

**RICHLAND COUNTY COUNCIL  
SPECIAL-CALLED MEETING  
JULY 14, 2004  
4:00 P.M.**

**MEMBERS PRESENT**

Bernice G. Scott, Chair; Joan B. Brady, Vice-Chair; Susan Brill; Paul Livingston; Doris M. Corley; Joseph McEachern; Anthony Mizzell; L. Gregory Pearce, Jr.; Kit Smith; James Tuten (arrived at 5:45 p.m.), Thelma Tillis

**OTHERS PRESENT:**

T. Cary McSwain, Michielle Cannon-Finch, Milton Pope, Tony McDonald, Larry Smith, Amelia Linder, Michael Criss, Pam Davis, Roxanne Matthews, Ashley Bloom, Carl Gosline

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

**CALL TO ORDER**

The meeting was called to order at approximately 4:10 p.m.

**INVOCATION**

The Invocation was given by the Honorable Joseph McEachern

**ADOPTION OF AGENDA**

Ms. Scott stated Council needed to go into Executive Session to seek legal advice.

Mr. Mizzell moved, seconded by Ms. Brady, to add an Executive Session item. The vote in favor was unanimous.

Ms. Scott stated that Mr. Tuten had an emergency and had to go out of town, but he will try to arrive to the meeting as soon as he can.

**EXECUTIVE SESSION**

**Legal Advice**

Mr. Livingston moved, seconded by Ms. Brady, to go into Executive Session to receive legal advice on the land development code. The vote in favor was unanimous.

=====  
**Council went into Executive Session at approximately 4:15 p.m. and came out at approximately 4:40 p.m.**  
=====

It was moved and seconded to come out of Executive Session. The vote in favor was unanimous.

Ms. Scott stated the legal briefing was received as information.

## ADOPTION OF AGENDA

Mr. McEachern moved, and it was seconded, to add Ms. Scott's and Mr. McEachern's amendments to the agenda for discussion.

A discussion took place.

Ms. Smith made a substitute motion, seconded by Mr. Livingston, to adopt the memorandum as a work plan as distributed.

A discussion took place.

Mr. McEachern requested for other amendments and policies to be discussed under IV of Ms. Smith's memorandum.

The motion in favor of adopting the amendments of Ms. Scott's, Mr. McEachern's and Ms. Smith's was unanimous.

### **1. Amendments to the Land Development Code as of July 14, 2004 - Staff's Report**

#### **Require detention ponds be set back from adjacent property by 15'**

A discussion took place.

#### **Add definition of "Hunt Club" and provide as permitted use in RU districts**

Mr. Pearce moved, seconded by Ms. Smith, to direct staff to be more specific on the language "wild pig". The vote in favor was unanimous.

#### **Amend definition of "Produce Stand"**

Mr. Mizzell requested more clarification on "produce stand".

#### **Amend definition of "Borrow pits"**

Mr. Pearce requested additional language to be included and the intent of the wording.

#### **Amend notice requirement from making sure mail has been received to make sure mail has been sent**

Mr. McEachern asked that mail be delivered by certified mail, maybe to a limited number of persons.

A discussion took place. No action was taken.

**Amend to allow withdrawal by an applicant prior to publication of the agenda**

Ms. Brady stated applicants should be allowed to withdraw two weeks prior to the planned zoning meeting and/or prior to the printing of the agenda. She requested for Council to look into this.

**Section 26-257 – Nonconformities**

A discussion took place.

Ms. Scott requested looking further into not being able to add on to pre-1976 mobile homes.

A discussion took place.

**Require Sexually Oriented Businesses to be separated from child daycare centers and pre-schools**

Discussions took place.

Ms. Linder stated that staff has brought forward the existing languages on sexually oriented businesses and inserted it in the land development code. She stated Ms. Brady's request about daycares and preschools was also inserted.

**Delete Sec. 26-184. Parks and Open Space**

Discussions took place.

Mr. Pearce moved, seconded by Ms. Corley, that Ms. Scott's section 26-184 be used as a document to work with while developing the replacement of 26-184.

A discussion took place.

Mr. Pearce restated his motion to place a cross reference on Page 215 informing persons of where they need to go to get the knowledge they need regarding open space; and as Council develops what is going to be there, to include Ms. Scott's section of 26-184 and receives full staff review and be incorporated into recommendations that will come before Council.

The vote in favor of the motion was unanimous.

**Driveway separation standards**

A discussion took place.

Council flagged this one stating it needs more work.

**Access to schools, parks and open space areas from residential developments**

Ms. Smith stated there was objection to the language so it was deleted.

Ms. Brady questioned the striking of “inviting and feel”.

Ms. Smith stated it was in the HBA memo and they felt it was subjective language.

**Road Standards**

Ms. Smith stated there was a question raised in the HBA memo regarding half roads. She stated a half road is when a developer puts half of a road on his/her property and assumes that the developer next door is going to build the other half. The requirement under the code is that they provide some evidence that that is going to take place so the County will not get stuck with just half of a road. The HBA requested clarification of what that evidence would be and the amendment provides that it be an easement or other legal document. So that has been accomplished.

Ms. Linder clarified that staff did not put “other legal document” because the only document they could think of would be the easement.

**Amend to clarify that developers are not required to pay for traffic signals, but “may”**

Ms. Smith stated the HBA requested that developers should not be required to pay for traffic signals (traffic lights more than anything else) and the language that was inserted is to clarify that it is “may” pay for traffic signals.

A discussion took place.

**Adopt Attorneys recommended amendments (except only allow Zoning Administrator to defer items up until time of publication of agenda)**

Ms. Smith stated all of the amendments have been adopted.

**LANDSCAPING REQUIREMENTS**

**Amend by providing Table VII-8**

Ms. Smith stated these amendments were adopted. She stated the table was referenced several times in the ordinance but had not been adopted.

**Provide a definition of pine trees that should be protected**

Ms. Smith stated staff has been working on this trying to decide the best way to define which pine trees should be protected.

It was noted that the Forestry Commission recommends protecting pine trees between 10 inches and 20 inches in diameter.

A discussion took place.

Ms. Smith moved, seconded by Ms. Brill, to protect pine trees between 10 and 20 inches in diameter.

Ms. Smith's motion was ruled out of order. The discussions continued.

Ms. Smith renewed her motion, seconded by Mr. Mizzell, to provide protection for pine trees between 10 and 20 inches in diameter and that we provide for the removal of trees during development process that are diseased or in other ways might not be safe.

The discussions continued.

Mr. Livingston made a substitute motion, seconded by Ms. Smith, to protect pines trees between 15 and 20 inches in diameter and that we provide for the removal of trees during development process that are diseased or in other ways might not be safe. The substitute motion failed.

The vote for the main motion failed.

**Expansions. Amend to reduce requirement to upgrade landscaping when building is expanded by 25% instead of 10%**

Ms. Smith stated the industry requested that under the proposal from the Planning Commission when any commercial building was expanded by 10%, it required upgrading of landscaping. She stated this motion that has already been adopted says 25%.

Ms. Smith further explained that if you add on to an existing commercial building – if you have 100 sq ft and you add 10 more, then you have to upgrade the landscape to certain standards.

**ZONING DISTRICTS**

**Conservation Overlay District – Add language to clarify that there will be no condemnation. Any use of private property will be agreed to by property owner**

Ms. Smith stated this was to clarify that with the conservation overlay district, there is no condemnation of property and that it is not public use without the consent of the landowner. She stated staff has worked on that amendment.

=====  
**COUNCIL TOOK A FIVE MINUTE BREAK.**  
=====

**MRS. SCOTT'S AMENDMENTS OF 7-14-04**

**Section 26-52 (g)(2)**

Staff is currently working on this amendment.

Mr. McEachern requested for staff to clarify whether or not all amendments have been worked on by staff and completed.

A discussion took place regarding which amendments staff have been reviewed and which ones have not.

Ms. Scott stated she wants Council to vote on amendments so staff can work on them and then when the amendments come back to Council they would be in legal form.

**Section 26-84 RU – Shade Trees**

Ms. Smith stated this occurs several times in the ordinance and it is a policy issue that has been discussed generally.

Ms. Smith stated the concern is for Council to reference things that are not detailed in the ordinance. Ms. Smith went on to discuss the issue of details that are not incorporated into law.

Ms. Smith stated Council needs to address whether or not the development and design manual should be a part of the County's code of laws. Ms. Smith stated the manual has not been provided.

A discussion took place regarding Ms. Scott's amendments.

Mr. McEachern moved, seconded by Ms. Tillis, to include the development design manual to be a part of the code.

Mr. Criss stated there is a manual under production and it will be ready in time for any effective date of the ordinance.

Ms. Smith stated any changes to the design manual would take three readings and a public hearing.

A discussion took place.

Mr. Livingston called for the question, seconded by Ms. Smith. The vote in favor was unanimous.

Mr. McEachern stated the motion was to include the manual in the code by Third Reading. Ms. Smith stated the manual will not be ready by Third Reading.

A discussion took place regarding when the manual would be ready.

The vote for the main motion to make the manual a part of the code was as follows:

<u>In favor</u>	<u>Oppose</u>
Scott	Pearce
McEachern	Livingston
Tillis	Corley
	Mizzell
	Brady
	Tuten
	Brill
	Smith

The motion failed.

A discussion took place.

Mr. Criss stated the county would still continue to operate under the current code without any design manual for landscaping until the effective date of the new land development code. He suggested for Council to review the manual before the effective date of the new land development code and direct staff to make any corrections or changes.

**Section 26-22- Subdivision major**

Mr. Criss stated the proposed land development code states even if a minor subdivision less than 50 lots includes a new county-maintained road, it needs to be looked at as thoroughly as a larger project.

A discussion took place.

Ms. Smith stated the issue is if the county is going to accept a road into its system no matter how long or any open space that the county will be given responsibility for, it will get more reviewed than a minor subdivision. She states this is the pending question and the proposed amendment takes it out of the review. Ms. Smith states she believes it should have the review.

Ms. Smith moved to table this amendment, seconded by Mr. Tuten.

A discussion took place.

Ms. Smith withdrew her motion.

Mr. Mizzell moved, seconded by Ms. Brady, to direct staff to provide a more detailed recommendation at the next meeting so Council can move forward with the issue. The vote in favor was unanimous.

**Section 26-52 (g)(2)**

Ms. Smith stated this section is not worded correctly.

A discussion took place regarding the wording and whether Council is to act on the amendment within 60 or 180 days.

Ms. Smith moved, seconded by Mr. Mizzell, to reword the last sentence to “the amendment should be considered approved.” The vote in favor was unanimous.

**Section 26-54 – Plan Submittal**

A discussion took place regarding the sketch plan and traffic management plan.

Ms. Smith moved to table the amendments down to Page 25. The motion died for a lack of a second.

Mr. McEachern moved, seconded by Mr. Livingston, to refer the amendments back to staff for further recommendations.

A discussion took place.

**Section 26-84 – RU Rural District**

Ms. Smith stated this amendment is to change the square footage requirement in the rural area.

A discussion took place.

Mr. McEachern moved, seconded by Ms. Corley, to keep the current standard square footage at 33,000 of lot sizes in the rural district.

Ms. Smith called for division on the question.

<u>In favor</u>	<u>Oppose</u>
Pearce	Livingston
Corley	Mizzell
Brady	Brill
Scott	Smith
Tuten	
Tillis	
McEachern	

The motion passed.



=====  
**Council recessed at approximately 8:15 p.m. and reconvened at approximately 8:25 p.m.**  
=====

**Section 26-94(c)(3)**

Ms. Corley moved, seconded by Ms. Scott, to delete the structure size standards.

A discussion took place.

Ms. Smith called for the question. The motion died for a lack of a second.

The motion failed to delete structure size standards.

**Section 26-95(c) (3)**

Discussions took place.

**Section 26-97 (c) (4) c**

Discussions took place.

**Section 26-98 (c) (4)(c)**

Discussions took place.

**Section 26-141**

Ms. Brady moved, seconded by Ms. Corley, to accept Mr. Manning's recommendations.

A discussion took place.

Ms. Brady amended her motion, seconded by Mr. Pearce, to send back to staff for recommendations, including considering Mr. Dibble Manning's and bring back to Council before Second Reading.

Mr. Pearce offered an amendment to protect the rights of the current landowners. Ms. Brady accepted the amendment.

The vote was in favor of the motion as amended.

**Section 26-151(b)(20) & (22)**

Ms. Smith stated the request is for this to remain a special exception and go before the Zoning Board of Appeals.

Mr. McEachern moved, and it was seconded, to keep the home occupation current and requests are to go before the Zoning Board of Appeals. The vote in favor was unanimous.

**Section 26-173 – Off Street Parking Standards**

No amendments were made.

**Section 26-172 – Density and dimensional standards**

Ms. Smith stated there are not any diagrams or graphics in the current code.

**Section 26-176 – Landscaping standards (Buffer transition yard description table)**

Ms. Smith moved, seconded by Ms. Brill, to adopt the buffer transition table as published.

The vote was as follows:

<u>In favor</u>	<u>Oppose</u>
Pearce	Corley
Livingston	Scott
Mizzell	Tuten
Brady	McEachern
Brill	Tillis
Smith	

The motion passed.

**Proposed Amendments to Landscaping Standards: (2) Applicability Standards (1) Single-family detached and two-family dwellings**

Mr. Pearce moved, seconded by Ms. Corley, to approve the following: “and any existing lots zoned for a single-family and two-family dwellings shown by a recorded plat on or before adoption date of this ordinance...” The vote was in favor.

Ms. Corley moved, seconded by Mr. McEachern, to strike “street protective yards” from Section 26-176(e).

The vote for the motion was as follows:

**Richland County Council  
Special-Called Meeting  
July 14, 2004  
Page Eleven**

In favor

Pearce  
Corley  
Scott  
Tuten  
McEachern  
Livingston

Oppose

Smith  
Mizzell  
Tillis  
Brill  
Brady

The motion passed.

**ADJOURNMENT** – Mr. McEachern moved, seconded by Mr. Mizzell, to adjourn the meeting at 6:53 p.m.

\_\_\_\_\_  
Bernice G. Scott, Chair

\_\_\_\_\_  
Joan B. Brady, Vice-Chair

\_\_\_\_\_  
Susan Brill

\_\_\_\_\_  
Doris M. Corley

\_\_\_\_\_  
Paul Livingston

\_\_\_\_\_  
Joseph McEachern

\_\_\_\_\_  
Anthony G. Mizzell

\_\_\_\_\_  
L. Gregory Pearce, Jr.

\_\_\_\_\_  
Kit Smith

\_\_\_\_\_  
Thelma M. Tillis

\_\_\_\_\_  
James Tuten

The minutes were transcribed by Marsheika G. Martin