
- g. In the residential districts, signage shall be limited to a single sign, not to exceed three (3) square feet and not containing internal lighting. Such signage shall be attached to the building.
- h. Exterior lighting shall be residential in nature and shall not be directed toward adjacent properties.

- i. No meals may be served to anyone other than staff and guests registered at the inn.
- j. 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 home/inn.

(11) *Beer/Wine/Distilled Alcoholic Beverages.*

- a. Use districts: General Commercial.
- b. The aggregate gross floor area shall be limited to no more than 12,000 square feet per parcel or per building, whichever is more restrictive.
- c. Materials and/or products shall not be displayed outside the building.
- d. Materials, products, and/or equipment shall not be stored outside the building.
- e. Materials and/or products shall not be processed outside the building.
- f. Lighting shall comply with the requirements of Section 26-177 infra.
- g. Landscaping buffers shall comply with the requirements of Section 26-176 infra.

(12) *Body Piercing Facilities.*

- a. Use districts: General Commercial.
- b. The applicant must receive a license from the South Carolina Department of Health and Environmental Control (SCDHEC) to operate the facility.

(1213) *Buildings, high-rise, four (4) or five (5) stories.*

- a. Use districts: Residential, Multi-Family, High Density; Office and Institutional; General Commercial.
- b. The minimum lot size to establish a high-rise building shall be one (1) acre.
- c. The minimum lot width to establish a high-rise building shall be one hundred and fifty (150) feet.

- d. A high-rise structure shall be set back a minimum of twenty-five (25) feet from all property lines.
- e. In the RM-HD District, the maximum lot coverage for a high-rise building shall be thirty-five percent (35%). In the GC and OI Districts, the maximum lot coverage for a high-rise building shall be forty-five percent (45%).
- f. Increase of allowable lot coverage:
 - 1. Additional lot coverage may be allowed on a foot for foot basis equal to the number of square feet provided on the structure above the first level in the form of landscaped roof gardens, solariums, recreational spaces and the like made available generally to tenants. In no case shall such an increase in coverage exceed an amount equal to ten percent (10%) of the total lot area upon which the high-rise structure is located.
 - 2. Parking lots or structures to accommodate required parking may be erected to cover not more than thirty percent (30%) of the total lot area in addition to the coverage listed in paragraph e. of this subsection.
- g. No portion of any high-rise building shall project through imaginary planes leaning inward over the lot from the exterior lot lines of the parcel at angles representing two (2) feet in height for each one (1) foot of horizontal distance from such lot line.
- h. Parking and loading facilities shall be provided as required by Section 26-173 and Section 26-174 of this chapter. No parking lots shall be permitted within any required setback.

~~(1314)~~ *Car and light truck washes.*

- a. Use districts: Rural Commercial.
- b. Buildings shall not be less than seventy-five (75) feet from any interior side or rear property line that adjoins a residentially zoned or used property.
- c. The hours of operation shall be limited to the hours between 7:00 a.m. and 10:00 p.m.
- d. Adequate provisions shall be made for the safe and efficient disposal of waste products.

~~(1415)~~ *Cemeteries and mausoleums.*

- a. Use districts: Office and Institutional; Neighborhood Commercial; Rural Commercial; General Commercial; M-1 and LI Light Industrial; Heavy Industrial.
- b. A minimum of three (3) contiguous acres shall be required to establish a cemetery or a mausoleum not located on the same tract of land as a place of worship.
- c. Primary access to the facility shall be from a collector or thoroughfare road.

~~(15)~~16) *Clubs or lodges.*

- a. Use districts: Rural.
- b. A club or lodge may not be used after 12:00 midnight, Sunday through Thursday, and after 1:00 a.m. on Fridays and Saturdays.
- c. Sexually oriented businesses are not permitted in a club or lodge.

~~(16)~~17) *Continued care retirement communities.*

- a. Use districts: Residential, Multi-Family, Medium Density; Residential, Multi-Family, High Density; Office Institutional; Rural Commercial; General Commercial.
- b. The minimum lot size to establish a continued care retirement community shall be one (1) acre.
- c. No parking space or driveway shall be located closer than twenty (20) feet to any other residence not a part of the community.
- d. The front 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 setbacks shall be twenty (25) feet.
- e. All facilities shall be solely for the use of the residents and their guests.

~~(17)~~18) *Construction, building, general contracting, with outside storage.*

- a. Use districts: M-1 and LI Light Industrial.
- b. All outside storage shall be completely screened from adjacent roads and residentially zoned or used properties.

~~(18)~~19) *Construction, building, heavy, with outside storage.*

- a. Use districts: M-1 and LI Light Industrial.
- b. All outside storage shall be completely screened from adjacent roads and residentially zoned or used properties.

~~(1920)~~ *Construction, special trades, with outside storage.*

- a. Use districts: M-1 and LI Light Industrial.
- b. All outside storage shall be completely screened from adjacent roads and residentially zoned or used properties.

~~(2021)~~ *Country clubs with golf courses.*

- a. Use districts: Rural; General Commercial; M-1 and LI Light Industrial.
- b. There shall be a minimum fifty (50) foot setback between clubhouses, swimming pools, lighted tennis courts, or athletic fields and adjacent residentially zoned or used property.
- c. In the Rural District, club facilities may not be used between 12:00 midnight and 7:00 a.m., Sunday through Thursday and between 1:00 a.m. and 7:00 a.m. on Friday and Saturday nights.

~~(2122)~~ *Day care, adult, home occupation (six or less).*

- a. Use districts: Office and Institutional; Neighborhood Commercial; Rural Commercial; General Commercial.
- b. An adult day care, home occupation, with six (6) or fewer attendees must be operated in an occupied residence.
- c. Client pick-up and drop-off shall not obstruct traffic flow on adjacent public roads.
- d. Parking shall not be located in the front yard.
- e. All other state and federal regulations shall be met.

~~(2223)~~ *Day care centers, adult.*

- a. Use districts: Office and Institutional; Neighborhood Commercial; Rural Commercial; General Commercial.
- b. Client pick-up and drop-off shall not obstruct traffic flow on adjacent public roads.

~~(2324)~~ *Day care, child, family day care, home occupation (five or less).*

- a. Use districts: Office and Institutional; Neighborhood Commercial; Rural Commercial; General Commercial.
- b. Any outdoor 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. Client pick-up and drop-off shall not obstruct traffic flow on adjacent public roads.
- d. Parking shall not be located in the required front yard.
- e. All other state and federal regulations shall be met.

(2425) Day care, child, group day care, home occupation (6 to 12).

- a. Use districts: Office and Institutional; Neighborhood Commercial; Rural Commercial; General Commercial.
- b. A child group day care home occupation, must be operated in an occupied residence.
- c. Any outdoor 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.
- d. Client pick-up and drop-off shall not obstruct traffic flow on adjacent public roads.
- e. Parking shall not be located in the required front yard.
- f. All other state and federal regulations shall be met.

(2526) Day care centers, child, licensed centers.

- a. Use districts: Office and Institutional; Neighborhood Commercial; Rural Commercial; General Commercial; M-1 and LI Light Industrial.
- b. Any outdoor 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. Client pick-up and drop-off shall not obstruct traffic flow on adjacent public roads.
- d. All other state and federal regulations shall be met.

(2627) *Drugs and Druggists' Sundries.*

- a. Use districts: General Commercial.
- b. The aggregate gross floor area shall be limited to no more than 12,000 square feet per parcel or per building, whichever is more restrictive.
- c. Materials and/or products shall not be displayed outside the building.
- d. Materials, products, and/or equipment shall not be stored outside the building.
- e. Materials and/or products shall not be processed outside the building.
- f. Lighting shall comply with the requirements of Section 26-177 infra.
- g. Landscaping buffers shall comply with the requirements of Section 26-176 infra.

(2728) *Durable Goods, Not Otherwise Listed.*

- a. Use districts: General Commercial.
- b. The aggregate gross floor area shall be limited to no more than 12,000 square feet per parcel or per building, whichever is more restrictive.
- c. Materials and/or products shall not be displayed outside the building.
- d. Materials, products, and/or equipment shall not be stored outside the building.
- e. Materials and/or products shall not be processed outside the building.
- f. Lighting shall comply with the requirements of Section 26-177 infra.
- g. Landscaping buffers shall comply with the requirements of Section 26-176 infra.

(2829) *Dwellings, manufactured homes on individual lots.*

- a. Use districts: Rural, Manufactured Home Park.
- b. Manufactured homes must meet the standards set by the Federal Manufactured Housing Construction and Safety Standards Act of 1974 (which became effective June 15, 1976), as revised and in effect on the date the application is made for a land development permit.
- c. The tongue, axles, transporting lights, and removable towing apparatus must be removed subsequent to final placement.
- d. 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.

(2930) *Dwellings, manufactured homes on individual lots.*

- a. Use districts: Rural Residential; Residential, Single-Family, Estate.
- b. Manufactured homes must meet the standards set by the Federal Manufactured Housing Construction and Safety Standards Act of 1974 (which became effective June 15, 1976), as revised and in effect on the date the application is made for a land development permit.
- c. The tongue, axles, transporting lights, and removable towing apparatus must be removed subsequent to final placement.
- d. The manufactured home shall be oriented so that the side containing the front entrance door shall be no more than twenty (20) degrees from parallel to the front property line, except on corner lots. The front of the manufactured home is that side which has an entrance door leading to a living room, foyer, or hall.
- e. 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.
- f. 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 twelve (12) inches above grade.

- g. The pitch of the manufactured home's roof 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 roof that is commonly used in standard residential construction.
- h. The manufactured home shall have a length not exceeding four (4) times its width, excluding additions.
- i. There shall be a porch, at the main entrance to the manufactured home, which is a minimum of six (6) feet by six (6) feet in size.

(3031) *Dwellings, single family, zero lot line, common and parallel..*

- a. Use districts, Common: Residential, Multi-Family, Medium Density; Residential, Multi-Family, High Density; Office and Institutional; General Commercial.

Use districts: Parallel: Residential, Single-Family, Estate; Residential, Single-Family, Low Density; Residential, Single-Family, Medium Density; Residential, Single-Family, High Density; Residential, Multi-Family, Medium Density; Residential, Multi-Family, High Density; Office and Institutional.
- b. 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 e. below must be provided as part of this agreement and deed restriction.
- c. For common lot line dwellings, the dwelling unit shall be placed on one interior side property line with a zero setback, and the dwelling unit setback on the other interior side property line shall be a minimum of twelve (12) feet. Patios, pools, garden features, and other similar elements shall be permitted within the twelve (12) foot setback area; provided, however, no structure shall be placed within easements required by subsection e. below.
- d. 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 when such court or atrium is enclosed by two (2) walls of the dwelling unit, and a solid wall of at least six (6) feet in height is provided on the zero lot line extending to the front and/or rear of the dwelling unit. Said wall shall be constructed of the same materials as exterior walls of the unit.

- e. A perpetual five (5) foot maintenance easement 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 twenty-four (24) inches, but the roof shall be so designed that water runoff from the dwelling placed on the lot line is controlled by gutters or other approved methods.

~~(3132)~~ *Electrical Goods.*

- a. Use districts: General Commercial.
- b. The aggregate gross floor area shall be limited to no more than 12,000 square feet per parcel or per building, whichever is more restrictive.
- c. Materials and/or products shall not be displayed outside the building.
- d. Materials, products, and/or equipment shall not be stored outside the building.
- e. Materials and/or products shall not be processed outside the building.
- f. Lighting shall comply with the requirements of Section 26-177 *infra*.
- g. Landscaping buffers shall comply with the requirements of Section 26-176 *infra*.

~~(3233)~~ *Fuel oil sales, non-automotive.*

- a. Use districts: M-1 Light Industrial; Heavy Industrial.
- b. Gravel or paved roadways shall be provided to all storage tanks.
- c. Security fencing, a minimum of six (6) feet in height, shall be provided along the entire boundary of such facilities.
- d. 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 one hundred twenty (120) feet. Storage tanks not equipped as indicated above

shall not be located closer to an exterior property line than a distance equal to one and one half (1½) 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 one hundred seventy-five (175) feet. Storage tanks and loading facilities shall be located a minimum of five hundred (500) feet from any existing residence or residentially zoned property.

- e. All storage facilities shall comply with the latest regulations of the National Fire Protection Association.
- f. All other federal, state, and local laws shall be met.

(3334) *Furniture and Home Furnishings.*

- a. Use districts: General Commercial.
- b. The aggregate gross floor area shall be limited to no more than 12,000 square feet per parcel or per building, whichever is more restrictive.
- c. Materials and/or products shall not be displayed outside the building.
- d. Materials, products, and/or equipment shall not be stored outside the building.
- e. Materials and/or products shall not be processed outside the building.
- f. Lighting shall comply with the requirements of Section 26-177 infra.
- g. Landscaping buffers shall comply with the requirements of Section 26-176 infra.

(3435) *Golf courses.*

- a. Use districts: General Commercial; M-1 and LI Light Industrial.
- b. There shall be a minimum fifty (50) foot setback between clubhouses or other non-course facilities and adjacent residentially zoned or used property.

(3536) *Golf driving ranges (freestanding).*

- a. Use districts: Rural Commercial; General Commercial; M-1 and LI Light Industrial.
- b. Fencing, netting, or other control measures shall be provided around the perimeter of the driving area to prevent balls from leaving the property.
- c. No equipment, machinery, or mechanical device of any kind shall be operated within two hundred (200) feet of any residentially zoned or used property.
- d. Operations shall not begin before 9:00 a.m. nor continue after 10:00 p.m.

~~(3637)~~ *Go-cart, motorcycle, and similar small vehicle tracks.*

- a. Use districts: General Commercial.
- b. Security fencing, a minimum of six (6) feet in height, shall be provided along the entire boundary of the track activities.
- c. No equipment, machinery, or mechanical device of any kind shall be operated within two hundred (200) feet of any residentially zoned or used property.
- d. Hours of operation shall be limited to 9:00 a.m. to 10:00 p.m.

~~(3738)~~ *Group homes (nine persons or less).*

- a. Use districts: Rural; Rural Residential; Residential, Single-Family, Estate; Residential, Single-Family, Low Density; Residential, Single-Family, Medium Density; Residential, Single-Family, High Density; Manufactured Home Park; Residential, Multi-Family, Medium Density; Residential, Multi-Family, High Density
- b. Location approval is subject to Section 6-29-770 of the South Carolina Code of Laws, as amended.

~~(3839)~~ *Home occupations.*

- a. Use districts: Rural; Rural Residential; Residential, Single-Family, Estate; Residential, Single-Family, Low Density; Residential, Single-Family, Medium Density; Residential, Single-Family, High Density; Manufactured Home Park; Residential, Multi-Family, Medium Density; Residential, Multi-Family, High Density; Office and Institutional; Neighborhood Commercial; Rural Commercial; General Commercial.

- b. Home occupations shall be conducted entirely within the principal dwelling or an accessory structure, if such accessory structure meets all setback requirements for a principal structure in the district in which it is located. Home occupations 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.
- c. An area equal to not more than twenty-five percent (25%) of the floor area of the principal dwelling may be utilized for the home occupation. If the home occupation is housed in an accessory structure, the accessory structure can be no larger than twenty-five percent (25%) the gross floor area of the principal dwelling.
- d. Only persons residing on the premises may be employed by the home occupation.
- e. The home occupation 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 outside storage shall be allowed in connection with any home occupation.
- g. Instruction in music, dance, art or similar subjects shall be limited to four (4) students at a time.
- h. No traffic shall be generated by the home occupation in greater volumes than would normally be expected in a residential neighborhood, and any parking need generated by the home occupation shall be provided for off street and other than in the front yard.
- i. Signage for the home occupation shall be regulated in accordance with Section 26-180 of this chapter.

(3940) *Kennels.*

- a. Use districts: Rural; Office and Institutional; Rural Commercial; General Commercial, M-1 and LI Light Industrial.
- b. Any building (which is part of a kennel) housing animals shall be located a minimum of one hundred and fifty (150) feet from any residentially zoned or used property.

- c. Fenced outdoor runs are allowed for use only during the hours of 6:00 a.m. to 10:00 p.m.; however, no animal may be kept in the run for boarding purposes, and pens for the animals must be located indoors. Feeding of animals must be conducted indoors and is prohibited in the runs.
- d. All animal refuse and food must be kept in airtight containers and disposed of on a regular basis. Animal wastes shall not be stored any closer than fifty (50) feet from any property line or surface waters.

(4041) *Libraries.*

- a. Use districts: Rural; Rural Residential; Residential, Single-Family, Estate; Residential, Single-Family, Low Density; Residential, Single-Family, Medium Density; Residential, Single-Family, High Density; Manufactured Home Park; Residential, Multi-Family, Medium Density; Residential, Multi-Family, High Density.
- b. No parking shall be allowed in the required front yard.

(4142) *Lumber and Other Construction Materials.*

- a. Use districts: General Commercial.
- b. The aggregate gross floor area shall be limited to no more than 12,000 square feet per parcel or per building, whichever is more restrictive.
- c. Materials and/or products shall not be displayed outside the building.
- d. Materials, products, and/or equipment shall not be stored outside the building.
- e. Materials and/or products shall not be processed outside the building.
- f. Lighting shall comply with the requirements of Section 26-177 *infra*.
- g. Landscaping buffers shall comply with the requirements of Section 26-176 *infra*.

(4243) *Machinery, Equipment and Supplies.*

- a. Use districts: General Commercial.

- b. The aggregate gross floor area shall be limited to no more than 12,000 square feet per parcel or per building, whichever is more restrictive.
- c. Materials and/or products shall not be displayed outside the building.
- d. Materials, products, and/or equipment shall not be stored outside the building.
- e. Materials and/or products shall not be processed outside the building.
- f. Lighting shall comply with the requirements of Section 26-177 infra.
- g. Landscaping buffers shall comply with the requirements of Section 26-176 infra.

(~~4344~~) *Manufactured home sales.*

- a. Use districts: General Commercial; M-1 Light Industrial.
- b. Sales and storage areas shall be screened from adjacent residentially zoned or used properties.

(~~4445~~) *Manufactured home parks.*

- a. Use districts: Manufactured Home; M-1 Light Industrial.
- b. All manufactured home park development plans must be approved by DHEC.
- c. Uses permitted within any manufactured home park shall be regulated in accordance with the underlying zoning district. See Article V. of this chapter. Unless otherwise, specified, all minimum development standards for the underlying zoning district apply.
- d. All manufactured home parks must provide water and sanitary sewer to each manufactured home site, subject to DHEC requirements. All manufactured homes within the site are required to connect to water, sanitary sewers, and electricity.
- e. The minimum area required for the development of a manufactured home park shall be five (5) acres.

- f. The maximum density of a manufactured home park shall not exceed six (6) units per acre.
- g. A minimum of seven thousand two hundred sixty (7,260) square feet is required for each manufactured home site within the manufactured home park development.
- h. A minimum width of sixty (60) feet is required for each manufactured home site within the manufactured home park development.
- i. All manufactured homes shall be set back from exterior road rights-of-way a minimum of thirty-five (35) feet, and shall be set back a minimum of fifteen (15) feet from all other exterior property lines.

If the landscape and buffer yard standards require additional setbacks, the most restrictive shall apply. See Section 26-176 of this chapter.

- j. All manufactured homes shall be set back from interior road rights-of-way a minimum of fifteen (15) feet. Additionally, the following minimum spacing between manufactured home structures shall apply:
 - 1. Front to front: 35 feet.
 - 2. Front to side: 25 feet.
 - 3. Front to rear: 35 feet.
 - 4. Rear to rear: 25 feet.
 - 5. Rear to side: 25 feet.
 - 6. Side to side: 25 feet.
- k. Common area open space (meeting the requirements set forth in Sections 26-184(b)(2)&(3) of this chapter) shall be provided for each manufactured home park. A minimum of twenty percent (20%) of the total development area shall be reserved for open space. However, in no event shall the required open space within a manufactured home development be less than three hundred (300) square feet. In order to expand an existing manufactured home park development, the minimum open space requirements must be met.

(4546) *Market showrooms.*

- a. Use districts: General Commercial.
- b. Display areas shall exist within permanent buildings only.

(4647) *Motor Vehicles, New Parts and Supplies.*

- a. Use districts: General Commercial.
- b. The aggregate gross floor area shall be limited to no more than 12,000 square feet per parcel or per building, whichever is more restrictive.
- c. Materials and/or products shall not be displayed outside the building.
- d. Materials, products, and/or equipment shall not be stored outside the building.
- e. Materials and/or products shall not be processed outside the building.
- f. Lighting shall comply with the requirements of Section 26-177 infra.
- g. Landscaping buffers shall comply with the requirements of Section 26-176 infra.

(4748) *Motor Vehicles, Tires and Tubes.*

- a. Use districts: General Commercial.
- b. The aggregate gross floor area shall be limited to no more than 12,000 square feet per parcel or per building, whichever is more restrictive.
- c. Materials and/or products shall not be displayed outside the building.
- d. Materials, products, and/or equipment shall not be stored outside the building.
- e. Materials and/or products shall not be processed outside the building.
- f. Lighting shall comply with the requirements of Section 26-177 infra.

- g. Landscaping buffers shall comply with the requirements of Section 26-176 infra.

(4849) *Nondurable Goods, Not Otherwise Listed.*

- a. Use districts: General Commercial.
- b. The aggregate gross floor area shall be limited to no more than 12,000 square feet per parcel or per building, whichever is more restrictive.
- c. Materials and/or products shall not be displayed outside the building.
- d. Materials, products, and/or equipment shall not be stored outside the building.
- e. Materials and/or products shall not be processed outside the building.
- f. Lighting shall comply with the requirements of Section 26-177 infra.
- g. Landscaping buffers shall comply with the requirements of Section 26-176 infra.

(4950) *Paints and Varnishes.*

- a. Use districts: General Commercial.
- b. The aggregate gross floor area shall be limited to no more than 12,000 square feet per parcel or per building, whichever is more restrictive.
- c. Materials and/or products shall not be displayed outside the building.
- d. Materials, products, and/or equipment shall not be stored outside the building.
- e. Materials and/or products shall not be processed outside the building.
- f. Lighting shall comply with the requirements of Section 26-177 infra.
- g. Landscaping buffers shall comply with the requirements of Section 26-176 infra.

~~(5051)~~ *Pet Care Services.*

- a. Use districts: Neighborhood Commercial, Rural Commercial.
- b. All pet care services shall be conducted inside an enclosed structure.

~~(5152)~~ *Petroleum and coal products manufacturing.*

- a. Use districts: Heavy Industrial.
- b. Gravel or paved roadways shall be provided to all storage tanks.
- c. Security fencing, a minimum of six (6) feet in height, shall be provided along the entire boundary of such facilities.
- d. 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 one hundred twenty (120) feet. Storage tanks not equipped as indicated above shall not be located closer to an exterior property line than a distance equal to one and one half (1½) times the greater dimension of either the diameter or the height of the tank. However, regardless of the diameter or height of the tank, in no event shall the required distance be greater than one hundred seventy-five (175) feet. Storage tanks and loading facilities shall be located a minimum of five hundred (500) feet from any existing residence or residentially zoned property.
- e. All storage facilities shall comply with the latest regulations of the National Fire Protection Association.
- f. All other federal, state, and local laws shall be met.

~~(5253)~~ *Petroleum and petroleum products.*

- a. Use districts: Heavy Industrial; M-1 Light Industrial.
- b. Gravel or paved roadways shall be provided to all storage tanks.
- c. Security fencing, a minimum of six (6) feet in height, shall be provided along the entire boundary of such facilities.

- d. 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 one hundred twenty (120) feet. Storage tanks not equipped as indicated above shall not be located closer to an exterior property line than a distance equal to one and one half (1½) times the greater dimension of either the diameter or the height of the tank. However, regardless of the diameter or height of the tank, in no event shall the required distance be greater than one hundred seventy-five (175) feet. Storage tanks and loading facilities shall be located a minimum of five hundred (500) feet from any existing residence or residentially zoned property.
- e. All storage facilities shall comply with the latest regulations of the National Fire Protection Association.
- f. All other federal, state, and local laws shall be met.

(5354) *Places of worship.*

- a. Use districts: Rural; Rural Residential; Residential, Multi-Family, Medium Density; Residential, Multi-Family, High Density; Rural Commercial.
- b. Facilities for a place of worship located on a site of three (3) acres or more shall have primary access to the facility from a collector of thoroughfare road.
- c. No parking space or drive shall be located closer than twenty (20) feet to a residence not associated with the place of worship. No parking area may be located in the front setback.
- d. The front 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 setbacks shall be thirty (30) feet.

(5455) *Plumbing and Heating Equipment and Supplies.*

- a. Use districts: General Commercial.
- b. The aggregate gross floor area shall be limited to no more than 12,000 square feet per parcel or per building, whichever is more restrictive.

- c. Materials and/or products shall not be displayed outside the building.
- d. Materials, products, and/or equipment shall not be stored outside the building.
- e. Materials and/or products shall not be processed outside the building.
- f. Lighting shall comply with the requirements of Section 26-177 infra.
- g. Landscaping buffers shall comply with the requirements of Section 26-176 infra.

(5556) *Poultry farms*

- a. Use districts: Rural.
- b. Not more than one (1) animal unit shall be kept per six thousand (6,000) square feet of land.
- c. All areas containing poultry shall be located no closer than one hundred and fifty (150) feet from any abutting residentially zoned or used property.

(5657) *Produce stands.*

- a. Use districts: Rural.
- b. Produce stands operating year-round must be located on the property on which the crops for sale are produced.
- c. Produce stands operating seasonally (i.e. for no more than six (6) months in any one calendar year) shall be located no closer than five (5) feet from a road right-of-way. Adequate off-street parking shall be provided.

(5758) *Public or private parks.*

- a. Use districts: All Districts.
- b. Overflow parking shall be designated on the site plan and shall be kept available to handle all traffic from special events.
- c. All parks greater than ten (10) acres shall have primary access to a collector or thoroughfare road.

(5859) *Public recreation facilities.*

- a. Use districts: All Districts.
- b. Overflow parking shall be designated on the site plan and shall be kept available to handle all traffic from special events.
- c. All recreation facilities greater than ten (10) acres shall have primary access to a collector or thoroughfare road.
- d. Lights shall be positioned and shielded so as not to shine onto adjacent properties.
- e. Loud speaker systems shall not be operated before 8:00 a.m. or after 10:00 p.m.

(5960) Radio, Television, and Other Similar Transmitting Towers.

- a. Use districts: M-1 Light Industrial.
- b. 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 forty (40) feet or four stories in height or less. For buildings greater than four stories or forty-one (41) feet in height, the maximum height of communication towers shall be forty feet above the roofline.
- c. The minimum setbacks for communication towers from certain uses shall be as follows:
 1. In no case shall a communication tower be located within fifty (50) feet of a residential zoning district or an inhabited residential dwelling.
 2. For towers in excess of fifty (50) feet, the setback shall increase one (1) foot for each foot of height of the tower as measured from the base of the tower. The maximum required separation being two hundred and fifty (250) feet.
- d. The proposed user 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 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.

- e. 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.
- f. Each communication tower and associated buildings shall be enclosed within a fence at least seven (7) feet in height.
- g. Each communication tower site shall be landscaped in accordance with the requirements of Section 26-176 of this chapter.
- h. No signage may be attached to any portion of a communications tower. 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.
- i. A communications tower which is no longer used for communications purposes must be dismantled and removed within one hundred twenty (120) days of the date the tower is taken out of service.

(6061) *Recreational vehicle parks and recreation camps.*

- a. Use districts: Rural.
- b. Uses permitted within a recreational vehicle park and recreation camp shall 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 park/camp).
- c. A minimum of five (5) acres is required for a recreational vehicle park or recreation camp.
- d. For recreational vehicle parks, there shall be a minimum net space of six hundred ninety (690) square feet for each RV space. A distance of at least ten (10) feet shall be maintained between trailers and/or structures. Any accessory structures or attachments shall, for the purpose of this requirement, be considered a part of the trailer or recreational vehicle.

- e. For recreational vehicle parks, each travel trailer or recreational vehicle area shall be connected to an approved water supply system that provides an accessible, adequate, safe, and potable supply of water. An adequate and safe sewer system, approved by DHEC, shall be provided in all travel trailer/recreational vehicle parking areas.
- f. In recreational vehicle parks, neither any person nor any travel trailer/recreational vehicle shall occupy a trailer space or travel trailer parking space for a period in excess of thirty (30) days. A registry of all occupants, the space occupied, the time of arrival, and time of departure shall be maintained by the owner or operator of the travel trailer/recreational vehicle parking facility.
- g. 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.

~~(6162)~~ *Rental centers, with outside storage.*

- a. Use districts: General Commercial.
- b. All storage areas shall be screened from adjacent residentially zoned or used properties.
- c. Lighting shall be directed and shielded so as not to shine across to adjacent properties.

~~(6263)~~ *Repair and maintenance service, appliance and electronics.*

- a. Use districts: Rural Commercial; General Commercial; M-1 and LI Light Industrial.
- b. No outside storage of appliances, equipment, or parts shall be permitted.

~~(6364)~~ *Research and development services.*

- a. Use districts: Office and Institutional.
- b. Research using dangerous hazardous materials is prohibited.
- c. All research and development operations must be conducted indoors.

(6465) *Schools, including public and private schools, having a curriculum similar to those given in public schools.*

- a. Use districts: Rural; Rural Residential; Residential, Single-Family, Estate; Residential, Single-Family, Low Density; Residential, Single-Family, Medium Density; Residential, Single-Family, High Density; Manufactured Home Park; Residential, Multi-Family, Medium Density; Residential, Multi-Family, High Density.
- b. The minimum lot size for a school shall be two (2) acres.
- c. Parking and active recreation areas shall not be located within any required setback.
- d. Primary access shall be provided from a collector or a thoroughfare road.

(6566) *Sexually oriented businesses.*

- a. Use districts: General Commercial.
- b. It is the purpose of this subsection to regulate sexually oriented businesses to promote the health, safety, morals, and general welfare of the citizens of Richland County. Furthermore, the purpose of these regulations is to establish reasonable and uniform regulations to prevent the continued deleterious location and concentration 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 any communicative materials, including sexually oriented materials. Similarly, it is not the intent or effect of these regulations to restrict or deny access by adults to sexually oriented materials protected by the First Amendment, or to deny access by the distributors and exhibitors of sexually oriented entertainment to their intended market. Neither is it the intent or effect of this subsection to condone or legitimize the distribution of obscene material.
- c. *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. Adult theaters;
7. Escort agencies;
8. Nude model studios; and
9. Sexual encounter centers.

d. *Permit and/or license required:*

1. A person commits a misdemeanor if he or she operates a sexually oriented business without a valid permit and/or license, issued by the county for the particular type of business.
2. An application for a permit and/or license must be made on a form provided by the Richland County Planning Department. The application must be accompanied by a sketch or diagram showing the configuration of the premises, including a statement of total floor space occupied by the business. The sketch or diagram need not be professionally prepared, but must be drawn to a designated scale or drawn with marked dimensions of the interior of the premises to an accuracy of plus or minus six (6) inches.
3. The applicant must be qualified according to the provisions of this section, and the premises must be inspected and found to be in compliance with the law by the health department, fire department, and building official. The health department, fire department, and building official shall complete their inspections and certify same to the zoning administrator within twenty-one (21) days of receipt of the application by said zoning administrator.
4. If a person who wishes to operate a sexually oriented business is an individual, he or she must sign the application for a permit and/or license as applicant. If a person who wishes to operate a sexually oriented business is other than an individual, each individual who has a ten percent (10%) or greater interest in the business must sign the application for a permit and/or license as applicant. If a corporation is listed as owner of a sexually oriented business or as the entity that wishes to operate such a

business, each individual having a ten percent (10%) or greater interest in the corporation must sign the application for a permit and/or license as applicant.

5. The fact that a person possesses other types of state or county permits and/or licenses does not exempt him or her from the requirement of obtaining a sexually oriented business permit and/or license.

e. *Issuance of permit and/or license.* The zoning administrator shall approve the issuance of a permit and/or license to an applicant within thirty (30) days after receipt of an application unless he or she finds one or more of the following to be true:

1. An applicant is under eighteen (18) years of age.
2. An applicant or applicant's spouse is overdue in his payment to the county of taxes, fees fines, or penalties assessed against him or imposed upon him in relation to a sexually oriented business.
3. An applicant has failed to provide information reasonably necessary for issuance of the permit and/or license or has falsely answered a question or request for information on the applicant form.
4. An applicant is residing with a person who has been denied a permit and/or license by the county to operate a sexually oriented business within the preceding twelve (12) months, or residing with a person whose license to operate a sexually oriented business has been revoked within the preceding twelve (12) months.
5. The premises to be used for the sexually oriented business have not been approved by the health department, fire department, and the building official as being in compliance with applicable laws and ordinances.
6. The permit and/or license fee required by this ordinance has not been paid.
7. An applicant of the proposed establishment is in violation of or is not in compliance with any of the provisions of this section.
8. The permit and/or license, if granted, shall state on its face the name of the person or persons to whom it is granted, the

expiration date, and the address of the sexually oriented business. The permit and/or license shall be posted in a conspicuous place at or near the entrance to the sexually oriented business so that it may be easily read at any time.

f. *Fees.* The annual fee for a sexually oriented business permit and/or license is five hundred (\$500.00) dollars.

g. *Inspection.*

1. An applicant or permittee and/or licensee shall permit representatives of the sheriff's department, health department, fire department, planning department, or other county departments or agencies to inspect the premises of a sexually oriented business for the purpose of ensuring compliance with the law, at any time it is occupied or open for business.

2. A person who operated a sexually oriented business, or his/her agent or employee, commits a misdemeanor if he or she refuses to permit such lawful inspection of the premises at any time it is occupied or open for business.

h. *Expiration of permit and/or license.*

1. Each permit and/or license shall expire one year from the date of issuance and may be renewed only by making application as provided in subsection e. above. Application for renewal should be made at least thirty (30) days before the expiration date, and when made less than thirty (30) days before the expiration date, the expiration of the permit and/or license will not be affected.

2. When the zoning administrator denies renewal of a license, the applicant shall not be issued a permit and/or license for one (1) year from the date of denial. If, subsequent to denial, the zoning administrator finds that the basis for denial of the renewal permit and/or license has been corrected or abated, the applicant may be granted a permit and/or license, if at least ninety (90) days have elapsed since the date denial became final.

i. *Suspension.* The zoning administrator shall suspend a permit and/or license for a period not to exceed thirty (30) days if he or she determines that a permittee and/or licensee or an employee of a permittee and/or licensee has:

1. Violated or is not in compliance with any provision of this section;
2. Engaged in excessive use of alcoholic beverages while on the sexually oriented business premises;
3. Refused to allow an inspection of the sexually oriented business premises as authorized by this section; or
4. Knowingly permitted gambling by an person on the sexually oriented business premises.

j. *Revocation.*

1. The zoning administrator shall revoke a permit and/or license if a cause of suspension in subsection i. above occurs and the permit and/or license has been suspended within the preceding twelve (12) months.
2. The zoning administrator shall revoke a permit and/or license if he or she determines that:
 - (a) A permittee and/or licensee gave false or misleading information in the material submitted to the planning department during the application process;
 - (b) A permittee and/or licensee or an employee has knowingly allowed possession, use, or sale of controlled substances on the premises;
 - (c) A permittee or licensee or an employee has knowingly allowed prostitution on the premises;
 - (d) A permittee and/or licensee or an employee knowingly operated the sexually oriented business during a period of time when the permittee's and/or licensee's permit and/or license was suspended;
 - (e) A permittee and/or licensee or an employee has knowingly allowed any act of sexual intercourse, sodomy, oral copulation, masturbation, or other sexual conduct to occur in or on the permitted and/or licensed premises;

- (f) A permittee and/or licensee is delinquent in payment to the county or state for any taxes or fees past due
- 3. When the zoning administrator revokes a permit and/or license, the revocation shall continue for one (1) year, and the permittee and/or licensee shall not be issued a sexually oriented permit and/or license for one (1) year from the date revocation became effective. If, subsequent to revocation, the zoning administrator finds that the basis for the revocation has been corrected or abated, the applicant may be granted a permit and/or license if at least ninety (90) days have elapsed since the date the revocation became effective.
- k. *Transfer of permit and/or license.* A permittee and/or licensee shall not transfer his/her permit and/or license to another, nor shall a permittee and/or licensee operate a sexually oriented business under the authority of a permit and/or license, at any place other than the address designated in the application.
- l. *Location of Sexually Oriented Businesses:*
 - 1. A person commits a misdemeanor if he or she operates or causes to be operated a sexually oriented business outside of a designated GC General Commercial District. All sexually oriented businesses shall be located within a GC General Commercial District.
 - 2. A person commits a misdemeanor if he or she operates or causes to be operated a sexually oriented business within one thousand (1,000) feet of any place of worship, a public or private elementary or secondary school, a child daycare center or a pre-school, a boundary of any residential district, a public park adjacent to any residential district, or the property line of a lot devoted to residential use.
 - 3. A person commits a misdemeanor if he or she causes or permits the operation, establishment, substantial enlargement, or transfer of ownership or control of a sexually oriented business within one thousand (1,000) feet of another sexually oriented business.
 - 4. A person commits a misdemeanor if he or she causes or permits the operation, establishment, or maintenance of more than one (1) sexually oriented business in the same building, structure, or portion thereof, or the increase of

floor areas of any sexually oriented business in any building, structure, or portion thereof containing another sexually oriented business.

5. For the purpose of this Section 26-151(c)(53), measurement shall be made in a straight line, without regard to intervening structures or objects, from the nearest portion of the building or structure used as a part of the premises where a sexually oriented business is conducted, to the nearest property line of the premises of a place of worship or public or private elementary or secondary school, or to the nearest boundary of an affected public park, residential zoning district, or a residential lot.
6. For the purpose of subsection 3. above, the distance between any two (2) sexually oriented businesses shall be measured in a straight line, without regard to intervening structures or objects, from the closest exterior wall of the structure in which the businesses are located.
7. Any sexually oriented business lawfully operating on August 1, 1987 that is in violation of subsections 1. through 6. above shall be deemed a nonconforming use. The nonconforming use will be permitted to continue for a period not to exceed two (2) years, unless sooner terminated for any reason or voluntarily discontinued for a period of thirty (30) days or more. Such nonconforming uses shall not be increased, enlarged, extended, or altered except that the use may be changed to a conforming use. If two (2) or more sexually oriented businesses are within one thousand (1,000) feet of one another and otherwise in a permissible location, the sexually oriented business which was first established and continually operating at a particular location is the conforming use and the later-established business(es) is nonconforming.
7. A sexually oriented business lawfully operating as a conforming use is not rendered a nonconforming use by the location, subsequent to the grant or renewal of the sexually oriented business permit and/or license, of a place of worship, public or private elementary or secondary school, public park, residential district, or residential lot within one thousand (1,000) feet of the sexually oriented business. This provision applies only to the renewal of a valid permit and/or license, and does not apply when an application for a permit and/or license is submitted after a permit and/or license has expired or has been revoked.

m. *Additional regulations for adult motels.*

1. Evidence that a sleeping room in a hotel, motel, or a similar commercial establishment has been rented and vacated two (2) or more times in a period of time that is less than ten (10) hours creates a rebuttable presumption that the establishment is an adult motel as that term is defined in this chapter.
2. A person commits a misdemeanor, if, as the person in control of a sleeping room in a hotel, motel, or similar commercial establishment that does not have a sexually oriented permit and/or license, he/she rents or sub-rents a sleeping room to a person and, within ten (10) hours from the time the room is rented, he/she rents or sub-rents the same sleeping room again.
3. For purposes of subsection 2. above, the terms “rent” or “sub-rent” mean the act of permitting a room to be occupied for any form of consideration.

n. *Regulations pertaining to exhibition of sexually explicit films or videos.*

1. 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 one hundred fifty (150) square feet of floor space, a film, video cassette, or other video reproduction that depicts specified sexual activities or specified anatomical areas, shall comply with the following requirements:
 - (a) Upon application for a sexually oriented permit and/or license, the application shall be accompanied by 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. A manager’s station may not exceed thirty-two (32) square feet of floor area. The diagram shall also designate the place at which the permit will be conspicuously posted, if granted. 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 (6) inches. The zoning administrator may waive the foregoing diagram for renewal applications if the applicant adopts a diagram that was previously submitted and certifies that the configuration of the premises has not been altered since it was prepared.

- (b) The application shall be sworn to be true and correct by the applicant.
- (c) No alteration in the configuration or location of a manager's station may be made without the prior approval of the zoning administrator.
- (d) It is the duty of the owner(s) and operator(s) of the premises to ensure that at least one (1) employee is on duty and situated in each manager's station at all times that any patron is present inside the premises.
- (e) 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 (2) 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 (1) of the manager's stations. The view required in this subsection must be by direct line of sight from the manager's station.
- (f) 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 (e) 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 application filed pursuant to subsection (a) above.

- (g) No viewing room may be occupied by more than one (1) person at any time.
- (h) 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 (1) foot-candle as measured at the floor level.
- (i) 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 illuminations described above, is maintained at all times that any patron is present in the premises.

2. A person having a duty under subsection (a) through (i) of subsection 1. above commits a misdemeanor if he or she knowingly fails to fulfill that duty.

o. *Exemptions.* It is a defense to prosecution under subsections (53)e. and (53)l. above that a person appearing in a state of nudity did so in a modeling class operated:

- 1. By a proprietary school licensed by the State of South Carolina; or by a college, junior college, or university supported entirely or partly by taxation; or
- 2. By a private college or university that maintains and operates educational programs in which credits are transferable to a college, junior college, or university supported entirely or partly by taxation; or
- 3. In a structure:
 - (a) Which has no sign visible from the exterior of the structure and no other advertising that indicates a nude person is available for viewing; and
 - (b) Where, in order to participate in a class a student must enroll at least three (3) days in advance of the class; and
 - (c) Where no more than one (1) nude model is present at any one (1) time.

(6667) *Sporting Firearms and Ammunition.*

- a. Use districts: General Commercial.
- b. The aggregate gross floor area shall be limited to no more than 12,000 square feet per parcel or per building, whichever is more restrictive.
- c. Materials and/or products shall not be displayed outside the building.
- d. Materials, products, and/or equipment shall not be stored outside the building.
- e. Materials and/or products shall not be processed outside the building.
- f. Lighting shall comply with the requirements of Section 26-177 infra.
- g. Landscaping buffers shall comply with the requirements of Section 26-176 infra.

(6768) *Swimming pools.*

- a. Use districts: Rural; Rural Residential; Residential, Single-Family, Estate; Residential, Single-Family, Low Density; Residential, Single-Family, Medium Density; Residential, Single-Family, High Density; Manufactured Home Park; Residential, Multi-Family, Medium Density; Residential, Multi-Family, High Density; Office and Institutional; Neighborhood Commercial; Rural Commercial; General Commercial.
- b. Swimming pools shall be protected by a fence or equal enclosure, a minimum of four (4) feet in height, and equipped with a self-closing gate provided with hardware for permanent locking.
- c. No private residential swimming pool that is located in a residential district shall be operated as, or in conjunction with, a business, day care operation, bed and breakfast, or a home occupation.
- d. Pools shall be located so as to comply with the minimum setback requirements for accessory buildings.

(6869) *Tobacco and Tobacco Products.*

- a. Use districts: General Commercial.
- b. The aggregate gross floor area shall be limited to no more than 12,000 square feet per parcel or per building, whichever is more restrictive.
- c. Materials and/or products shall not be displayed outside the building.
- d. Materials, products, and/or equipment shall not be stored outside the building.
- e. Materials and/or products shall not be processed outside the building.
- f. Lighting shall comply with the requirements of Section 26-177 infra.
- g. Landscaping buffers shall comply with the requirements of Section 26-176 infra.

(6970) *Utility substations.*

- a. Use districts: All Districts.
- b. All buildings shall observe accessory building setbacks. Transformer stations shall observe the principal building setback regulations.
- c. Equipment that produces noise or sound in excess of seventy (70) decibels shall be located no closer than one hundred (100) feet to the nearest residence.
- d. Transformer stations shall be screened from adjacent properties and from roads with a vegetative screen that, at a minimum, meets the standards listed in Section 26-176(h).

(7071) *Veterinary services (non-livestock, may include a totally enclosed kennel operated in connection with veterinary services).*

- a. Use districts: Office and Institutional; Neighborhood Commercial.
- b. Veterinary services shall not include provisions for kennels or boarding of animals not undergoing treatment.

- c. All buildings used in the operation shall be soundproofed and air-conditioned.
- d. Outside activity shall be limited to six (6) hours per day or fewer.
- e. Where the lot is adjacent to a residential zoning district or residential use, a side yard of not less than ten (10) feet shall be maintained.
- f. All animal refuse and food must be kept in airtight containers and disposed of on a regular basis.

(~~7172~~) Warehouses (general storage, enclosed, not including storage of any hazardous materials or waste as determined by any agency of the federal, state, or local government).

- a. Use districts: Office and Institutional; Neighborhood Commercial; Rural Commercial; General Commercial.
- b. Warehouses (enclosed, general storage, non-hazardous) are allowed in the various districts listed above as follows:
 - 1. In the Office and Institutional and the Neighborhood Commercial districts, warehousing is permitted as an accessory use not involving over two thousand (2,000) square feet of floor area.
 - 2. In the Rural Commercial and the General Commercial districts, warehousing is permitted as an accessory use not involving over twelve thousand (12,000) square feet of gross floor area.

(~~7273~~) Warehouses (self-storage.)

- a. Use districts: Rural Commercial, General Commercial, M-1 and LI Light Industrial.
- b. Fencing or walls shall be required around the perimeter of the development. The fence or wall shall be a minimum of six (6) feet in height.
- c. Any side of the building providing doorways to storage areas shall be set back from the property line not less than an additional twenty-five (25) feet of the required setback.
- d. Off-street parking shall be as follows:

1. One space for each ten (10) storage cubicles. This parking requirement may be satisfied with parking lanes as established below.
 2. Two parking spaces for any manager's quarters.
 3. In addition to subsection 1. above, one (1) space for every fifty (50) storage cubicles, to be located adjacent to the project office for the use of prospective clients.
- e. On-site driveway widths shall be required as follows:
1. All one-way driveways shall provide for one ten (10) feet parking lane and one fifteen (15) feet travel lane. Traffic direction and parking shall be designated by signage or painting.
 2. All two-way driveways shall provide for one ten (10) feet parking lane and two twelve (12) feet travel lanes.
 3. The parking lanes may be eliminated when the driveway does not directly serve any storage cubicles.
- f. Retail and wholesale uses, and the storage of hazardous materials, shall be prohibited in self storage warehouses. 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.
- g. 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. Spaces shall be located a minimum of twenty-five (25) feet from any adjacent property line, and in no case shall these spaces be counted towards meeting the parking requirements of this subsection d. above.
- h. 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.

~~(7374)~~ *Yard Sales.*

- a. Use districts: Rural; Rural Residential; Residential, Single-Family, Estate; Residential, Single-Family, Low Density; Residential, Single-Family, Medium Density; Residential, Single-Family, High Density; Manufactured Home Park; Residential, Multi-Family, Medium Density; Residential, Multi-Family, High Density; Office

and Institutional; Neighborhood Commercial; Rural Commercial; General Commercial.

- b. Yard sales shall be limited to two (2) occurrences within a twelve (12) month period.
- c. Each occurrence shall be no longer than two (2) days and only during the daylight hours.

(7475) *Zoos and Botanical Gardens.*

- a. Use districts: General Commercial; M-1 Light Industrial.
- b. There shall be a minimum one hundred (100) foot setback between all activities associated with the use and any adjacent residential property.
- c. All zoos and botanical gardens shall have primary access to collector or thoroughfare roads.

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 _____, 2007.

RICHLAND COUNTY COUNCIL

BY: _____
Joseph McEachern, Chair

ATTEST THIS THE ____ DAY
OF _____, 2007

Michielle R. Cannon-Finch
Clerk of Council

RICHLAND COUNTY ATTORNEY'S OFFICE

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

First Reading: February 6, 2007
Public Hearing: March 27, 2007
Second Reading: March 27, 2007
Third Reading: April 3, 2007 (tentative)

STATE OF SOUTH CAROLINA
COUNTY COUNCIL FOR RICHLAND COUNTY
ORDINANCE NO. ___-07HR

AN ORDINANCE AMENDING THE RICHLAND COUNTY CODE OF ORDINANCES, CHAPTER 21, ROADS, HIGHWAYS AND BRIDGES; ARTICLE I, IN GENERAL; SECTION 21-11, TRAFFIC ENGINEERING; SO AS TO PERMIT THE CONSTRUCTION AND MAINTENANCE OF ELECTRIC TRAFFIC SIGNALIZATION DEVICES FOR COUNTY MAINTAINED ROADS.

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

SECTION I. The Richland County Code of Ordinances, Chapter 21, Roads, Highways and Bridges; Article I, In general; Section 21-11, Traffic Engineering; is hereby amended to read as follows:

Sec.21-11. Traffic engineering.

(a) Traffic engineering on county maintained highways, streets and roads shall be in accordance with the South Carolina Manual on Uniform Traffic Control Devices.

(b) Traffic control ~~signs~~ devices on county maintained highways, streets and roads shall comply with the standards contained in the South Carolina Manual on Uniform Traffic Control Devices.

(c) The developer of any new subdivision constructed within the jurisdiction and authority of the county is responsible for the initial installation of all necessary traffic control ~~signs~~ devices in accordance with an approved signage plan. The department of public works shall maintain the ~~signs~~ devices after acceptance of the streets.

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

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

SECTION IV. Effective Date. This ordinance shall be enforced from and after July 12, 2005.

RICHLAND COUNTY COUNCIL

BY: _____
Joseph McEachern, Chair

ATTEST THIS THE ____ DAY

OF _____, 2007

Michielle R. Cannon-Finch
Clerk of Council

RICHLAND COUNTY ATTORNEY'S OFFICE

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

First Reading: March 20, 2007 (tentative)
Second Reading:
Public Hearing:
Third Reading:

**STATE OF SOUTH CAROLINA
COUNTY COUNCIL OF RICHLAND COUNTY
ORDINANCE NO. ___-07HR**

AN ORDINANCE OF THE COUNTY COUNCIL OF RICHLAND COUNTY, SOUTH CAROLINA, AMENDING THE ZONING MAP OF UNINCORPORATED RICHLAND COUNTY, SOUTH CAROLINA, TO CHANGE THE ZONING DESIGNATION FOR A PORTION OF THE REAL PROPERTY DESCRIBED HEREIN (TMS # 17200-03-01) FROM HI (HEAVY INDUSTRIAL DISTRICT) TO RM-HD (RESIDENTIAL, MULTI-FAMILY, HIGH DENSITY DISTRICT); AND PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE.

WHEREAS, Article VIII of the South Carolina Constitution and Section 4-9-30 of the Code of Laws of South Carolina (the Home Rule Act) gives Richland County broad authority to provide a variety of services and functions within its jurisdiction, including, but not limited to, land use planning and land development regulation, and similar activities and services; and

WHEREAS, Title 6, Chapter 29, of the Code of Laws of South Carolina provides the statutory enabling authority for Richland County to engage in planning and regulation of development within its jurisdiction; and

WHEREAS, Section 6-29-720 of the Code of Laws of South Carolina requires the County to adopt the Land Use Element of its Comprehensive Plan in conformance with the requirements therein as a prerequisite to continuing implementation of its zoning authority; and

WHEREAS, the County Council adopted a Comprehensive Plan on May 3, 1999, in conformance with the requirements Title 6, Chapter 29, of the Code of Laws of South Carolina; and

WHEREAS, Section 6-29-760 of the Code of Laws of South Carolina provides the statutory authority and process to amend the Zoning Ordinance, codified as Chapter 26 of the Richland County Code of Ordinances; and

WHEREAS, this Ordinance complies with the requirements of Section 6-29-760 of the Code of Laws of South Carolina and the ordinance adoption process proscribed in Section 2-28 of the Richland County Code of Ordinances.

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

Section I. The Zoning Map of unincorporated Richland County is hereby amended to change a portion of the property (TMS # 17200-03-01) described in Exhibit A, which is attached hereto, from HI Heavy Industrial District zoning to RM-IID Residential, Multi-Family, High Density District zoning.

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

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

Section IV. This ordinance shall be effective from and after _____, 2007.

RICHLAND COUNTY COUNCIL

By: _____
Joseph McEachern, Chair

Attest this _____ day of
_____, 2007.

Michielle R. Cannon-Finch
Clerk of Council

RICHLAND COUNTY ATTORNEY'S OFFICE

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

Public Hearing: March 27, 2007 (tentative)
First Reading: March 27, 2007 (tentative)
Second Reading:
Third Reading:

Exhibit A
Property Description

**STATE OF SOUTH CAROLINA
COUNTY COUNCIL OF RICHLAND COUNTY
ORDINANCE NO. ___-07HR**

AN ORDINANCE OF THE COUNTY COUNCIL OF RICHLAND COUNTY, SOUTH CAROLINA, AMENDING THE ZONING MAP OF UNINCORPORATED RICHLAND COUNTY, SOUTH CAROLINA, TO CHANGE THE ZONING DESIGNATION FOR THE REAL PROPERTY DESCRIBED HEREIN (TMS # 17200-03-24) FROM HI (HEAVY INDUSTRIAL DISTRICT) TO RM-HD (RESIDENTIAL, MULTI-FAMILY, HIGH DENSITY DISTRICT); AND PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE.

WHEREAS, Article VIII of the South Carolina Constitution and Section 4-9-30 of the Code of Laws of South Carolina (the Home Rule Act) gives Richland County broad authority to provide a variety of services and functions within its jurisdiction, including, but not limited to, land use planning and land development regulation, and similar activities and services; and

WHEREAS, Title 6, Chapter 29, of the Code of Laws of South Carolina provides the statutory enabling authority for Richland County to engage in planning and regulation of development within its jurisdiction; and

WHEREAS, Section 6-29-720 of the Code of Laws of South Carolina requires the County to adopt the Land Use Element of its Comprehensive Plan in conformance with the requirements therein as a prerequisite to continuing implementation of its zoning authority; and

WHEREAS, the County Council adopted a Comprehensive Plan on May 3, 1999, in conformance with the requirements Title 6, Chapter 29, of the Code of Laws of South Carolina; and

WHEREAS, Section 6-29-760 of the Code of Laws of South Carolina provides the statutory authority and process to amend the Zoning Ordinance, codified as Chapter 26 of the Richland County Code of Ordinances; and

WHEREAS, this Ordinance complies with the requirements of Section 6-29-760 of the Code of Laws of South Carolina and the ordinance adoption process proscribed in Section 2-28 of the Richland County Code of Ordinances.

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

Section I. The Zoning Map of unincorporated Richland County is hereby amended to change the property (TMS # 17200-03-24) from HI (Heavy Industrial District) zoning to RM-HD (Residential, Multi-Family, High Density District) zoning.

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

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

Section IV. This ordinance shall be effective from and after _____, 2007.

RICHLAND COUNTY COUNCIL

By: _____
Joseph McEachern, Chair

Attest this _____ day of
_____, 2007.

Michielle R. Cannon-Finch
Clerk of Council

RICHLAND COUNTY ATTORNEY'S OFFICE

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

Public Hearing: March 27, 2007 (tentative)
First Reading: March 27, 2007 (tentative)
Second Reading:
Third Reading:

STATE OF SOUTH CAROLINA
COUNTY COUNCIL OF RICHLAND COUNTY
ORDINANCE NO. ____-07HR

AN ORDINANCE OF THE COUNTY COUNCIL OF RICHLAND COUNTY, SOUTH CAROLINA, AMENDING THE ZONING MAP OF UNINCORPORATED RICHLAND COUNTY, SOUTH CAROLINA, TO CHANGE THE ZONING DESIGNATION FOR THE REAL PROPERTY DESCRIBED AS TMS # 00500-04-03 FROM RU (RURAL DISTRICT) TO GC (GENERAL COMMERCIAL DISTRICT); AND PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE.

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

Section I. The Zoning Map of unincorporated Richland County is hereby amended to change the real property described as TMS # 00500-04-03 from RU (Rural District) zoning to GC (General Commercial District) zoning.

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

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

Section IV. This ordinance shall be effective from and after _____, 2007.

RICHLAND COUNTY COUNCIL

By: _____
Joseph McEachern, Chair

Attest this _____ day of
_____, 2007.

Michielle R. Cannon-Finch
Clerk of Council

RICHLAND COUNTY ATTORNEY'S OFFICE

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

Public Hearing: March 27, 2007 (tentative)
First Reading: March 27, 2007 (tentative)
Second Reading:
Third Reading:

STATE OF SOUTH CAROLINA
COUNTY COUNCIL OF RICHLAND COUNTY
ORDINANCE NO. ___-07HR

AN ORDINANCE OF THE COUNTY COUNCIL OF RICHLAND COUNTY, SOUTH CAROLINA, AMENDING THE ZONING MAP OF UNINCORPORATED RICHLAND COUNTY, SOUTH CAROLINA, TO CHANGE THE ZONING DESIGNATION FOR THE REAL PROPERTIES DESCRIBED AS TMS # 23700-03-02 AND TMS # 26600-03-01 FROM RU (RURAL DISTRICT) TO HI (HEAVY INDUSTRIAL DISTRICT); AND PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE.

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

Section I. The Zoning Map of unincorporated Richland County is hereby amended to change the real properties described as TMS # 23700-03-02 from RU (Rural District) zoning to HI (Heavy Industrial District) zoning.

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

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

Section IV. This ordinance shall be effective from and after _____, 2007.

RICHLAND COUNTY COUNCIL

By: _____
Joseph McEachern, Chair

Attest this ___ ___ day of
_____, 2007.

Michielle R. Cannon-Finch
Clerk of Council

RICHLAND COUNTY ATTORNEY'S OFFICE

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

Public Hearing: March 27, 2007 (tentative)
First Reading: March 27, 2007 (tentative)
Second Reading:
Third Reading:

STATE OF SOUTH CAROLINA
COUNTY COUNCIL OF RICHLAND COUNTY
ORDINANCE NO. ___-07HR

AN ORDINANCE OF THE COUNTY COUNCIL OF RICHLAND COUNTY, SOUTH CAROLINA, AMENDING THE ZONING MAP OF UNINCORPORATED RICHLAND COUNTY, SOUTH CAROLINA, TO CHANGE THE ZONING DESIGNATION FOR THE REAL PROPERTY DESCRIBED AS TMS # 23300-03-01 FROM PDD (PLANNED DEVELOPMENT DISTRICT) TO AN AMENDED PDD (PLANNED DEVELOPMENT DISTRICT); AND PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE.

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

Section I. The Zoning Map of unincorporated Richland County is hereby amended to change the property described as TMS # 23300-03-01 from PDD (Planned Development District) zoning to an amended PDD (Planned Development District) zoning, as described herein.

Section II. PDD Site Development Requirements. The following site development requirements shall apply to the subject parcels:

- a) The applicant shall comply with the Master Plan (dated January 26, 2007) prepared for Lake Carolina, which was submitted to, and is on file in, the Richland County Planning & Development Services Department (hereinafter referred to as "PDSD"), and is incorporated herein by reference, except as otherwise amended herein; and
- b) The site development shall be limited to 525 lots, as follows: 1) 405 detached single-family homes; 2) 75 townhomes; and 3) 45 patio homes; all as depicted on Exhibit "A", which is attached hereto; and
- c) The site shall be limited to one access point on Bud Keefe Road and one access point on Kelly Mill Road; and
- d) The applicant shall provide sidewalks on all exterior roadways to operational standards; provided, however, no sidewalks are required along Kelly Mill Road; and
- e) The applicant shall transmit a phasing plan to the PDSD prior to such department's review of any construction plans; and
- f) Unless otherwise provided herein, all development shall conform to all relevant land development regulations in effect at the time a permit application is received by the PDSD; and
- g) Proposed changes to the Master Plan shall be subject to the requirements of Section 26-59(j)(1) of the Richland County Land Development Code; and
- h) Exhibit B, which is attached hereto, constitutes the applicant's Sketch Plan for subdivision purposes only, and is hereby approved for such purposes; and
- i) All internal streets shall be publicly owned and maintained by Richland County; and
- j) The applicant shall reserve a right-of-way along Kelly Mill Road for future widening purposes; and
- k) All development on this site shall meet the minimum standards of Chapter 26 of the Richland County Code of Ordinances for landscape/tree protection standards, parking, sidewalks and pedestrian amenities, signs, recreation/open space design, and operational standards that promotes connectivity, and there shall be pedestrian access from all areas to recreation and

- commercial sections, which shall include sidewalks along external roadways (except for along Kelly Mill Road); and
- l) If applicable, prior to approval of the preliminary subdivision plans, the applicant shall submit to the PDSD written evidence of:
 - a. The U.S. Army Corps of Engineers' approval of the wetlands delineation and/or encroachment permit, and
 - b. FEMA's approval of the 100 year flood elevation statement; and
 - m) Richland County shall not be responsible for the enforcement of any deed restrictions imposed by the applicant, the developer, or their successors in interest; and
 - n) All site development requirements described above shall apply to the applicant, the developer, and/or their successors in interest; and

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

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

Section V. This ordinance shall be effective from and after _____, 2007.

RICHLAND COUNTY COUNCIL

By: _____
Joseph McEachern, Chair

Attest this _____ day of _____, 2007.

Michielle R. Cannon-Finch
Clerk of Council

RICHLAND COUNTY ATTORNEY'S OFFICE

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

Public Hearing: March 27, 2007 (tentative)
First Reading: March 27, 2007 (tentative)
Second Reading:
Third Reading:

EXHIBIT A

EXHIBIT B

STATE OF SOUTH CAROLINA
COUNTY COUNCIL OF RICHLAND COUNTY
ORDINANCE NO. ___-07HR

AN ORDINANCE OF THE COUNTY COUNCIL OF RICHLAND COUNTY, SOUTH CAROLINA, AMENDING THE ZONING MAP OF UNINCORPORATED RICHLAND COUNTY, SOUTH CAROLINA, TO CHANGE THE ZONING DESIGNATION FOR THE REAL PROPERTIES DESCRIBED AS TMS # 13500-02-04 AND TMS # 13510-01-03 FROM M-1 (LIGHT INDUSTRIAL DISTRICT) AND GC (GENERAL COMMERCIAL DISTRICT) TO A PDD (PLANNED DEVELOPMENT DISTRICT); AND PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE.

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

Section I. The Zoning Map of unincorporated Richland County is hereby amended to change the properties described as TMS # 13500-02-04 and TMS # 13510-01-03 from M-1 (Light Industrial District) and GC (General Commercial District) zoning to a PDD (Planned Development District) zoning, as described herein.

Section II. PDD Site Development Requirements. The following site development requirements shall apply to the subject parcels:

- a) The applicant shall comply with the Master Plan (dated January 26, 2007) prepared for Congaree Pointe by Hallmark Homes International, Inc., which was submitted to, and is on file in, the Richland County Planning & Development Services Department (hereinafter referred to as "PDS"), and is incorporated herein by reference, except as otherwise amended herein; and
- b) The site development shall be limited to:
 1. 150 detached single-family homes, with lot sizes ranging from 3,000 to 5,000 square feet; and
 2. 180 Town Homes, with lot sizes ranging from 1,500 to 3,000 square feet; and
 3. 45 Garden Villas, with lot sizes ranging from 1,500 to 5,000 square feet; and
 4. 45 Hallmark Vilals (Villa Flat), with lot sizes ranging from 2,500 to 5,000 square feet; and
 5. 8.8 acres of general commercial uses, but excluding uses for cemeteries, mausoleums, construction of any type that requires outside storage of equipment and materials, kennels, manufactured home sales, charter bus industry, utility substations, and any sexually oriented business; and built in accordance with special requirement standards, pursuant to Section 26-151 of the Richland County Code of Ordinances; and
- c) The applicant shall transmit a phasing plan to the PDS prior to such department's review of any construction plans; and
- d) Unless otherwise provided herein, all development shall conform to all relevant land development regulations in effect at the time a permit application is received by the PDS; and
- e) Proposed changes to the Master Plan shall be subject to the requirements of Section 26-59(j)(1) of the Richland County Land Development Code; and

- f) Exhibit A, which is attached hereto, constitutes the applicant's Sketch Plan for subdivision purposes only, and is hereby approved for such purposes; and
- g) Access to the subject site shall be limited to five (5) curb cuts on Atlas Road and three (3) curb cuts on Bluff Road; and
- h) All internal streets shall be publicly owned and maintained by Richland County; and
- i) The applicant shall widen Bluff Road westbound to accommodate a separate right-turn lane; and
- j) The applicant shall place the intersection under a STOP sign control where vehicles entering the intersection from the new access (southbound) will be required to stop; and
- k) The applicant shall provide sidewalks along the site frontage of Atlas and Bluff Roads; and
- l) The applicant shall provide a ten (10) foot vegetative buffer along the northern and eastern property lines; and
- m) All development on this site shall meet the minimum standards of Chapter 26 of the Richland County Code of Ordinances for landscape/tree protection standards, parking, sidewalks and pedestrian amenities, signs, recreation/open space design, and operational standards that promotes connectivity, and there shall be pedestrian access from all areas to recreation and commercial sections, which shall include sidewalks along external roadways; and
- n) If applicable, prior to approval of the preliminary subdivision plans, the applicant shall submit to the PDSO written evidence of:
 - a. The U.S. Army Corps of Engineers' approval of the wetlands delineation and/or encroachment permit, and
 - b. FEMA's approval of the 100 year flood elevation statement; and
- o) Richland County shall not be responsible for the enforcement of any deed restrictions imposed by the applicant, the developer, or their successors in interest; and
- p) All site development requirements described above shall apply to the applicant, the developer, and/or their successors in interest; and

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

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

Section V. This ordinance shall be effective from and after _____, 2007.

RICHLAND COUNTY COUNCIL

By: _____
Joseph McEachern, Chair

Attest this _____ day of _____, 2007.

Michielle R. Cannon-Finch
Clerk of Council

RICHLAND COUNTY ATTORNEY'S OFFICE

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

Public Hearing: March 27, 2007
First Reading: March 27, 2007
Second Reading: April 3, 2007 (tentative)
Third Reading:

EXHIBIT A

AMENDED

STATE OF SOUTH CAROLINA
COUNTY COUNCIL FOR RICHLAND COUNTY
ORDINANCE NO. _____-07HR

AN ORDINANCE AUTHORIZING RICHLAND COUNTY, SOUTH CAROLINA, TO ENTER INTO A LOAN AGREEMENT WITH THE BANK IN THE APPROXIMATE AMOUNT OF \$25,000,000* TO BE PAID FROM AND SECURED BY A PLEDGE OF THE COUNTY'S LOCAL HOSPITALITY TAX; APPROVING THE FORM AND TERMS OF CERTAIN DOCUMENTS IN CONNECTION WITH THE LOAN; AUTHORIZING THE COUNTY ADMINISTRATOR TO DETERMINE CERTAIN MATTERS RELATING TO THE LOAN; PROVIDING FOR THE PAYMENT OF THE LOAN AND THE DISPOSITION OF THE PROCEEDS THEREOF; AND OTHER MATTERS RELATED THERETO.

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

Section 1. Definitions. The terms defined in this Section for all purposes of this Ordinance shall have the respective meanings as set forth in this Section. The term:

“2007A Projects” mean the improvements to the Township Auditorium and the refunding of the portion of the Series 2006 BAN, the proceeds of which relate to the property acquired by the County and provided to the State of South Carolina for use as the retail destination State Farmer’s market.

“2007B Projects” mean the refunding of the portion of the Series 2006 BAN, the proceeds which were used to acquire the portion of the State Farmer’s Market retained by the County and the refunding of the Series 2006A BAN.

“Bank” means Banc of America Public Capital Corp., its successors and assigns.

“BANS” shall mean the Series 2006 BAN and the Series 2006A BAN.

“Code” means the Internal Revenue Code of 1986, as amended, and applicable Treasury Regulations thereunder.

“Council” means the County Council of the County.

“County” means Richland County, South Carolina.

“Enterprise Charge” means a local hospitality tax, imposed by one or more governmental entities, the proceeds from which may be used only for limited purposes.

“Enterprise Financing Agreement” means a financing agreement entered into to provide an asset for a governmental enterprise (i) the revenues from which are expected to be sufficient to pay the amounts due under the financing agreement, or (ii) for which an enterprise charge has been imposed in an amount expected to be sufficient to pay the amounts due under the financing agreement, or (iii) a combination of revenues described under (i) and (ii) are expected to produce an amount sufficient to pay the amounts due under the financing agreement.

AMENDED

“Loan Agreement” means the Loan Agreement dated as of its delivery, or such other date as may be determined by the County Administrator, with advice from the County Attorney, between the Bank and the County.

“Projects” shall mean the Series 2007A Projects and the Series 2007B Projects.

“SC Code” means the Code of Laws of South Carolina 1976 as amended.

“Series 2005 BAN” means the original principal amount \$5,000,000 Hospitality Tax Special Obligation Bond Anticipation Note, Series 2005, issued by the County on July 28, 2005.

“Series 2006 BAN” means the original principal amount \$5,000,000 Hospitality Tax Special Obligation Bond Anticipation Note, Series 2006, issued by the County on July 28, 2006.

“Series 2006A BAN” means the original principal amount \$7,000,000 Hospitality Tax Special Obligation Bond Anticipation Note, Series 2006A, issued by the County on November 16, 2006.

Section 2. Findings and Determinations. The Council hereby finds and determines:

A. Pursuant to Section 4-9-10, Code of Laws of South Carolina 1976, as amended, the County operates under the Council-Administrator form of government and the County Council constitutes the governing body of the County.

B. A vibrant tourism industry fosters and enhances the economic growth and well being of a community and its residents. Tourism has been and continues to be a growing industry for the County. The 2007A Projects will be premier attractions, drawing visitors and tourists to the many and varied shopping opportunities.

C. Pursuant to the authorization granted by the General Assembly to counties in Sections 6-1-700 to 6-1-770 of the SC Code and Ordinance No. 025-03HR enacted on May 6, 2003, the County has provided for the imposition and collection of a local hospitality tax of two percent (2%) on the gross proceeds of the sale of prepared meals and beverages in establishments for immediate consumption within the unincorporated area of the County (the “Hospitality Tax”). The Hospitality Tax is an enterprise charge within the meaning of Section 11-27-110A(4) of the SC Code.

D. The Hospitality Tax may be used only for the purposes stated in Sections 6-1-530 and 6-1-730, respectively, of the South Carolina Code.

E. On July 28, 2005, the County issued the Series 2005 BAN, the proceeds of which were used for the acquisition of property for use as the State Farmer's Market at Columbia and costs of issuance of the Series 2005 BAN.

F. On July 28, 2006, the County issued the Series 2006 BAN, the proceeds of which were used to pay at maturity the Series 2005 BAN and costs of issuance of the Series 2006 BAN.

G. On November 16, 2006, the County issued the Series 2006A BAN, the proceeds of which were used to purchase approximately 206 acres of real property located on Farrow Road for use as a recreational facility and costs of issuance of the Series 2006A BAN.

AMENDED

H. County Council has approved the expenditure of \$12,000,000 for improvements and renovations to the Township Auditorium.

I. County Council finds and determines that it is in the County's best interest to provide long-term fixed rate financing for the amounts reflected in the Series 2006 BAN and the Series 2006A BAN.

J. In order to provided funding the renovations and improvements to the Township Auditorium and to provide long-term fixed rate financing for the BANS, it is proposed that the County enter into the Loan Agreement under which the County will agree to make payments secured by the Hospitality Tax, in such amounts and at such times as will be specified in the Loan Agreement.

K. The Hospitality Tax is an enterprise charge within the meaning of Section 11-27-110A(4) of the SC Code and the Loan Agreement is an Enterprise Financing Agreement, and as such the principal amount reflected therein will not be included within the County's constitutional debt limit.

L. The Council finds that the proceeds of the Loan Agreement authorized by this Ordinance, as well as the Hospitality Tax pledged in connection therewith, for the Projects will be used for public purposes and that entering into the Loan Agreement is necessary and in the best interest of the County.

M. It is now in the best interest of the County for the Council to approve the execution and delivery of the Loan Agreement with a loan amount not exceeding \$16,700,000* for the 2007A Projects and not exceeding \$7,600,000* for the 2007B Projects. The proceeds of the Loan Agreement shall be used for the purposes of (a) defraying the costs of the Projects; and (b) paying the costs associated therewith.

N. The undertakings authorized by this Ordinance are necessary and in the best interest of the County and will assist and enhance the County in the acquisition and construction of the Projects. The financing transaction authorized by this Ordinance for such purposes is necessary, and the proceeds therefrom will be issued for a corporate purpose and a public purpose of the County.

Section 3. Approval of Transaction; Acceptance of Bank Proposal. The County, for the purposes of the financing contemplated by the Loan Agreement, hereby accepts the proposed of the Bank dated March 2, 2007, as supplemented with respect to the 2007B Projects, a copy of which is attached hereto, is hereby accepted.

Section 4. Pledge. As security for its obligation to make payments pursuant to the Loan Agreement, the County hereby pledges the Hospitality Tax to the extent necessary to make all required payments under the Loan Agreement due in any year. Upon payment of all amounts required in a fiscal year, all revenue collected from the Hospitality Tax not needed to make payments required by the Loan Agreement may be utilized as directed by the County Council. The County shall make no pledge of the Hospitality Tax which is prior or superior to the pledge of the Hospitality Tax made to secure its obligations under the Loan Agreement.

Section 5. Covenants of the County. The County Council covenants and agrees: (i) not to increase disbursements from its general fund to pay for costs which could have been paid from its Hospitality Tax for a period of two fiscal years after the date of the completion of the Projects; (ii) not to reduce the amounts assessed for Hospitality Tax to a level insufficient to permit the County to discharge its obligations under the Loan Agreement; and (iii) the County shall maintain a debt service coverage ratio of at least 1.20 at all times so long as it has any obligations under the Loan Agreement.

AMENDED

Section 6. Limited and Special Obligations of the County; Payment from Other Sources. The obligations of the County to make payments under the Loan Agreement shall be limited to amounts pledged herein and shall not constitute a pledge of the full faith, credit or taxing power of the County within the meaning of any State constitutional or statutory provision. Subject to the foregoing limitation, the County's obligation to make payments shall be absolute and unconditional, without defense or set-off by reason of any acts or circumstances that may constitute failure of consideration, destruction of or damage to the 2007 Projects, commercial frustration of purpose or failure of the County to perform and observe any agreement, whether express or implied, or any duty, liability or obligation arising out of or connected with the Loan Agreement, it being the intention of the parties that the payments required by the Loan Agreement will be paid in full when due without any delay or diminution whatsoever. The County shall have the option of using other legally-available funds to make the payments under the Loan Agreement but will not be required to do so.

Section 7. Approval of Loan Agreement. The form, terms and provisions of the Loan Agreement, a copy of which has been presented to Council at the meeting during which this Ordinance was enacted, and filed with the Clerk of the County, be and are hereby approved. The Chairman of County Council and County Administrator be and are hereby authorized, empowered and directed to execute, acknowledge and deliver, and the Clerk of County be and is hereby authorized, empowered and directed to attest, the Loan Agreement in the name and on behalf of the County, and thereupon to cause the Loan Agreement to be delivered to the Bank. The County Administrator, with advice from the County Attorney, be and is hereby delegated the authority to approve such changes in the form, terms and provisions of the Loan Agreement as may be appropriate for the financing plan contemplated thereby. The execution of the Loan Agreement shall constitute conclusive evidence of approval of any and all changes or revisions therein from the form of the Loan Agreement before the meeting during which this Ordinance was enacted. Any amendment to the Loan Agreement shall be executed in the same manner.

Section 8. Authorization. The Chairman of the County Council, County Administrator, and the Clerk to Council are fully empowered and authorized to take such further action and to execute and deliver such additional documents as may be reasonably requested by the Bank to effect the delivery of the Loan Agreement in accordance with the terms and conditions therein set forth, and the transactions contemplated hereby and thereby, and the action of such officers in executing and delivering any of such documents, in such form as the County Administrator shall approve, is hereby fully authorized. The authorization conferred herein shall extend to and include, but not be limited to, the documents and certificates reasonably expected to be necessary for the closing of the financing transaction.

Section 9. Federal Tax Covenants. The County agrees and covenants that it will comply with all applicable portions of the Code, as in effect or hereafter amended, including Sections 103 and 141 through 150 thereof, and the regulations of the Treasury Department thereunder, to maintain the exclusion from gross income for federal income tax purposes of the payments under the Loan Agreement, including without limitation the proper use and expenditure of proceeds thereof, the observation of the applicable investment limitations provided in the Code, the filing of information reports with the Internal Revenue Service and the rebate of certain arbitrage earnings on such proceeds to the United States Government.

Section 10. Severability. If any section, phrase, sentence, or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision, and such holding shall not affect the validity of the remaining portions thereof.

AMENDED

Section 11. Conflicts with Preceding Ordinances. Should conflicts arise between this and any preceding ordinances, this Ordinance shall prevail with respect to the conflicting sections.

Section 12. Miscellaneous. The County Council hereby authorizes any one or more of the following officials to execute such documents and instruments as necessary to effect the issuance of the Bonds: Chairman of the County Council, County Administrator, Clerk to the County Council and County Attorney. The County Council hereby retains McNair Law Firm, P.A. as bond counsel in connection with the execution and delivery of the Loan Agreement.

All rules, regulations, resolutions and parts thereof, procedural or otherwise, in conflict herewith or the proceedings authorizing the issuance of the Bonds are, to the extent of such conflict, hereby repealed and this Ordinance shall take effect and be in full force from and after its adoption.

RICHLAND COUNTY, SOUTH CAROLINA

By: _____
Joseph McEachern, Chairman
Richland County Council

(SEAL)

ATTEST THIS ____ DAY OF
_____, 2007:

Michielle R. Cannon-Finch
Clerk of County Council

RICHLAND COUNTY ATTORNEY'S OFFICE

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

First Reading: March 13, 2007
Second Reading: April 3, 2007 (Tentative)
Third Reading: April 17, 2007 (Tentative)

STATE OF SOUTH CAROLINA
COUNTY COUNCIL FOR RICHLAND COUNTY
ORDINANCE NO. ___-07HR

CONSENTING TO AND APPROVING THE ISSUANCE OF EITHER TAX-EXEMPT OR TAXABLE INSTALLMENT PURCHASE REVENUE BONDS IN ONE OR MORE SERIES BY A NON-PROFIT CORPORATION TO PROVIDE FUNDING TO FINANCE THE COSTS OF ACQUIRING AND CONSTRUCTING WHOLESALE FARMERS MARKET FACILITIES AND RELATED INFRASTRUCTURE; CONSENTING TO AND APPROVING THE EXECUTION OF FINANCING DOCUMENTS BY AND BETWEEN RICHLAND COUNTY, SOUTH CAROLINA AND THAT NONPROFIT CORPORATION; CONSENTING TO THE FORM OF A TRUST AGREEMENT TO BE ENTERED INTO BY THAT NONPROFIT CORPORATION AND TRUSTEE TO BE DESIGNATED; AND MAKING PROVISION FOR ALL OTHER MATTERS RELATING TO THE FOREGOING.

WHEREAS, it is the intent of the County Council (the "County Council") of Richland County, South Carolina (the "County"), that a South Carolina nonprofit corporation (the "Corporation") will be formed solely for the purpose of supporting the acquisition and construction of wholesale farmers market facilities and related infrastructure; and

WHEREAS, the County and the Corporation will agree that the Corporation will undertake (i) to acquire, design and construct certain new wholesale farmers market facilities and related infrastructure ("2007 Projects") to be used by the County, on real property currently owned by the County (the "2007 Real Property") (together, the 2007 Projects and the 2007 Real Property are the "2007 Facilities"); and

WHEREAS, in order to provide funds for the payment of the costs of the 2007 Projects, the Corporation will arrange for the issuance of either taxable for tax-exempt Installment Purchase Revenue Bonds (Richland County Farmers Market Project) in one or more series (collectively, the "Bonds") under and by the terms of a Trust Agreement (the "Trust Agreement") by and between the Corporation and a trustee to be selected (the "Trustee"); and

WHEREAS, certain facilities improved by the proceeds of the Bonds will also be conveyed to the Corporation as a portion of the 2007 Projects and the land upon which the same is situated leased to the Corporation as a portion of the 2007 Real Property; and

WHEREAS, the County is informed that the principal of and interest on the Bonds as the same becomes due may or may not be insured by a municipal bond insurance policy; and

WHEREAS, in order to effectuate the financing of the 2007 Projects, the County is being requested to enter into a Base Lease and Conveyance Agreement (the "Base Lease") with the Corporation, pursuant to which it will lease to the Corporation the 2007 Real Property, all as more particularly described in Exhibit A, as modified or supplemented, attached to the Base

Lease, and the Corporation will enter into an Installment Purchase and Use Agreement (the "Purchase and Use Agreement") with the County pursuant to which the Corporation will agree to make certain improvements and renovations on the 2007 Real Property in the form of the 2007 Projects, and, further, pursuant to which the County will purchase from the Corporation the 2007 Facilities and will be entitled to occupy the 2007 Projects pending completion of the payment therefor, and the County will, in turn, enter into certain Installment Purchase and Use Agreements with the wholesale vendors that will occupy the 2007 Projects (the "Vendor Purchase and Use Agreements"); and

WHEREAS, it is proposed that the members of the Board of Directors of the Corporation will adopt a resolution approving the Base Lease, the Purchase and Use Agreement, the Trust Agreement and the issuance and sale of the Bonds; and

NOW, THEREFORE, BE IT ORDAINED by the County Council of Richland County, South Carolina, in meeting duly assembled:

ARTICLE I

AUTHORIZATION OF AND CONSENT TO FINANCING DOCUMENTS

SECTION 1.01. *Base Lease and Purchase and Use Agreement.* The forms, terms and provisions of the Base Lease and the Purchase and Use Agreement presented to this meeting are hereby approved and all of the terms and provisions thereof are hereby incorporated herein by reference as if the Base Lease and the Purchase and Use Agreement were set out in this Ordinance in their entirety. The Chairman of County Council and Clerk to County Council (respectively, the "Chairman" and "Clerk"), are hereby authorized, empowered and directed to execute, acknowledge and deliver the Base Lease and the Purchase and Use Agreement to the Corporation. The Base Lease and the Purchase and Use Agreement are to be in substantially the forms now before this meeting and hereby approved, or with such changes therein as may be deemed necessary by the persons executing the same, upon advice of counsel, to accomplish the purposes of the transaction contemplated therein and in this Ordinance and as shall not be inconsistent with or contrary to such purposes. The execution of the Base Lease and the Purchase and Use Agreement shall constitute conclusive evidence of the persons executing the same of their approval of any and all such changes.

SECTION 1.02. *Consent to Trust Agreement.* The County Council hereby consents to and approves the Trust Agreement in the form now before this meeting, with such changes as may be hereafter made as shall be in furtherance of the transactions contemplated therein and in this Ordinance and as shall not be inconsistent with or contrary to the matters contemplated herein. The County Council hereby further consents to the execution and delivery of the Trust Agreement by the parties thereto. In the event it is determined to be necessary to execute and deliver an assignment in a document separate from the Trust Agreement, the County Council hereby consents to and approves the execution and delivery of such an assignment by the Corporation.

SECTION 1.03. *Consent to Installment Purchase Agreement and Vendor Purchase Agreements.* The County Council hereby consents to and approves the Installment Purchase Agreement and Vendor Purchase Agreements in the form now before this meeting, with such changes as may be hereafter made as shall be in furtherance of the transactions contemplated therein and in this Ordinance and as shall not be inconsistent with or contrary to the matters contemplated herein. The County Council hereby further consents to the execution and delivery of said documents by the parties thereto.

SECTION 1.04. *Consent to and Approval of Corporation, its Directors, and the Bonds.* The County Council hereby consents to the creation of the Corporation and the undertaking by the Corporation respecting the 2007 Facilities and the issuance of the Bonds. The County Council acknowledges that the initial Directors of the Corporation are anticipated to be no more than five members, which shall be identified by the County Administrator (the "County Administrator") with input, as necessary, from the Chairman. The County Council hereby consents to and approves the issuance, sale, execution and delivery of the Bonds in one or more series of taxable or tax-exempt obligations, in an amount or amounts to be set pursuant to a resolution to be adopted by the Board of Directors of the Corporation, such aggregate amount, however, not to exceed [\$15,000,000], to provide for the payment of the costs of the 2007 Facilities and the costs of issuance and all expenses in connection therewith. The County Council also agrees to accept the 2007 Facilities at such time as the Bonds are retired.

SECTION 1.05. *Use of Proceeds of the Bonds.* The proceeds of the Bonds, net of original issue discount and premium and underwriter's discount as provided in the Bond Purchase Agreement (as defined herein), as described in Section 2.01 herein, shall be applied, as provided in the Trust Agreement, to (i) provide the amounts necessary to pay the costs of the 2007 Facilities (including capitalized interest with respect thereto), (ii) provide for reserve funds to further secure the Bonds, which provision may be made by surety bond or other financial guaranty, (iii) pay the premium of any municipal bond insurance policy issued in connection with the Bonds, and (iv) pay costs of issuance of the Bonds. The 2007 Projects described generally in Exhibit A hereto.

ARTICLE II

CONSENT TO SALE OF THE BONDS

SECTION 2.01. *Bond Purchase Agreement.* The County hereby recommends and approves the retention by the Corporation of and [TBD] (the "Underwriter") to arrange for the placement, distribution and sale of the Bonds. The form, terms and provisions of the Bond Purchase Agreement presented to this meeting are hereby approved and all of the terms and provisions thereof are hereby incorporated herein by reference as if the Bond Purchase Agreement were set out in this Ordinance in its entirety. The Chairman and the County Administrator, or either of them acting alone, are each hereby authorized, empowered and directed to execute, acknowledge and deliver the Bond Purchase Agreement in substantially the form now before this meeting and hereby approved, or with such changes therein as may be deemed necessary by the persons executing the same, upon advice of counsel, to accomplish the purposes of the transaction contemplated therein and in this Ordinance and as shall not be

inconsistent with or contrary to such purposes. The execution of the Bond Purchase Agreement by either of the Chairman or the County Administrator shall constitute conclusive evidence of the person executing the same of his or her approval thereof.

It is understood and agreed that the terms and provisions of the Bond Purchase Agreement will be completed upon the sale of the Bonds and the Chairman and the County Administrator, or either of them acting alone, are authorized to accept and execute the Bond Purchase Agreement so long as (a) the true interest cost on the Bonds does not exceed 8.00% per annum, (b) the final maturity date of the Bonds is no later than December 1, 2037 and (c) the principal amount of the Bonds does not exceed [\$15,000,000].

SECTION 2.02. Official Statement. The County Council hereby approves the use by the Corporation of a Preliminary Official Statement in connection with the offer and sale of the Bonds by the Underwriter, provided that prior to distribution of the Preliminary Official Statement, the County Administrator shall receive the advice of counsel in connection therewith. After the acceptance of an offer to purchase the Bonds from the Underwriter, the County Council hereby approves the preparation, use and distribution by the Corporation of a final Official Statement, including any amendments or supplements thereto as may be required. The County Administrator is authorized to deem "final" the Preliminary Official Statement, and any amendments or supplements thereto, for purposes of S.E.C. Rule 15c2-12. The execution and delivery of a final Official Statement by the Corporation and the County Administrator, or either of them acting alone, is hereby approved.

ARTICLE III

GENERAL AUTHORIZATION

SECTION 3.01. General Authorization. The Chairman, the Clerk, the County Administrator and the officials of the County are hereby authorized to execute and deliver such documents and take such actions as are required under the Bond Purchase Agreement as are required to comply with the terms thereof. The County Administrator is hereby authorized to modify or supplement the projects as described in the attached Exhibit A in order to effectuate the issuance of the Bonds.

SECTION 3.02. Financing Terms and Professionals. [TBD], is engaged to serve as the County's financial advisor (the "Financial Advisor"). The County Administrator, with the advice and counsel of the Financial Advisor, is hereby authorized to select a bond insurance company to issue a municipal bond insurance policy with respect to the Bonds, and, as necessary, hire other financial professionals and legal counsel as may be required to facilitate the issuance of the Bonds.

SECTION 3.03. Effective Date. This ordinance shall take effect immediately upon third reading and no further authorization is required to execute and deliver all documents and certificates required to effect the sale, issuance and delivery of the Bonds. This ordinance shall be construed liberally to effect the intent of the County Council.

RICHLAND COUNTY COUNCIL

By: _____
Joseph McEachern, Chair

(SEAL)

Attest this _____ day of
_____, 2005.

Michielle R. Cannon-Finch
Clerk of Council

RICHLAND COUNTY ATTORNEY'S OFFICE

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

First Reading: March 13, 2007
Second Reading: April 3, 2007 (tentative)
Public Hearing:
Third reading:

STATE OF SOUTH CAROLINA)
)
COUNTY OF RICHLAND)

CERTIFICATE

I, the undersigned Clerk to County Council of Richland County, South Carolina (the "County Council"), do hereby certify that attached hereto is a true, correct and verbatim copy of an Ordinance adopted by the County Council at its duly called meeting of _____, 2007.

An original of said Resolution is in my custody as the Clerk to County Council.

WITNESS my hand this ____ day of _____, 2007.

Clerk to County Council,
Richland County, South Carolina

DESCRIPTION OF 2007 PROJECTS

[INSERT DETAILED DESCRIPTION OF ALL FACILITIES TO BE FINANCED.]

RICHLAND COUNTY COUNCIL DEVELOPMENT AND SERVICES COMMITTEE

Bernice G. Scott
District 10

Joyce Dickerson
District 2

Norman Jackson, Chair
District 11

Bill Malinowski
District 1

Val Hutchinson
District 9

*Tuesday, March 27, 2007
5:00 PM*

Recommendations

I. ITEMS FOR ACTION

A. Request to approve amendments to the 911 Communications Center Consolidation Agreement between Richland County and the City of Columbia – The committee recommended that council approve the amended agreement, pending a favorable legal review by the County Attorney. The vote in favor was unanimous; however, this item will appear on the contested agenda to allow for a report on the requested information.

B. Emergency Services: Request for approval of stretcher and EKG equipment purchases – The committee recommended that council approve the stretcher and EKG purchases, and requested that staff provide financing options to the full council. The vote in favor was unanimous; however, this item will appear on the contested agenda to allow for a report on the requested information.

Consent

C. An ordinance authorizing the granting of a sanitary sewer right-of-way easement to the City of Columbia across property identified as a portion of TMS# 17400-09-15, to serve the Killian Crossroads Development – The committee recommended that council give first reading approval to an ordinance granting a sanitary sewer right-of-way to the City of Columbia to serve the Killian Crossroads Development. The vote in favor was unanimous.

D. Request for approval of a Sanitary Sewer Extension Agreement for sewer service to the Rothstein Tract, Walmart Shopping Center and the upgrade of several existing system components – The committee recommended that council approve the sewer extension agreement, and requested further information from staff to determine whether approval will have any adverse effect on the rate structure. The vote in favor was unanimous; however, this item will appear on the contested agenda to allow for a report on the requested information.

Consent

E. Request for approval of a Sanitary Sewer Extension Agreement for the upgrade of an existing sewer lift station and the construction of an odor control building

to serve the Eagles Rest Subdivision – The committee recommended that council approve the sewer extension agreement. The vote in favor was unanimous.

F. Request for approval of a Sanitary Sewer Extension Agreement for sewer service to River Shoals Subdivision – The committee recommended that council approve the sewer extension agreement. The vote was in favor.

Staffed by Joe Cronin

STATE OF SOUTH CAROLINA
COUNTY COUNCIL FOR RICHLAND COUNTY
ORDINANCE NO. ___-07HR

AN ORDINANCE AMENDING THE FISCAL YEAR 2006-2007 GENERAL FUND ANNUAL BUDGET TO ADD SIX HUNDRED AND TWENTY-FIVE THOUSAND DOLLARS (\$625,000.00) TO THE EMERGENCY MEDICAL SERVICES BUDGET TO PURCHASE 12 LEAD EKG MACHINES.

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

SECTION I. That the amount of Six Hundred and Twenty-five Thousand Dollars (\$625,000.00) be appropriated to the FY 2006-2007 Emergency Medical Services budget. Therefore, the Fiscal Year 2006-2007 General Fund Annual Budget is hereby amended as follows:

REVENUE

Revenue appropriated July 1, 2006 as amended:	\$119,168,265
Appropriation of Unrestricted General Fund Balance:	<u>625,000</u>
Total General Fund Revenue As Amended:	\$119,793,265

EXPENDITURES

Expenditures appropriated July 1, 2006 as amended:	\$119,168,265
Increase in Emergency Medical Services Budget:	<u>625,000</u>
Total General Fund Expenditures As Amended:	\$119,793,265

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

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

SECTION IV. Effective Date. This ordinance shall be enforced from and after _____, 2007.

RICHLAND COUNTY COUNCIL

BY: _____
Joseph McEachern, Chair

ATTEST THIS THE ____ DAY

OF _____, 2007

Michielle R. Cannon-Finch
Clerk of Council

RICHLAND COUNTY ATTORNEY'S OFFICE

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

First Reading: April 3, 2007 (tentative)
Second Reading:
Public Hearing:
Third Reading:

STATE OF SOUTH CAROLINA
COUNTY COUNCIL FOR RICHLAND COUNTY
ORDINANCE NO. ____-07HR

AN ORDINANCE AUTHORIZING THE GRANTING OF A SANITARY SEWER RIGHT-OF-WAY EASEMENT TO THE CITY OF COLUMBIA ACROSS PROPERTY IDENTIFIED AS A PORTION OF TMS NUMBER 17400-09-15, TO SERVE THE KILLIAN CROSSROADS DEVELOPMENT.

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

SECTION I. The County of Richland and its employees and agents are hereby authorized to grant a sanitary sewer right-of-way easement to the City of Columbia across property identified as a portion of 17400-06-15 to serve the Killian Crossroads Development, as specifically described in the Easement, a copy of which is attached hereto and incorporated herein.

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

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

SECTION IV. Effective Date. This ordinance shall be effective from and after _____, 2007.

RICHLAND COUNTY COUNCIL

By: _____
Joseph McEachern, Chair

Attest this _____ day of
_____, 2007.

Michielle R. Cannon-Finch
Clerk of Council

RICHLAND COUNTY ATTORNEY'S OFFICE

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

First Reading: April 3, 2007 (tentative)
Second Reading:
Public Hearing:
Third reading:

D & S Committee Questions
March 27, 2007
Sanitary Sewer Extension Agreements

1. Why are Mungo's tap certificates good for ten years as opposed to five years?

For the past twenty years, the development of the sewer system that serves the current Broad River Regional area has been dependent upon participation by developers and/or property owners to assist with the initial funding of sewer line extensions. A policy was developed in the early 1980's that would credit developers in the form of sewer taps an amount equal to their investment in a sewer line extension. The sewer taps issued under these agreements from the beginning of the program were issued with a finite life of ten (10) years. After the ten (10) years, the taps would become null and void unless assigned to a specific piece of property. This ten (10) year life of sewer taps remained as part of the sewer extension policy until the former County Administrator decided to reduce the life of a sewer tap to five (5) years in 2004.

The Mungo Company has been the primary developer in the Broad River Sewer Service Area. In a supplemental agreement, the former County Administrator agreed to allow the Mungo Company to continue to be issued sewer taps with a life of ten (10) years. The agreement is attached for review.

2. Can tap certificates owned by developers be used anywhere in the system, and why?

All sewer taps that are issued based on capacity of the wastewater treatment plant have been valid anywhere within the service area. With most sewer extension agreements, the number of sewer taps issued is less than the number required for the subdivision to which a line is extended. Therefore, not only does the County benefit from the developer paying for the line extension, the County also receives additional revenues from the sale of taps for the balance of the subdivision.

With the Rothstein Tract sewer extension agreement, approximately 1125 sewer taps may be issued. Approximately 1000 of these taps will be used by the developers that are funding the projects. Only 125 would be available for sale to other customers that connect to the system. Under this sewer extension agreement, only two of the seven projects identified are line extensions to new project areas. The remaining five projects are upgrades to existing facilities for which the Utilities Department does not have funding. These five projects are needed to eliminate the potential of environmental pollution and to add capacity to serve approved development. These five projects not only serve the developers that are party to this agreement, but all potential new customers anywhere on the system. Therefore it is believed that the Rothstein Tract developers should be allowed to recover their investment from future customers that will benefit from these system upgrades.

3. Will the sewer extensions under consideration impact the user fees that we recently established?

The new user fee and sewer tap fee rates will reduce the dependence on tap fees to pay the annual operating cost and debt service payments. The new user fee alone will reduce the dependence on new tap fees by approximately 45%. At the average of 450 new tap fee paying customers per year, with the new rates only approximately 248 would be required during the next year. That number would dramatically decrease over the next few years.

Based on available capacity in the new wastewater treatment plant and assuming a reduction in gallonage per tap to 300 gallons, approximately 9627 tap capacity remains in the new facility. By issuing a maximum of 1382 sewer taps for the three (3) proposed sewer extension agreements, 8245 additional sewer taps would remain available for future use.

RECEIVED

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05 JAN 11 AM 10:08

RICHLAND COUNTY
ADMINISTRATORS OFFICE

UTILITIES AND SERVICES

January 7, 2005

Mr. T. Cary McSwain
County Administrator
Richland County Government
County Administration Building
2020 Hampton Street
PO Box 192
Columbia, SC 29202

Re: Sewer Main Extension Agreements

Dear Mr. McSwain:

Stewart requested that I return the attached original signed letter of agreement clarifying the terms of the October 15, 2004 meeting and the Consent Order of February 8, 1995.

Hopefully, this will help expedite the outstanding sewer extension agreements mentioned in your December 21, 2004 letter.

Thank you.

Sincerely,

Joan Dalton
Executive Assistant

/jdd

cc: Frederick A. Gertz

Building South Carolina Since 1954

441 Western Lane • Irmo, South Carolina 29063 • (803) 749-9000 • Fax (803) 749-5885
www.mungo.com

Richland County Government

County Administration Building
2020 Hampton Street
P.O. Box 192
Columbia, SC 29202



Phone: (803) 576-2050
Fax: (803) 576-2137
TDD: (803) 748-4999

Office of the County Administrator

December 21, 2004

M. Stewart Mungo
President
The Mungo Company
441 Western Lane
Irmo, SC 29063

Dear Stewart:

This is to confirm the agreements reached during our meeting on October 15th, which clarified the terms of the Consent Order entered February 8, 1995, settling the litigation concerning the tax sale of the Nicholas Creek Sewer Treatment Plant (the "Order"). Our meeting was necessitated by the need to determine the effect of the Order on three proposed sewer main extension agreements involving the Lake Murray lift station, the Three Dog Road Improvements and the Highway 76 Improvements, all of which are necessary to facilitate the development of the Lowman Tract. In connection with these agreements and to govern future agreements we agreed as set forth below.

First, previously we had agreed that notwithstanding the lack of any limitations in the Order, that tap certificates issued to your company and its affiliates could be limited to a ten year life. At the end of ten years tap certificates sold to end users or assigned to specific lots within platted subdivisions would remain effective and would not expire.

Second, any unused tap certificates which would expire by the passage of time will be redeemed by the County, at its option, for cash or exchanged for new certificates. The Mungo Company may consign any certificates issued in exchange for redeemed certificates to the County. The County will sell the consigned certificates to users within the system alternately with its certificates, i.e., one of The Mungo Company certificates will be sold for each of the County's certificates sold. Funds from the sale of Mungo certificates will be remitted to The Mungo Company ten days after the end of each month. Any new certificates issued will have a life of ten years and be subject to the Order and this letter.

Third, The Mungo Company will continue to have the exclusive right to sell certificates within the Company's, and the Company's affiliates', subdivisions and properties.

A handwritten signature in black ink, appearing to be "T.M.", is located in the lower right quadrant of the page.

A second handwritten signature in black ink, appearing to be "M", is located below the first signature in the lower right quadrant of the page.

Fourth, we agreed that in order to allow the County to employ condemnation to obtain easements at a lower cost; the language governing easement acquisition in these and future agreements would be modified to read as follows,

The Developer shall obtain all easements in the name of the County for all easements related to and required for sewer extension agreements and shall advise the County prior to closing on the purchase of any easement of the proposed purchase price. In the event the County or the Developer believe the negotiated easement cost is excessive, County staff shall place on the next available meeting agenda of its Council or an appropriate committee thereof a request that it condemn any easement not acquired through negotiation. If Council does not approve condemnation, such easements may be acquired for the negotiated price. The Developer shall be reimbursed with sewer tap certificates for easement acquisition costs whether by condemnation or negotiation.

Fifth, the extension for the Rothstein Tract is approved and the agreement covering it will be in accordance with this letter.

Sixth, except as modified herein, the Order will remain in effect and apply to all certificates issued to your company.

If you find the above a satisfactory summary of our agreements, please sign the enclosed copy of this letter and return it to me in the envelope provided.

Sincerely,



T. Cary McSwain
County Administrator



M. Stewart Mungo
President

The Mungo Company

Date: Jan. 5, 2005

RICHLAND COUNTY COUNCIL ADMINISTRATION AND FINANCE COMMITTEE

Kit Smith, Chair
District 5

Mike Montgomery
District 8

Paul Livingston
District 4

Greg Pearce
District 6

Damon Jeter
District 3

*Tuesday, March 27, 2007
6:00 PM*

Recommendations

I. ITEMS FOR ACTION

- Consent** **A. Sheriff's Department: Budget Amendment for Special Duty Pay and Request for One Additional FTE** – The committee recommended that council give first reading approval to the budget amendment to increase the Sheriff's Special Duty Pay budget by \$650,000 and add one additional FTE (Accountant II). The vote in favor was unanimous.
- Consent** **B. Sheriff's Department: Request to Approve JABG Community Crime Prevention Program Grant (No Personnel / \$1,428 Match)** – The committee recommended that council approve the grant, with the \$1,428 match coming from the grant match account. The vote in favor was unanimous.
- Consent** **C. A Resolution in support of the issuance by the South Carolina Jobs - Economic Development Authority of its not exceeding \$45,000,000 aggregate principal amount of its First Mortgage Health Care Facilities Refunding and Revenue Bonds (The Lutheran Homes of South Carolina, Inc.) Series 2007 in one or more series pursuant to the provisions of Title 41, Chapter 43 Code of Laws of South Carolina 1976, as amended** – The committee recommended that council approve the resolution in support of the JEDA bond issue for Lutheran Homes of South Carolina, Inc., and to hold a public hearing as required by law. The vote in favor was unanimous. **(This item will be placed on the April 17, 2007 Council agenda.)**
- Consent** **D. An ordinance amending the Richland County Code of Ordinances; Chapter 16, Licenses and Miscellaneous Business Regulations; Article 1, In General; So as to standardize this section to business license ordinances statewide** – The committee recommended that council give first reading approval to the ordinance in regards to establishing classes, but recommended that a council work session regarding rates be held after staff has an opportunity to communicate with the business community. The vote in favor was unanimous.

- Consent** **E. An ordinance amending the Richland County Code of Ordinances, Chapter 2, Administration; Article VII, Boards, Commissions and Committees; Section 2-326, Boards and Commissions created and recognized; so as to create a Business Service Center Appeals Board** – The committee recommended that council give first reading approval to the ordinance. The vote in favor was unanimous.
- Consent** **F. Request to approve the selection of Fitts and Goodwin as the Design/Build team for the wholesale Farmers' Market project** – The committee recommended the council approve the selection of Fitts and Goodwin as the design/build team, and to authorize the Administrator to negotiate, but not enter, a contract. (The contract will be brought back to council for approval.) The vote in favor was unanimous.

Staffed by Joe Cronin

STATE OF SOUTH CAROLINA
COUNTY COUNCIL FOR RICHLAND COUNTY
ORDINANCE NO. ___-07HR

AN ORDINANCE AMENDING THE FISCAL YEAR 2006-2007 GENERAL FUND ANNUAL BUDGET TO ADD SIX HUNDRED AND FIFTY THOUSAND DOLLARS (\$650,000.00) TO THE SHERIFF’S SPECIAL DUTY PAY BUDGET TO COVER SERVICE FOR THE REMAINDER OF THE FISCAL YEAR AND TO ADD ONE ACCOUNTANT II POSITION.

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

SECTION I. That the amount of Six Hundred and Fifty Thousand Dollars (\$650,000.00) be appropriated to the FY 2006-2007 Sheriff’s Special Duty Pay budget. Therefore, the Fiscal Year 2006-2007 General Fund Annual Budget is hereby amended as follows:

REVENUE

Revenue appropriated July 1, 2006 as amended:	\$119,793,265
Revenue from the Special Duty Fee:	<u>650,000</u>
Total General Fund Revenue As Amended:	\$120,443,265

EXPENDITURES

Expenditures appropriated July 1, 2006 as amended:	\$119,793,265
Increase in Sheriff’s Special Duty Pay Budget:	<u>650,000</u>
Total General Fund Expenditures As Amended:	\$120,443,265

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

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

SECTION IV. Effective Date. This ordinance shall be enforced from and after _____, 2007.

RICHLAND COUNTY COUNCIL

BY: _____
Joseph McEachern, Chair

ATTEST THIS THE ____ DAY

OF _____, 2007

Michielle R. Cannon-Finch
Clerk of Council

RICHLAND COUNTY ATTORNEY'S OFFICE

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

First Reading: April 3, 2007 (tentative)
Second Reading:
Public Hearing:
Third Reading:

**STATE OF SOUTH CAROLINA
COUNTY COUNCIL FOR RICHLAND COUNTY
ORDINANCE NO. ___-07HR**

AN ORDINANCE AMENDING THE RICHLAND COUNTY CODE OF ORDINANCES; CHAPTER 16, LICENSES AND MISCELLANEOUS BUSINESS REGULATIONS; ARTICLE I, IN GENERAL; SO AS TO STANDARDIZE THIS SECTION TO BUSINESS LICENSE ORDINANCES STATEWIDE.

WHEREAS, the Municipal Association of South Carolina has developed a Model Business License Ordinance for the municipalities of this state, and

WHEREAS, this Model Ordinance establishes a straightforward rate structure based upon federally established identification codes to classify businesses and an eight rate classes, and

WHEREAS, a uniform business license ordinance adopted by most jurisdictions helps businesses comply with the business license ordinance by making the ordinance standardized across the state, and

WHEREAS, the Municipal Association's Model Business License Ordinance has been modified to make it appropriate and lawful for Counties to use and emulate;

NOW, THEREFORE, pursuant to the authority by the Constitution of the State of South Carolina and the General Assembly of the State of South Carolina, **BE IT ENACTED BY RICHLAND COUNTY COUNCIL:**

SECTION I. The Richland County Code of Ordinances; Chapter 16, Licenses and Miscellaneous Business Regulations; Article I, In General; is hereby amended by the deletion of the language contained therein and the substitution of the following language:

ARTICLE I. BUSINESS LICENSES

Section 16-1. License Required.

- (1) Every person engaged or intending to engage in any calling, business, occupation or profession, whether or not it is listed in the rate classification index portion of this chapter, in whole or in part, within the unincorporated areas of the county is required to submit a completed application for a business license accompanied by the appropriate fees (unless exempt) for the privilege of doing business in the county and to obtain a business license as herein provided, except those as noted in Section 16-6, below.
- (2) Any business holding a state occupational license listing an address in Richland County creates a presumption of business conduct and thus requires the business to have a business license. Any business registering with the Secretary of State's Office listing an address in Richland County also creates a presumption of business conduct and requires the business to

have a business license. Other State agencies, professional organizations, or County departments who have a record for the business listing an address in Richland County also create a presumption of business conduct and requires the business to have a business license.

Section 16-2. Definitions.

The following words, terms, and phrases, when used in this article shall have the meaning ascribed herein, except where the context clearly indicates or requires a different meaning:

- (1) “*Business*” means a calling, occupation, profession or activity engaged in with the object of gain, benefit or advantage, either directly or indirectly. A charitable organization shall be deemed a business unless the entire proceeds of its operation are devoted to charitable purposes.
- (2) “*Charitable organization*” means a person:
 - (a) determined by the Internal Revenue Service to be a tax exempt organization pursuant to Section 501(c)(3) of the Internal Revenue Code; or
 - (b) that is or holds itself out to be established for any benevolent, social welfare, scientific, educational, environmental, philanthropic, humane, patriotic, public health, civic, or other eleemosynary purpose, or for the benefit of law enforcement personnel, firefighters, or other persons who protect the public safety; or
 - (c) that employs a charitable appeal as the basis of solicitation or an appeal that suggests that there is a charitable purpose to a solicitation, or that solicits or obtains contributions solicited from the public for a charitable purpose.
- (3) “*Charitable purpose*” means a purpose described in Section 501(c)(3) of the Internal Revenue Code or a benevolent, social welfare, scientific, educational, environmental, philanthropic, humane, patriotic, public health, civic, or other eleemosynary objective, including an objective of an organization of law enforcement personnel, firefighters, or other persons who protect the public safety if a stated purpose of the solicitations includes a benefit to a person outside the actual service membership of the organization.
- (4) “*Classification*” means a division of businesses by major groups subject to the same license rate as determined by a calculated index of ability to pay based on national averages, benefits, equalization of tax burden, relationships of services, or other basis deemed appropriate by County Council.
- (5) “*Construction Manager*” means any self-employed individual, firm, partnership, corporation, or group which supervises or coordinates construction of any building, highway, sewer, grading, improvement, re-improvement, structure, or part thereof. Notwithstanding payment by fixed price, commission, fee, or wage, said “construction manager” shall be classified in the category of “construction contractors” for purposes of this article and shall pay a license fee based upon the total cost of the undertaking

supervised or coordinated, except as otherwise exempted.

- (6) “*Contractor*” means any self-employed individual (not reporting income taxes on the IRS Form W2), firm, partnership, corporation, or group performing a service or providing a product subsequent to a contract signed by that party and another party.
- (7) “*County*” means the County of Richland.
- (8) “*Gross income*” means the total revenue of a business, received or accrued, for one (1) calendar or fiscal year, collected or to be collected by a business within the county, excepting therefrom business done wholly outside of the county on which a license tax is paid to some other county or a municipality and fully reported to Richland County.

Gross income for brokers or agents means gross commissions received or retained, unless otherwise specified. Gross income for business license tax purposes shall not include taxes collected for a governmental entity (such as sales taxes), escrow funds, or funds that are the property of a third party. The value of bartered goods or trade-in merchandise shall be included in gross income. The gross income for business license purposes may be verified by inspection of returns and reports filed with the Internal Revenue Service, the South Carolina Department of Revenue, the South Carolina Insurance Commission, or other government agency.

- (9) “*Gross receipts*” means the value proceeding or accruing from the sale of tangible personal property, including merchandise and commodities of any kind and character and all receipts, by the reason of any business engaged in, including interest, dividends, discounts, rentals of real estate or royalties, without any deduction on account of the cost of the property sold, the cost of the materials used, labor or service cost, interest paid, or any other expenses whatsoever, and without any deductions on account of losses.
- (10) “*License official*” means a county employee who is designated to administer this article, and/or his/her designee(s).
- (11) “*Person*” means any individual, firm, partnership, LLP, LLC, cooperative, nonprofit membership, corporation, joint venture, professional association, estate, trust, business trust, receiver, syndicate, holding company, or other group or combination acting as a unit, in the singular or plural, and the agent or employee having charge or control of a business in the absence of the principals.

Section 16-3. Purpose and Duration.

The business license levied by this article is for the purpose of providing such regulation as may be required by the businesses subject thereto and for the purpose of raising revenue for the general fund through a privilege tax. Each license that is issued shall be valid for one calendar year, beginning on January 1 and expiring on December 31. This time period shall be considered a license year. The provisions of this article and the rates set out in this article shall remain in effect from year to year as amended by the County Council.

Section 16-4. License Fee.

- (1) The required license fee shall be paid for each business subject to this article according to the applicable rate classification on or before March 15 of each year.
- (2) A separate license shall be required for each place of business and for each classification of business conducted at one place. If gross income cannot be separated for classifications at one location, the license fee shall be computed on the combined gross income for the classification requiring the highest rate.
- (3) A license fee based on gross income shall be computed on the gross income for the preceding calendar or fiscal year, and on a 12-month projected income based on the monthly average for a business in operation for less than one year. The fee for a new business shall be computed on the estimated probable gross income stated in the license application for the balance of the calendar year, or if the estimated probably gross income is unknown, shall be computed on the average actual first-year revenue of all similar businesses, and updated prior to renewing for the following year.
- (3) Unless otherwise specifically provided, all minimum fees and rates shall be multiplied by 200 percent (200%) for nonresidents and for itinerants having no fixed principal place of business within the county.

Section 16-5. Registration Required.

- (1) The owner, agent or legal representative of every business subject to this ordinance, whether listed in the classification index or not, shall register the business and make application for a business license on or before the due date of each year. A new business shall be required to have a business license prior to operation within any unincorporated area of the county.
- (2) Application shall be on a form provided by the License Official which shall contain the Social Security Number and/or the Federal Employer's Identification Number, the South Carolina Retail License Number (if applicable), the business name as reported on the South Carolina income tax return, and all information about the applicant and the business deemed appropriate to carry out the purpose of this ordinance by the License Official. Applicants may be required to submit copies of portions of state and federal income tax returns reflecting gross income figures.
- (3) The applicant shall certify under oath that the information given in the application is true, that the gross income is accurately reported, or estimated for a new business, without any unauthorized deductions, that all funds due to the County have been paid, and that all other licenses and permits required by the County or State to do business in the County have been obtained.

- (4) No business license shall be issued until the applicant satisfies all indebtedness to the County, all other licenses and permits required by the County or State to do business in the County have been obtained, and first submits documents necessary to establish compliance with Richland County Zoning Ordinance, Building Code, Electrical Code, Mechanical Code, Plumbing Code, Roofing Code and other regulatory Codes as adopted by the County Council.
- (5) Insurance agents and brokers shall report the name of each insurance company for which a policy was issued and the total premiums collected for each company for each type of insurance coverage on a form approved by the License Official. An insurance agent not employed by an insurance company or employed by more than one insurance company shall be licensed as a broker.
- (6) Fireworks Sales: Any establishment desiring to sell fireworks must first acquire the Annual State Board of Pyrotechnic Safety License and must meet all regulations pursuant to the provisions of Regulation 19-405, S.C. Code of Laws for 1976. Prior approval of the Richland County Sheriff's Department is required as governed by regulations of the State Fire Marshal pursuant to the 1976 Code, Chapter 9 of Title 23, and Chapter 43 of Title 39, governing the transportation and use of pyrotechnics.
- (7) Hawkers and Peddlers: Any person desiring to peddle goods anywhere in Richland County must first acquire the State Hawkers and Peddlers License and must meet all regulations pursuant to the provisions of Section 40-41-10, S.C. Code of Laws of 1976 and are also subject to being in compliance with the zoning and building codes.
- (8) Miscellaneous Sales (Antique Malls, Flea Markets or Leased Space Sales): Any person leasing space for the sale of merchandise from an established business shall be required to have a business license, whether or not the sales are made through a central cash register. Furthermore, it shall be the responsibility of the leasor of the spaces to advise the business license office of persons leasing space.

Section 16-6. Deductions, Exemptions, Charitable Organizations, and Determination of Classification.

- (1) No deductions from gross income shall be made except income from business done wholly outside of the county jurisdiction on which a license tax is paid to another county or to any municipality, taxes collected for a governmental entity, or income which cannot be taxed pursuant to State or Federal law. The applicant shall have the burden to establish the right to deduction by satisfactory records and proof by including with the business license application, either new or renewing, a separate itemized listing showing all deductions claimed, or not deductions will be allowed.
- (2) No person shall be exempt from the requirements of this ordinance by reason of the lack of an established place of business within the County, unless exempted by State or Federal law. No person shall be exempt from this ordinance by reason of the payment of

any other tax, unless exempted by State law, and no person shall be relieved of the liability for the payment of any other tax by reason of the application of this ordinance.

- (3) In lieu of the license required by Section 16-1, a participant in a single annual event of not more than ten days in length may be issued a permit at the rate of \$10.00 on gross receipts of not more than \$10,000.00 and \$1.20 on each additional \$1,000.00 of gross receipts or fraction thereof. This permit will be valid only for the time period specified thereon and can be obtained for no more than one event annually. Organizers of such events may pay for and obtain a business license on behalf on all its vendors based upon the previous year's revenues generated, or projected revenues if the event has not been held previously.

Inspections prior to the issuance of a permit will be waived, but inspections may be conducted during the event. For purposes of this subsection, an event is defined as participation by a group of exhibitors or others where displays are established in individual booths or stalls for the purpose of presenting to the audience goods, wares, merchandise or services offered for sale, rent or promotional purposes or for the general good will of the exhibitors. An event may be a trade show, an antique show, a craft show, or any other type of show fitting this definition.

- (4) Businesses and individuals defined as "contractor" herein shall be exempt from the provisions of this ordinance in the following manner:

Revenues generated from work done for which a Richland County building permit is obtained and a fee paid therefor, pursuant to the provisions of section 6-51 of the Richland County Code of Ordinances, shall be exempt from the provisions of this article; provided, however, that if all revenue of a contractor is generated from work done for which a building permit fee is paid, said contractor shall be exempt from paying any business license fee. Such an exempt contractor shall file an application in a timely manner setting forth documentation which establishes such contractor's right to an exemption.

Revenue generated from work done for which a permit is not required, such as general repairs, shall be subject to the provisions of this article.

- (5) Charitable organizations which have exemptions from state and federal income taxes and/or are a 501(c)(3) organization according to the IRS Tax Code and where all proceeds are devoted to charitable purposes are exempt from a business license fee. Documentation of the claim to this exemption must be provided.
- (6) The provisions of this article shall not extend to farmers who grow their own produce, defined here as edible agricultural products, and use the Columbia State Farmers' Market to sell their produce directly to consumers.
- (7) The license official shall determine the appropriate classification for each business.

Section 16-7. False Application Unlawful.

It shall be unlawful for any person subject to the provisions of this ordinance to make a false application for a business license, or to give or file, or direct the giving or filing of any false information with respect to the license or fee required by this ordinance.

Section 16-8. Display and Transfer.

- (1) All persons shall display the license issued to them on the original form provided by the License Official in a conspicuous place in the business establishment at the physical location shown on the license. A transient or non-resident shall carry the license upon his or her person or in a vehicle used in the business readily available for inspection by any authorized agent of the County. Authenticated copies shall be available at an additional cost per copy.
- (2) A change of address must be reported to the License Official within ten (10) days after removal of the business to a new location and the license will be valid at the new address upon written notification of the License Official and compliance with zoning and building codes. Failure to obtain the approval of the License Official for a change of address shall invalidate the license and subject the licensee to prosecution for doing business without a license. A business license shall not be transferable and a transfer of controlling interest shall be considered a termination of the old business and the establishment of a new business requiring a new business license, based on old business income.

Section 16-9. Administration, Duties of License Official.

- (1) The License Official shall administer the provisions of this ordinance, collect license fees, issue licenses, make or initiate investigations and audits to insure compliance, initiate denial or revocation procedures, report violations to the appropriate department, and assist in prosecution of violators, produce forms, make reasonable regulations relating to the administration of this ordinance, and perform such other duties as may be assigned by the County Administrator.
- (2) The Planning Department, Fire Marshal's Office, and Sheriff's Department, in addition to the License Official, is hereby empowered to make or initiate investigations to ensure compliance with the provisions of this Ordinance and to initiate prosecution of violations. These offices, in addition to the License Official, shall have the authority to order that a business with no permanent business facility immediately cease operations in the event no current valid Richland County Business License has been issued.

Section 16-10. Inspection and Audits.

- (1) For the purpose of enforcing the provisions of this ordinance, the License Official or other authorized agent of the County is empowered to enter upon the premises of any person subject to this ordinance to make inspections and to examine and audit books and records. It shall be unlawful for any such person to fail or refuse to make available the necessary

books and records. In the event an audit or inspection reveals that the licensee has filed false information, the costs of the audit shall be added to the correct license fee and late penalties in addition to other penalties provided herein. Each day of failure to pay the proper amount of license fee shall constitute a separate offense.

- (2) The License Official shall make systematic and random inspections and audits of all businesses within the county to insure compliance with the ordinance. Records of inspections and audits shall not be deemed public records, and the License Official shall not release the amount of license taxes paid or the reported gross income of any person by name without written permission of the licensee, provided that statistics compiled by classifications may be made public.
- (3) The License Official, upon approval of the County Administrator, may disclose gross income of licenses to the Internal Revenue Service, South Carolina Department of Revenue, Richland County Tax Assessor, Richland County Business Service Center Appeals Board and other County and Municipal business license offices for the purpose of assisting tax assessments, tax collections, and enforcement. Such disclosures shall be for internal, confidential and official use of these governmental agencies and shall not be deemed public records.

Section 16-11. Assessments.

- (1) When a person fails to obtain a business license or to furnish the information required by this ordinance or the License Official, the License Official shall proceed to examine such records of the business or any other available records as may be appropriate and to conduct such investigations and statistical surveys as the License Official may deem appropriate to assess a license tax and penalties as provided herein.
- (2) A notice of assessment shall be served by certified mail. An application for adjustment of the assessment may be made to the License Official within five (5) days after the notice is mailed or the assessment will become final. The License Official shall establish by regulation the procedure for hearing an application for adjustment of assessment and issuing a notice of final assessment.
- (3) A final assessment may be appealed to the Business Service Center Appeals Board. See Section 16-16, Appeals, for the procedures to appeal a final assessment.

Section 16-12. Delinquent License Fees, Partial Payment.

- (1) A license fee shall be considered delinquent if all or any part of such fee has not been paid on or before March 15 of each calendar year. Businesses providing business license payments by the deadline but have indebtedness to the County shall accrue penalties until the indebtedness is cleared, at which time the business license application processing may continue.

- (2) For non-payment of all or any part of the correct license fee, the License Official shall levy and collect a late penalty of five (5%) percent of the unpaid fee for each month or portion thereof after the due date until paid. Penalties shall not be waived. If any license fee shall remain unpaid for sixty (60) days after its due date, the License Official shall issue an execution which shall constitute a lien upon the property of the licensee for the tax, penalties and costs of collection, and shall proceed to collect in the same manner as prescribed by law for the collection of other taxes.
- (2) Partial payment may be accepted by the License Official to toll imposition of penalties on the portion paid; *provided*, however, no business license shall be issued or renewed until the full amount of the balance due, with penalties, has been paid.

Section 16-13. Notices.

The License Official may, but shall not be required to, mail written notices that license fees are due. If notices are not mailed, there shall be published a notice of the due date in a newspaper of general circulation within the county three (3) times prior to the due date in each year. Failure to receive notice shall not constitute a defense to prosecution for failure to pay the tax due or grounds for waiver of penalties.

Section 16-14. Denial of License.

The License Official shall deny a license to an applicant when the application is incomplete, contains a misrepresentation, false or misleading statement, evasion or suppression of a material fact, when the activity for which a license is sought by a business is unlawful or constitutes a public nuisance per se. A decision of the License Official shall be subject to appeal to the Business Service Center Appeals Board as herein provided. Denial shall be written with reasons stated.

Section 16-15. Bonds Required.

It shall be required of each contractor or builder who shall make contracts for the erection or construction or repair of buildings for which a Richland County building permit is required to give good and sufficient bond in accordance with Section 6-68 of the Richland County Code of Ordinances.

Section 16-16 Council Approval Required

Detective agencies and pawnshops applying for a business license must be approved by the County Council before a business license may be issued.

Section 16-17. Suspension or Revocation of License.

When the License Official determines that:

- (1) A license has been mistakenly or improperly issued or issued contrary to law; or

- (2) A licensee has breached any condition upon which the license was issued or has failed to comply with the provision of this ordinance; or
- (3) A licensee has obtained a license through a fraud, misrepresentation, a false or misleading statement, evasion or suppression of a material fact in the license application; or has given a bad check or tendered illegal consideration for any license fee; or
- (4) A licensee has been convicted of an offense under a law or ordinance regulating business, a crime involving moral turpitude, or an unlawful sale of merchandise or prohibited goods; or
- (5) A licensee has been convicted of engaging in an unlawful activity or nuisance related to the business.
- (6) The License Official shall give written notice to the licensee or the person in control of the business within the County by personal service or certified mail that the license is suspended pending a hearing before the Business Service Center Appeals Board for the purpose of determining whether the license should be revoked. The notice shall state the time and place at which the hearing is to be held, which shall be within thirty (30) days from the date of service of the notice. The notice shall contain a brief statement of the reasons for suspension and proposed revocation and a copy of the applicable provisions of this ordinance.

Section 16-18. Appeals.

- (1) Any person aggrieved by a final assessment, charge backs from an audit or a denial of a business license by the License Official may appeal the decision to the Business Service Center Appeals Board by written request stating the reasons therefore. The appeal must be filed with the License Official within ten (10) days after the payment of the assessment under protest or notice of denial is received. A written notice of appeal must be accompanied with a \$25 fee that will be used to partially defray the costs incurred in connection with the administration of appeals. Payment under protest shall be a condition precedent to appeal. The fee will be refunded in the event of final resolution of the appeal in favor of the appellant.
- (2) An appeal or a hearing on revocation shall be held by the Appeals Board within thirty (30) days after receipt of a request for appeal or service of notice of suspension. The applicant or licensee shall be given written notice as to the date and time of the meeting. At the meeting, all parties have the right to be represented by counsel, to present testimony and evidence, and to cross-examine witnesses. The proceedings shall be recorded and transcribed at the expense of the party so requesting. The rules of evidence and procedure prescribed by the Board shall govern the hearing. The Board shall, by majority vote of members present, render a written decision based upon findings of fact and the application of the standards herein which shall be served upon all parties or their representatives. The decision of the Board shall be final unless appealed to County

Council with ten (10) days after service of the Board's decision. County Council shall review the record and without further hearing affirm, modify, or deny the appeal in the event of an error by the Board. The decision of Council shall be final unless appealed to a court of competent jurisdiction within ten (10) days after service of County Council's decision.

Section 16-20. Consent, Franchise or Business License Fee Required.

The annual fee for use of streets or public places authorized by a consent agreement or franchise agreement shall be set by the ordinance approving the agreement and shall be consistent with limits set by State law. Existing franchise agreements shall continue in effect until expiration dates in the agreements. Franchise and consent fees shall not be in lieu of or be credited against business license fees unless specifically provided by the franchise or consent agreement.

Section 16-21. Confidentiality.

Except in accordance with proper judicial order or as otherwise provided by law, it shall be unlawful for any official or employee to divulge or make known in any manner the amount of income or any particulars set forth or disclosed in any report or return required under this ordinance. Nothing in this section shall be construed to prohibit the publication of statistics so classified as to prevent the identification of particular reports or returns.

Section 16-22. Violations.

Any person violating any provision of this ordinance shall be deemed guilty of an offense and upon conviction shall be subject to punishment under the general penalty provisions of Section 1-8 of this Code of Ordinances. Punishment for violation shall not relieve the offender of liability for delinquent fees, penalties, and costs provided for herein.

Section 16-23. Classification and Rates.

- (1) The sectors of businesses included in each Rate Class are listed with the United States North American Industry Classification System (NAICS) codes. The alphabetical index in this ordinance is a tool for classification, not a limitation on businesses subject to a license tax. The License Official shall determine the proper class for a business according to the applicable NAICS manual, whether or not the business is listed in the alphabetical index. A business class which is not listed in the rate class or numerical indexes is not subject to a license tax.
- (2) (a) One decal shall be required for each vehicle used by contractor companies for going to and from construction job sites to identify their business as being properly licensed. Decals shall cost no more and no less than the cost to produce the decal.

- (b) Taxis, limos, and shuttles shall post one taxi or shuttle decal on each vehicle. Vehicles registered in Richland County shall be charged \$110 per decal; vehicles not registered in Richland County shall be charged \$165 per decal.
- (3) (a) All rates, including the cost of decals and stickers, shall be automatically adjusted every third year by July 1, to be effective the following January 1, to account for changes in the Consumer Price Index (CPI) relating to the cost of doing business in South Carolina, or in the southeast United States if the former is not available. The adjustment shall be made in the following manner: the CPI for the previous three years shall be determined and averaged together. The rates described in the Business License Fee Schedule shall be increased by the sum of the three-year average CPI for the last three years. (Rates shall be rounded to the nearest nickel value; fees for decals and stickers shall be rounded to the nearest quarter.)
- (b) If County Council increases the rates independent of the automatic CPI increases, the next CPI increase shall not be calculated until the third year, by July 1, following the County Council increase.
- (4) The license fee for each Class of businesses subject to this ordinance shall be computed in accordance with the Business License Fee Schedule established and approved by County Council.

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

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

SECTION IV. Effective Date. All sections of this ordinance with the exception of Section 16-23 shall be effective from and after July 1, 2007. Section 16-23, Classification and Rates, shall be effective from and after January 1, 2008.

RICHLAND COUNTY COUNCIL

BY: _____
Joseph McEachern, Chair

ATTEST THIS THE ____ DAY

OF _____, 2007

Michielle R. Cannon-Finch
Clerk of Council

RICHLAND COUNTY ATTORNEY'S OFFICE

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

First Reading: April 3, 2007 (tentative)
Second Reading:
Public Hearing:
Third Reading:

**STATE OF SOUTH CAROLINA
COUNTY COUNCIL FOR RICHLAND COUNTY
ORDINANCE NO. ___-07HR**

AN ORDINANCE AMENDING THE RICHLAND COUNTY CODE OF ORDINANCES, CHAPTER 2, ADMINISTRATION; ARTICLE VII, BOARDS, COMMISSIONS AND COMMITTEES; SECTION 2-326, BOARDS AND COMMISSION CREATED AND RECOGNIZED; SO AS TO CREATE A BUSINESS SERVICE CENTER APPEALS BOARD.

WHEREAS, the County Council has standardized its business license ordinance, and

WHEREAS, the revised ordinance directs that a Business Service Center Appeals Board shall hear all appeals by businesses, and

WHEREAS, the Business Service Center Appeals Board shall be a disinterested board to hear the facts of each appeal by all interested parties;

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

SECTION I. The Richland County Code of Ordinances, Chapter 2, Administration; Article VII, Boards, Commissions and Committees; Section 2-326, Boards and commissions created and recognized; is hereby amended by the addition of a new subsection creating the Richland County Business Service Center Appeals Board as follows:

(k) Richland County Business Service Center Appeals Board

- (1) *Creation.* There is hereby created a Richland County Business Service Center Appeals Board.
- (2) *Membership.* The Business Service Center Appeals Board shall consist of five members who shall be appointed by majority vote of the Council. The five-member board shall be comprised of three Certified Public Accountants, one member of the S.C. Bar Association, and one other business person. All members must be interested citizens residing in Richland County. Not more than one member of the Appeals Board may be an employee of the County.
- (3) *Responsibilities.* The Richland County Business Service Center Appeals Board shall serve as the Appeals function expounded in the Richland County Code of Ordinances, Chapter 16, Article I. The Board will hear appeals resulting from any person aggrieved by a final assessment, charge backs from an audit, or a denial of a business license by the License Official. In that capacity and as a finder of fact, the Appeals Board shall have the following responsibilities:
 - a. Adopting procedures relating to the execution of the Appeal's Board function;

- b. Receiving written appeals from businesses;
- c. Holding meetings to receive testimony by the business, the Business Service Center official, and any other official approved by the Appeals Board;
- d. Reviewing and analyzing the information presented in the testimonies provided;
- e. Making a factual conclusion as to the issue in question based upon the review and analysis; and
- f. Writing a formal determination regarding the decision made as to the issue in question.

(4) *Terms of Members; Election of Chairperson; Meetings.*

- a. The term of office of the chairperson and each member of the Appeals Board shall be four (4) years. However, in making the initial appointments, three members shall be appointed for a term of two years and two members shall be appointed for a term of three years, so that certain of the offices shall expire every year. Thereafter, their successors shall be appointed for terms of four years, or for the balance of any unexpired term. Members may be reappointed for succeeding terms, but not for more than two years after expiration after the last served term of office. The County Council may terminate for just cause any Board members' terms of office.
- b. The Committee shall elect a chairperson.
- c. The Committee shall meet whenever an appeal is made, at such times and places as determined by the Chairperson.

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

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

SECTION IV. Effective Date. This ordinance shall be effective from and after _____, 2007.

RICHLAND COUNTY COUNCIL

BY: _____
Joseph McEachern, Chair

ATTEST THIS THE ____ DAY
OF _____, 2007.

Michiëlle R. Cannon-Finch
Clerk of Council

RICHLAND COUNTY ATTORNEY'S OFFICE

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

First Reading: April 3, 2007 (tentative)
Second Reading:
Third Reading:

Richland County Council

Rules and Appointments Committee



Mike Montgomery
Chair
District Eight

Paul Livingston
District Four

Bill Malinowski
District One

Staffed by:

Monique Walters
Assistant to the Clerk of
Council

RICHLAND COUNTY COUNCIL

REGULAR SESSION MEETING

APRIL 3, 2007

REPORT OF THE RULES AND APPOINTMENTS COMMITTEE

I. NOTIFICATION OF VACANCIES ON BOARDS, COMMISSIONS, AND COMMITTEES

A. Riverbank Park Commission-1

There is one rotating position on this commission for one expired term.

Ella Bouknight (Lexington County Appointment), February 27, 2007

B. Planning Commission-1

There is one vacancy on this commission for one un-expired term.

Larry McBride

January 4, 2009 (Resigned)

II. CLARIFICATION OF COUNCIL RULES

A. Section 2.5 Participation, Regarding Perceived Conflicts of Interest

B. Section 4.6 Reports (Committee), Regarding Forwarding an Item to Full Council that is Recommended for Denial in Committee

III. REQUIREMENTS FOR FUNDING REQUEST AFTER THE BUDGET Process

A. Super Majority Vote Required

B. Request for the Discretionary Grants Committee to Meet Twice a Year

IV. AN ORDINANCE AMENDING THE RICHLAND COUNTY CODE OF ORDINANCES, CHAPTER 2, ADMINISTRATION: ARTICLE VII, BOARDS, COMMISSIONS AND COMMITTEES: SECTION 2-326, BOARDS AND COMMISSIONS CREATED AND RECOGNIZED; SUBSECTION (B), THE RICHLAND COUNTY PLANNING COMMISSION; SO THAT NO MORE THAN TWO MEMBERS ARE FROM ANY ONE OCCUPATION, PROFESSION, SPECIALTY, OR INDUSTRY.

Report prepared and submitted by:
Monique Walters, Assistant to the Clerk of Council

Mr. Larry McBride
Post Office Box 4501
Columbia, SC 29240

March 23, 2007

Mr. Joseph McEachern, Chairman
Richland County Council
Post Office Box 192
Columbia, South Carolina 29202

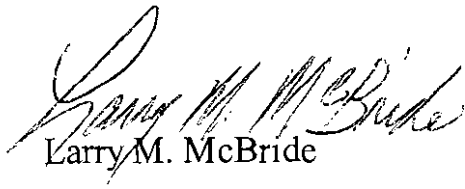
Dear Councilman McEachern:

I have enjoyed serving on the Richland County Planning Commission for the past 7 years, but want to let you know that effective April 2, 2007 I will no longer be able to continue my service on the commission. I learned a lot, and enjoyed the experience as well.

Due to an increase in my job responsibilities and other commitments, I do not feel that I can commit to the necessary time and effort to serve conscientiously.

I appreciate the opportunity you have provided me, and hope that in the future I may be able to serve my community in some capacity.

Sincerely,



Larry M. McBride

CC: Weston A. Furgess, Chair
Richland County Planning Commission

of the question. Upon appeal, no member shall speak more than once and for no longer than ten minutes each, except by permission of the Council.

2.5 Participation

The Chair shall vote in all cases (except when she/he may be personally or pecuniarily interested). If a member does not cast a negative vote or declare his abstaining vote, he shall be recorded as voting in the affirmative. A member may not vote by proxy. If with the vote of the Chair, the Council were equally divided, the question shall be decided in the negative. The presiding officer may give information or explain any matter before the Council, and may speak on points of order in preference to any other member, as often as she/he may deem necessary. The Chair may enter into the debate of the Council, but should not use the office of the Chair to wield influence over the other members.

2.6 Election

The Chair shall be elected at the first regular meeting of the Council in January, or as soon thereafter as may be practical, by the membership of the Council. The Chair shall serve continuously until the following January unless removed by a two-thirds majority vote of the full Council.

2.7 Vice Chair

The Vice Chair shall be elected either at the first regular Council meeting in January or as soon thereafter as may be practical. The Vice Chair shall preside in the absence of the Chair.

2.8 Signatures

The Chair shall sign all ordinances, resolutions and other documents authorized by the Council. In the absence of the Chair, the Vice Chair is authorized to sign official documents.

The Assistant to the Clerk of Council shall serve as Acting Clerk in the absence of the Clerk for the purpose of signing official documents.

RULE III: MEMBERS AND MEMBERSHIP

3.1 Seating

At the first meeting in January after the election and seating of the Chair and Vice Chair, Council members shall select their seats based first on seniority in years of continuous service and then in alphabetical order.

3.2 Attendance

Each member shall be within the Council Chambers during its meetings unless excused or necessarily prevented. The Chair, if notified prior to the meeting, may excuse any member from attendance at meetings of the Council and its committees for any stated period upon reason shown, and such excused absence shall be noted in the minutes.

3.3 Call to Order

When the Council is called to order, every member shall take his/her respective seat and shall act with decorum.

4.5 Meetings

Committees shall meet regularly in a room designated by the Committee Chair. No committee shall meet while the Council is meeting without special leave. No committee shall sit unless a quorum is present. No Council member shall be allowed under any circumstances to vote by proxy. Members of Council, whenever possible, shall make inquires and requests for information at the Committee meetings. Members of the public may address a Committee with the permission of the Committee Chair and with the consent of the Committee; however, any material that a citizen intends to present, including audio and visual presentations, must be approved by the Clerk of Council prior to the Committee meeting.

4.6 Reports

All committee recommendations requiring formal action by Council shall be included in the agenda and distributed to all members of Council prior to consideration and adoption by Council, provided that if any matter is considered by the majority of any committee to be an emergency, copies of such reports may be furnished each member of Council at the time of said Council meeting.

All items presented to Council by a committee must carry the recommendations of the committee and it is understood that such items have approval of a majority of the membership of the committee.

A minority report may be made if requested. Presentation of the committee's motion at the regular Council meeting does not require a second.

4.7 Recommitting

Any item, which may come before the Council, may be committed or recommitted before a final decision thereon.

4.8 Budget Work Sessions

The Council shall meet as a Committee of the Whole for budget work sessions prior to first reading of the budget.

RULE V: LEGISLATIVE ACTION

5.1 Emergency Ordinances

To meet public emergencies affecting life, health, safety or the property of the people, emergency ordinances may be adopted upon a two-thirds affirmative vote of the Council members present. Such an ordinance is effective immediately upon its enactment without regard to any public hearing, reading, publication, or notice requirements. It automatically expires after 60 days. Every emergency ordinance shall be designated as such and shall contain a declaration that an emergency exists and describe the emergency.

Emergency ordinances shall not levy taxes, grant, renew, or extend a franchise, or impose or change a service rate.

DRAFT

STATE OF SOUTH CAROLINA
COUNTY COUNCIL FOR RICHLAND COUNTY
ORDINANCE NO. ____-07HR

AN ORDINANCE AMENDING THE RICHLAND COUNTY CODE OF ORDINANCES, CHAPTER 2, ADMINISTRATION; ARTICLE VII, BOARDS, COMMISSIONS AND COMMITTEES; SECTION 2-326, BOARDS AND COMMISSIONS CREATED AND RECOGNIZED; SUBSECTION (B), THE RICHLAND COUNTY PLANNING COMMISSION; SO THAT NO MORE THAN TWO MEMBERS ARE FROM ANY ONE OCCUPATION, PROFESSION, SPECIALTY, OR INDUSTRY.

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

SECTION I. The Richland County Code of Ordinances, Chapter 2, Administration; Article VII, Boards, Commissions and Committees; Section 2-326, Boards and commissions created and recognized; Subsection (b), The Richland County Planning Commission; is hereby reorganized and amended as follows:

(b) *The Richland County Planning Commission.*

- (1) The commission shall consist of not less than five (5) or more than nine (9) members, appointed by the county council for a term of four (4) years. Any person who is appointed to the commission after September 1, 2006 must reside in Richland County. ~~In appointing members to the commission, council shall give due consideration as to whether applicants live in an incorporated or unincorporated area of the County.~~
- (2) In appointing members to the commission, council shall give due consideration as to whether applicants live in an incorporated or unincorporated area of the County. In addition, council shall also consider an applicant's professional expertise, knowledge of the community, and his or her concern for the future welfare of the total community and its citizens. Members shall represent a broad cross section of the interests and concerns within the county, but no more than two members shall be appointed from any one occupation, profession, specialty, or industry. No member of the planning commission may hold an elected public office in the county.
- (23) The commission shall perform all duties provided by law.

SECTION II. Severability. If any section, subsection, or clause of this Ordinance shall be held by a court of competent jurisdiction to be unconstitutional or otherwise invalid, such finding shall not affect the validity of the remaining sections, subsections, and clauses of this Ordinance.

DRAFT

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

SECTION IV. Effective Date. This Ordinance shall be effective from and after _____, 2007.

RICHLAND COUNTY COUNCIL

BY: _____
Joseph McEachern, Chair

ATTEST this the ____ day of
_____, 2007

Michielle R. Cannon-Finch
Clerk of Council

First Reading:
Second Reading:
Third Reading:

STATE OF SOUTH CAROLINA)
)
COUNTY OF RICHLAND)

FAIR HOUSING RESOLUTION

**A RESOLUTION AFFIRMING RICHLAND COUNTY'S
COMMITMENT TO FAIR HOUSING**

WHEREAS, the Richland County Council commemorates the enactment of the Title VIII Civil Rights Act of 1968 (Fair Housing Act); and

WHEREAS, the Richland County Council recognizes April as National Fair Housing Month and the County will observe the theme "FAIR HOUSING...IT'S NOT AN OPTION...IT'S THE LAW"; and

WHEREAS, the Richland County Council desires that its citizens be afforded the opportunity to obtain Fair Housing Choice without the occurrence of discrimination; and

WHEREAS, the Richland County Council rejects discrimination in the provision of housing on the basis of race, religion, color, sex, national origin, familial status, or disability; and

WHEREAS, the Richland County Council recognizes the County Administrator as the Fair Housing Administrator for Richland County; and

WHEREAS, The Fair Housing Administrator recognizes the Community Development Department as the official coordinator of all Fair Housing initiatives on behalf of Richland County; and

WHEREAS, the Richland County Council encourages positive action toward the elimination of discriminatory practices in the sale, rental, financing and all other housing transactions;

NOW, THEREFORE, BE IT RESOLVED, that Richland County Council reaffirms its commitment to fair housing as one of the nations most cherished and fundamental values.

SIGNED AND SEALED this ____ day of _____, 2007, having been duly adopted by the Richland County Council on the ____ day of _____, 2007.

Joseph McEachern, Chair
Richland County Council

ATTEST this ____ day of _____, 2007

Michielle R. Cannon-Finch
Clerk of Council