

**RICHLAND COUNTY COUNCIL
REGULAR SESSION
COUNCIL CHAMBERS
FEBRUARY 21, 2006
6:00 P.M.**

**CALL TO ORDER Honorable Anthony G. Mizzell,
Chairman**

INVOCATION Honorable Joyce Dickerson

**PLEDGE OF ALLEGIANCE
 Honorable Joyce Dickerson**

**PRESENTATIONS: Mr. Marvin Bryant, Founder
Parents of Murdered Children
(P.O.M.C.)**

**Ms. Becky Bailey, Chair
Richland County Conservation
Commission**

ADOPTION OF AGENDA

CITIZEN'S INPUT

APPROVAL OF MINUTES

**Regular Session: February 7, 2006
[Pages**

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

- a. Pending Litigation: Solid Waste**
- b. Pending Litigation: Detention Center**

REPORT OF THE COUNTY ADMINISTRATOR

- a. Joint County/City Meeting Update**

REPORT OF THE CLERK OF COUNCIL

- a. Education Summit – Clarion Hotel
Wednesday, February 22, 2006
12:00 noon – 1:30 p.m.**

REPORT OF THE CHAIRMAN

OPEN/CLOSE PUBLIC HEARING ITEMS

1.a.

APPROVAL OF CONSENT ITEMS

1.b., 1.c., 1.d., 1.e., 1.f., 2.a.,

1. THIRD READING ITEMS

- a. Approval of an Ordinance establishing a temporary moratorium on approval of floodplain management permits for development or construction within a portion of the Congaree River flood plain [PUBLIC HEARING] [Pages**

- b. 05-103MA
Stan Mack
RU to GC (1.6 acres)
General Commercial
03300-03-16
Broad River Road near Dutch Fork Road
[CONSENT] [Pages**

- c. **05-108MA**
Gregg Douglas
RU to PDD (67 acres)
Single Family Detached Subdivision
14800-04-25/32/34/14/15/31/13
South side of Marthan Road west of I-77
[CONSENT] [Pages

- d. **05-109MA**
Mamie Hudson & Mary Jacobs
GC to RS-E
Construct a Single Family Residence
17500-02-14
Farrow Road north of Clemson Road
[CONSENT] [Pages

- e. **05-111MA**
Nick Leventis
RU to PDD
Construct a Mixed Use Development
21900-06-14
NE Quad of Lower Richland Blvd./Rabbit
Run [CONSENT] [Pages

- f. **Establishment of a Bond Review Committee**
[CONSENT] [Pages

2. SECOND READING ITEMS

- a. **Approval of an Ordinance amending the**
Fiscal Year 2005-2006 Hospitality Tax Budget
to add two hundred fifty thousand dollars
(\$250,000.00) for Township operations
[CONSENT] [Pages

- b. 05-114MA
Joe Clark
RU to RS-MD
Single Family Detached Subdivision
01506-01-06
SW Quad of Three Dog Road & Dutch Fork
Road [Pages
(Deferred from mtg. of 02/07/06)**

**3. REPORT OF RULES AND APPOINTMENTS
COMMITTEE [Pages**

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

- a. Employee Grievance Committee-1**

**II. NOTIFICATION OF APPOINTMENTS TO
BOARDS, COMMISSIONS, AND
COMMITTEES**

- a. Accommodations Tax Committee-3**
- b. Employee Grievance Committee-1**
- c. Midlands Workforce Development
Board-3**

**4. APPROVAL OF RESOLUTION APPOINTING
A CODE ENFORCEMENT OFFICER**

- a. Irvin A. Branham [Page**

**5. REPORT OF ECONOMIC DEVELOPMENT
COMMITTEE [Page**

- 1. Project Unity**

2. **Project Chicago**
3. **Northpoint Industrial Park**
4. **Small Business Incentives**
5. **Kolorpro Proposal**
6. **APPLICATION FOR LOCATING A
COMMUNITY RESIDENTIAL CARE FACILITY
IN AN UNINCORPORATED AREA OF
RICHLAND COUNTY**
 - a. **Karen (or) Ebony Thompson
323 Nelson Road
Columbia, South Carolina 29203
[MCEACHERN]
(Deferred from mtg. held 02/07/06
[Pages**
7. **CITIZEN'S INPUT**
8. **MOTION PERIOD**
8. **ADJOURNMENT**

MINUTES OF



RICHLAND COUNTY COUNCIL REGULAR SESSION TUESDAY, FEBRUARY 7, 2006 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	Anthony G. Mizzell
Vice Chair	L. Gregory Pearce, Jr.
Member	Valerie Hutchinson
Member	Joseph McEachem
Member	Mike Montgomery
Member	Bernice G. Scott
Member	Damon Jeter
Member	Kit Smith
Member	Paul Livingston
Absent	Doris Corley
	Joyce Dickerson

OTHERS PRESENT – Milton Pope, Michielle Cannon-Finch, Tony McDonald, Joe Cronin, Roxanne Matthews, Larry Smith, Brad Farrar, Amelia Linder, Donny Phipps, Anna Almeida, Michael Criss, Geo Price, Chief Harrell, Rodolfo Callwood, Monique Walters, Kendall Johnson, Daniel Driggers, Jennifer Dowden, Michelle Onley

CALL TO ORDER

The meeting was called to order at approximately 6:11 p.m.

POINT OF PERSONAL PRIVILEGE – Mr. Mizzell wished Ms. Hutchinson a Happy Birthday.

INVOCATION

The Invocation was given by the Honorable L. Gregory Pearce, Jr.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by the Honorable L. Gregory Pearce, Jr.

PRESENTATION

Ms. Becky Bailey, Chair, Richland County Conservation Commission – Ms. Bailey was unable to attend.

ADOPTION OF AGENDA

Ms. Smith moved, seconded by Ms. Hutchinson, to add the RFQ for the Administrator Search to the agenda.

Ms. Finch stated that Item 1.a. should read .46, acres not 46 acres.

Mr. Pearce moved, seconded by Ms. Scott, to approve the agenda as amended. The vote in favor was unanimous.

CITIZEN'S INPUT

No one signed up to speak.

APPROVAL OF MINUTES

Regular Session: January 17, 2006 – Ms. Scott moved, seconded by Ms. Smith, to adopt the minutes as submitted. The vote in favor was unanimous

REPORT OF COUNTY ATTORNEY FOR EXECUTIVE SESSION ITEMS

Mr. McEachern moved, seconded by Ms. Smith, to move these items to after Citizen's Input. The vote in favor was unanimous.

- a. **Richland County Recreation Commission v. Richland County (Pending Law Suit)**
- b. **Ordinance Authorizing General Obligation Bond Anticipation Notes for Innovista Garage (Contractual Matter)**

REPORT OF THE COUNTY ADMINISTRATOR

Adoption of Budget Calendar – Mr. Pope stated that the calendar presented to Council at the Retreat will be the official budget calendar.

National Association of Counties Prescription Discount Card Program Implementation – Mr. Pope stated that NACo presented staff with a contract that must be entered into before the program can be implemented. There have been internal discussions of concerns regarding this contract; however, Mr. Pope does plan to move forward with the implementation of the drug card. There is a 90-day opt out provision if there are any problems with the program. Mr. Pope will electronically contact Council with the concerns staff has with regard to this contract.

REPORT OF THE CLERK OF COUNCIL

SCAC 19th Annual Mid-Year Conference – Ms. Finch stated that the conference will be held March 8th and the Institute of Government is March 7th. Ms. Finch has a list of which classes need to be taken by whom.

NACo Legislative Conference – Ms. Finch stated that the conference will be held March 4th-8th in Washington, D.C.

REPORT OF THE CHAIRMAN

Joint Meeting with City of Columbia – Mr. Mizzell stated the joint meeting with the City of Columbia will be held February 13, 2006 from 8-10 a.m.

PUBLIC HEARING ITEMS

- **Ordinance Authorizing Quit-Claim Deed to William Vinson for .46 Acres** [Third Reading]

Mr. Pat Vinson, Jr. spoke in favor of this item.

APPROVAL OF CONSENT ITEMS

Ms. Smith moved, seconded by Mr. Jeter, to approve the following consent items:

- **05-103MA, Stan Mack, RU to GC (1.6 acres), General Commercial, 03300-03-16, Broad River Road near Dutch Fork Road** [Second Reading]
- **05-108MA, Gregg Douglas, RU to PDD, Single Family Detached Subdivision, 14800-04-25/32/34/14/15/31/13, South Side of Marthan Road** [Second Reading]
- **05-109MA, Mamie Hudson & Mary Jacobs, GC to RS-E, Construct a Single Family Residence, 17500-02-14, Farrow Road north of Clemson Road** [Second Reading]
- **05-111MA, Nick Leventis, RU to PDD, Construct a Mixed Use Development, 21900-06-14, NE Quad of Lower Richland Blvd./Rabbit Run** [Second Reading]
- **EMS Ambulance Purchase**
- **Emergency Dispatch Projects**
- **Contract Permitting Installation of a Monitoring Well at Owens Downtown Airport**
- **Approval of Changes Made to the Operations Manual for Columbia Owens Downtown Airport (Contigent upon Airport Commission's Approval)**
- **Community Development Office Request to Change CDBG Budget**
- **Establishment of a Bond Review Committee** [Second Reading]
- **Intergovernmental Agreement—State of SC CDBG Program for Regional Water and Sewer Infrastructure**
- **Consideration of Offers for the Sale of a County Building at 1612 Marion Street**

The vote in favor was unanimous.

THIRD READING ITEMS

- **Ordinance Authorizing Quit-Claim Deed to William Vinson for .46 Acres**

Mr. Scott moved, seconded by Mr. McEachern, to approve this item. The vote in favor was unanimous.

SECOND READING ITEM

05-114MA, Joe Clark, RU to RS-MD, Single Family Detached Subdivision, 01506-01-06, SW Quad of Three Dog Rd. & Dutch Fork Rd. – Ms. Hutchinson moved, seconded by Mr. Montgomery, to defer this item to the February 21, 2006 Council meeting. The vote in favor was unanimous.

REPORT OF DEVELOPMENT AND SERVICES COMMITTEE

SCDOT Grant Application for Highway 21 @ I-77 Exit #24 Interchange – Mr. Jeter stated that this item was forward to Council without recommendation.

Mr. McEachern moved, seconded by Mr. Pearce, to defer this item until staff provides Council with requested information. The vote in favor was unanimous.

REPORT OF ADMINISTRATION AND FINANCE COMMITTEE

Construction Contract for Arthurtown Redevelopment Contract – Mr. Cronin briefed Council regarding this item, stating that the recommendation was to accept the bid amount of \$902,872.50 and to award the contract to

Ms. Smith moved, seconded by Ms. Scott, to approve this item. The vote in favor was unanimous.

Township Auditorium Land Purchase – Ms. Smith stated the question before Council is whether to direct the Administrator to negotiate for the Reuben property. This item was forwarded to Council without recommendation.

Ms. Smith moved to direct staff to negotiate a contract and bring it back to Council for them to vote upon. The motion died for lack of a second.

Ms. Smith moved, seconded by Mr. Montgomery, to direct staff not to negotiate a contract. A discussion took place.

Mr. Pearce made a substitute motion, seconded by Ms. Smith, to direct the Administrator to bring back to the March A&F Committee meeting a status report on all properties related to the Township renovation.

Mr. Montgomery made a substitute motion, seconded by Ms. Hutchinson, to authorize the Administrator to negotiate a right of first refusal. A discussion took place.

Mr. Pearce withdrew his substitute motion.

Ms. Scott made a substitute motion, seconded by Ms. Smith, to direct the Administrator to bring the purchase price back to the March A&F Committee meeting.

<u>In favor</u>	<u>Oppose</u>
Pearce	Montgomery
Mizzell	McEachern
Livingston	Jeter
Smith	Hutchinson
Scott	

The vote was in favor.

Township Auditorium Operating Support – Ms. Smith stated that the committee’s recommendation was to transfer \$250,000.00 from the fund balance of the Hospitality Tax. Two Hundred Thousand Dollars will be used to reimburse the General Fund for a loan made several years ago and \$50,000.00 will cover current operating deficits. The second part of the recommendation was to include \$50,000.00 as an annual appropriation of the Hospitality Tax for subsidy for Township operations and marketing. A discussion took place.

A motion was made and seconded to give first reading approval by title only of “an ordinance amending the fiscal year 2005-2006 Hospitality Tax budget to add two hundred fifty thousand dollars (\$250,000.00) for Township operations. The motion passed unanimously.

REPORT OF ECONOMIC DEVELOPMENT COMMITTEE

Project Unity – Mr. Livingston stated that this item needed to be deferred.

Project Chicago – Mr. Livingston stated that this item needed to be deferred.

APPLICATION FOR LOCATING A COMMUNITY RESIDENTIAL CARE FACILITY IN AN UNINCORPORATED AREA OF RICHLAND COUNTY

Karen (or) Ebony Thompson, 323 Nelson Road, Columbia, SC 29203 Mr. McEachern moved, seconded by Ms. Scott, to defer this item until next Council meeting. The vote in favor was unanimous.

REPORT OF RULES AND APPOINTMENTS COMMITTEE

I. Notification of Vacancies on Boards, Commissions and Committees

Accommodations Tax Committee-1 – Mr. Livingston stated the committee recommended for staff to advertise the vacancy. The vote in favor was unanimous.

Building Codes Board of Adjustment and Appeals-2 – Mr. Livingston stated the committee recommended for staff to advertise the vacancies. The vote in favor was unanimous.

II. Notification of Appointments to Boards, Commissions and Committees

Accommodations Tax Committee-3 – Mr. Livingston stated that there was one applicant at this time. The Committee's recommendation was to appoint Mr. Rodney Jenkins and keep the other positions open until filled. Council approved request unanimously.

Employee Grievance Committee-1

Mr. Livingston stated that there is one vacancy and three applicants. Two applicants were interviewed.

Ms. Smith questioned whether one applicant was eligible because she lived out of the county.

Mr. Livingston made a motion, seconded by Mr. Montgomery, to defer this item until the next Council meeting so that clarification could be received regarding the residency requirement for Employee Grievance Committee members.

Music Festival Commission-2 –Mr. Livingston stated there were no applicants for this commission and for it to remain open.

Performing Arts Center Board-2 -Mr. Livingston stated there were no applicants for this board and for it to remain open.

RFQ Document –Mr. Pearce made a motion, seconded by Mr. McEachern for Council to authorize search for the County Administrator.

Ms. Smith, that there has already been public introduction of the finalist.

Mr. Livingston, stated that the person they select remains confidential until the announcement by the consultant and not the applicants.

CITIZEN'S INPUT

Mr. Livermon request to have a golf park funded by Council

EXECUTIVE SESSION

(Pending Law suit) regarding Richland County vs. Recreation Commission and Ordinance authorizing GO Bond and Anticipation Notes for Innovista Garage (Contractual Matter)

It was moved and seconded to go into Executive Session to discuss these two matters. The vote in favor was unanimous.

Council went into Executive Session at approximately 7:01 p.m. and came out at approximately 7:35 p.m.

Mr. Montgomery moved, seconded by Mr. McEachern, to give third reading approval to the ordinance authorizing the issuance and sale of not exceeding \$7, 750,000 GO Bond Anticipation Notes, Series 2006A and Taxable Series 2006B, representing funding for the County's portion of

the cost of constructing the Innovista parking facility with the following amendments or stipulations: first, that prior to this motion being effective, the County Attorney shall approve the language negotiated with the University and City of Columbia regarding management expenses in the County revenue portion of the agreements; secondly, that the City must execute, prior to this motion being effective, documents in identical form to those to be executed by the county; and third, the Ordinance shall include provisions approving simultaneous

execution and enactment of the master inter-governmental agreement and the development services agreement allowing the chairman of council, interim-county administrator, the clerk, (after receiving the advice of the county attorney), to have the authority to approve the execution the of those documents if they are necessary to complete this contemplated transaction. This motion with stipulations was approve unanimously.

Mr. Livingston, as chairperson of the Economic Development Committee, commended the University for its vision to create the Innovista Garage Project. After reviewing the addendum from last week' s meeting and seeing the dollars and construction jobs this project would generate, viewed this project as a tremendous investment.

MOTION PERIOD

Mr. Mizzell made a motion to approve a resolution, without reference, for Marisa Vickers of Hand Middle School being named Principal of the Year.

Mr. Mizzell opened the floor to accept recommendations to schedule a Council Work Session to discuss Project Fish Fry/Village of Sandhill Baseball Stadium.

Mr. Montgomery recommended Thursday, February 16, 2006, 6:00p.m. to 8:00 p.m.

Mr. Livingston motioned, seconded by Mr. Pearce to approve the schedule for the Work Session

Mr. McEachern wants staff to bring to the Administration and Finance Committee the demographics of pay for Richland County employees, as well as the demographics for the Performance Enhancement Pay.

Senior Resources Resolution for FTA 5310 Grant – Mr. Montgomery motioned, seconded by Mr. McEachern to approve. Resolution was approved unanimously.

ADJOURNMENT

The meeting adjourned at approximately 7:46 p.m.

Anthony G. Mizzell, Chair

L. Gregory Pearce, Jr. Vice-Chair

Doris M. Corley

Joyce Dickerson

Valerie Hutchinson

Damon Jeter

Paul Livingston

Joseph McEachern

Mike Montgomery

Bernice G. Scott

Kit Smith

The minutes were transcribed by Michelle M. Onley

**STATE OF SOUTH CAROLINA
COUNTY COUNCIL FOR RICHLAND COUNTY
ORDINANCE NO. ___-06HR**

AN EMERGENCY ORDINANCE ESTABLISHING A TEMPORARY MORATORIUM ON APPROVAL OF FLOODPLAIN MANAGEMENT PERMITS FOR DEVELOPMENT OR CONSTRUCTION WITHIN A PORTION OF THE CONGAREE RIVER FLOODPLAIN.

WHEREAS, Richland County is a participating community in the National Flood Insurance Program (“NFIP”) administered by the Federal Emergency Management Agency (“FEMA”). Pursuant to 44 C.F.R. § 60.3, FEMA must provide a participating community with data upon which floodplain management regulations shall be based. To be a participating community, Richland County is required by 44 C.F.R. § 60.2(h), to adopt and apply this data for enforcement of floodplain management regulations in unincorporated Richland County; and

WHEREAS, on November 18, 2005, the United States District Court, South Carolina Division, in the case of *Columbia Venture v. Federal Emergency Management Agency*, Case Number 3:01-4100-MBS, entered a written Order vacating the Congaree River base flood elevations as revised by the Federal Emergency Management Agency (“FEMA”) on August 20, 2001 and effective on February 20, 2002; and

WHEREAS, the Court’s Order rendered null and void the Congaree River base flood elevations as promulgated by FEMA on August 20, 2001 and effective February 20, 2002. Consequently, pursuant to 44 C.F.R. § 60.3, FEMA must provide sufficient data upon which Richland County’s floodplain regulations are to be based as they apply to the Congaree River Floodplain. To date, FEMA has not provided the required data; and

~~**WHEREAS**, the absence of sufficient data from FEMA concerning the Congaree River Floodplain constitutes an emergency; and~~

~~**WHEREAS**, an emergency moratorium on construction and development in flood-prone areas of the Congaree River Floodplain is needed to protect public health, safety and welfare, and to allow the County time to determine what actions may be needed to maintain compliance with the NFIP.~~

THEREFORE, BE IT ENACTED THAT:

SECTION I. Richland County Council hereby declares a moratorium on the approval or denial of any permit submitted to Richland County for construction, development, zoning, building, disturbance of land, or for stormwater management purposes, as defined within Chapter 26 of the Richland County Code of Ordinances, on property located in a flood-prone area within the Congaree River Floodplain.

Congaree River Floodplain means the geographic area shown on Flood Insurance Rate Map panels 0091, 0092, 0094, 0160, 0178 and 0190 for Unincorporated Richland County.

Flood-prone means any land area susceptible to being inundated by water from the overflow of inland waters, or the unusual and rapid accumulation or runoff of surface waters from any source.

This moratorium does not apply to permit applications for maintenance of existing structures, levees or buildings.

SECTION II. The Richland County Attorney and Interim Administrator, and/or their designees or agents, shall, before this Ordinance expires, make reasonable efforts to determine from FEMA or by other

reasonable and necessary means, how Richland County will maintain compliance with the NFIP in light of the Order entered by the United States District Court, South Carolina Division, on November 18, 2005, in the case of *Columbia Venture v. Federal Emergency Management Agency*. The Richland County Attorney and Interim County Administrator shall report their findings to Richland County Council as soon as practicable before the expiration of this Ordinance.

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 superseded during the time this Ordinance is effective.

SECTION V. This Ordinance shall be effective immediately upon adoption by Richland County Council.

SECTION VI. This Ordinance shall expire sixty (60) days following the date of adoption of this Ordinance, or until rescinded by Richland County Council, whichever is earlier.

RICHLAND COUNTY COUNCIL

BY: _____
Anthony G. Mizzell, Chair

Attest this the ____ day of
_____, 2006

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: January 3, 2006
Second Reading: January 17, 2006
Public Hearing: February 21, 2006 (tentative)
Third Reading: February 21, 2006 (tentative)

**STATE OF SOUTH CAROLINA
COUNTY COUNCIL OF RICHLAND COUNTY
ORDINANCE NO. ___-06HR**

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 # 03300-03-16) FROM RU (RURAL DISTRICT) TO GC (GENERAL COMMERCIAL 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 # 03300-03-16) described in Exhibit A, which is attached hereto, 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 _____, 2006.

RICHLAND COUNTY COUNCIL

By: _____
Anthony G. Mizzell, Chair

Attest this _____ day of
_____, 2006.

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: January 24, 2006
First Reading: January 24, 2006
Second Reading: February 7, 2006
Third Reading: February 21, 2006 (tentative)

Exhibit A
Property Description

All that piece, parcel, or lot of land together with any improvement thereto, situate, lying and being near Ballentine, in the County of Richland, State of South Carolina, being shown and designated as parcels A and B on a plat prepared for Linda L. May by Woodrow W. Evett, dated February 18, 1983, and recorded in Plat Book Z at page 4226 in the Office of the Register of Deeds for Richland County, and having the following metes and bounds, to-wit:

Parcel A Beginning at an iron pin, which is the northern corner of Parcel B, then running south 59 degrees, 20 minutes east for a distance of 196.8 feet, MOL, to an iron pin, which is the eastern corner of Parcel B, then turning north 42 degrees, 21 minutes east for a distance of 15.5 feet MOL, to an iron pin; then turning and running north 51 degrees, 59 minutes west for a distance of 192.7 feet MOL to an iron pin; then turning and running south 42 degrees, 57 minutes west 40.8 feet MOL to an iron pin, which is the point of beginning.

Parcel B Beginning at an iron pin in the northern margin of US 76 and 176, then running north, 59 degrees 18 minutes west for a distance of 200 feet MOL, along said margin to an iron pin; then turning and running north 42 degrees, 57 minutes east for a distance of 326.3 feet MOL to an iron pin; then turning and running south 59 degrees, 20 minutes east for a distance of 196.8 feet MOL to an iron pin; then turning and running south 42 degrees, 21 minutes west for a distance of 325.6 feet MOL, to the point of beginning.

STATE OF SOUTH CAROLINA
COUNTY COUNCIL OF RICHLAND COUNTY
ORDINANCE NO. ___-06HR

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 # 14800-04-25/32/34/14/15/31/13), FROM RU (RURAL DISTRICT) TO PDD (PLANNED DEVELOPMENT 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 # 14800-04-25/32/34/14/15/31/13), described in Exhibit A, which is attached hereto, from RU Rural District zoning to PDD Planned Development District zoning.

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 October 20, 2005) prepared for Summer Pines by Heritage Engineering, Inc., 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 291 single-family detached dwelling units, as depicted in the site development plan, which is attached hereto as Exhibit B; and
 - c) Should the applicant decide to develop the site in phases, a phasing plan must be provided to the PDSD prior to the department's review of any construction plans or site specific 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 PDSD; and
 - e) Exhibit B, which is attached hereto, constitutes the applicant's Sketch Plan for subdivision purposes, and is hereby approved for such purposes; and
 - f) The following changes to the Master Plan are termed "major changes" and shall be subject to the requirements of Section 26-59 (j) of the Richland County Land Development Code; i.e. a review and recommendation by the Planning Commission and a new ordinance by the County Council:
 - 1) Changes in the location of land uses;
 - 2) Any increase in the gross density or intensity; and/or
 - 3) Changes in the pattern or amount of traffic flow; and
 - g) The Planning Commission is hereby authorized to make minor amendments to the Master Plan, or as otherwise allowed by Section 26-59 (j) of the Richland County Land Development Code; and
 - h) The PDSD is hereby authorized to make minor adjustments to the phasing schedule as may become necessary during the project's construction; and
 - i) No land development permits or building permits shall be issued until the project complies with the requirements of Section 26-59 (h) (1)-(5) of the Richland County Land Development Code; and
 - j) All internal streets shall be publicly owned and maintained by Richland County; and
 - k) Access to the subject site shall be limited to one intersection on Marthan Road and one on Wilson Boulevard; and
 - l) The developer shall pay the costs associated with the construction of any necessary acceleration and/or deceleration lanes, and/or any necessary turn lanes that may be required by the South Carolina Department of Transportation; and
 - m) The applicant shall construct a landscaped berm, fence, wall, or some combination thereof, to ensure that no parcel in the project will have direct access onto Marthan Road or Wilson Boulevard; and
 - n) Prior to approval of the preliminary subdivision plans, the applicant shall submit to the PDSD written evidence of:
 - 1) The U.S. Army Corps of Engineers' approval of the wetlands delineation and/or encroachment permit, and
 - 2) FEMA's approval of the 100 year flood elevation statement, and
 - 3) The applicant's proposed Declaration of Covenants, which are drafted to the satisfaction of the PSDS; 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.

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 _____, 2006.

RICHLAND COUNTY COUNCIL

By: _____
Anthony G. Mizzell, Chair

Attest this _____ day of
_____, 2006.

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: January 24, 2006
First Reading: January 24, 2006
Second Reading: February 7, 2006
Third Reading: February 21, 2006 (tentative)

Exhibit A
Property Description

TMS # 14800-04-13

All that certain piece, parcel or tract of land, situate, lying and being in the County of Richland, State of South Carolina, shown and delineated as containing 21.51 acres on a plat for RTL Grading, Inc. by CTH Surveyors, Inc. dated June 30, 2005 and recorded August 19, 2005 in the Office of the ROD for Richland County in Plat Book 1088 at Page 3778 and according to said plat and having the following metes and bounds: Beginning at an iron on Hask Jacobs Road and running S3°56'8"L for a distance of 253.71 feet to an iron, then turning and running S3°46'10"E for a distance of 117.99 feet to an iron, then turning and running S3°45'59"E for a distance of 120 feet to an iron, then turning and running S3°48'13"E for a distance of 193.01 feet to an iron, then turning and running S3°50'11"E for a distance of 182.93 feet to an iron, then turning and running S3°50' 11"E for a distance of 160.03 feet to an iron, then turning and running S3°52'07"E for a distance of 100.03 feet to an iron, then turning and running S83°57'35"W for a distance of 806.74 feet to an iron, then turning and running N1°6'55"W for a distance of 636.1 7 feet to an iron, then turning and running S34°44'44"E for a distance of 41.83 feet to an iron, then turning and running S58°4'10"E for a distance of 199.76 feet to an iron, then turning and running N11°53'10"E for a distance of 235.25 feet to an iron, then turning and running N65°9'8"W for a distance of 278.73 feet to an iron, then turning and running N3°39'01"W for a distance of 98.41 feet to an iron, then turning and running N00°15'06"E for a distance of 241.97 feet to an iron, then turning and running N00°44'46"W for a distance of 166.93 feet to an iron, then turning and running along Marthan Road S89°12'54"E for a distance of 237.64 feet to an iron, then turning and running S1°20'25"E for a distance of 7.11 feet to an iron, then turning and running S87°31'16"E for a distance of 262.54 feet to an iron, then turning and running S39°07'15"E for a distance of 69.99 feet to an iron, then turning and running S7°26'51"W for a distance of 8.22 feet to a concrete monument, then turning and running S75°53'17"E for a distance of 230.91 feet to the point of beginning.

TMS # 14800-04-15

All that certain piece, parcel or tract of land, situate, lying and being in the County of Richland, State of South Carolina, shown and delineated as containing 12.280 acres on a plat prepared for RTL Grading, Inc. by CTH Surveyors, Inc. dated August 16, 2005 and recorded in the Office of the ROD for Richland County in Record Book _____ at Page _____. According to said plat, having the following metes and bounds: beginning at an iron on the Southeastern corner of parcel shown on said plat and from that point running S69°51'58"W for a distance of 848.70 feet to an iron, then turning and running N10°57'17"W for a distance of 106.7 feet to an iron, then turning and running N13°31'24"W for a distance of 26.60 feet to an iron, then turning and running N23°13'25"W for a distance of 78.72 feet to an iron, then turning and running N56°07'52"W for a distance of 22 feet to an iron, then turning and running N10°51'30"W for a distance of 61.65 feet to an iron, then turning and running N35°43'34"E for a distance of 859.77 feet to an iron, then turning and running S78°50'53"E for a distance of 259.36 feet to an iron, then turning and running S78°50'53"E for a

distance of 115.64 feet to an iron, then turning and running S1°19'55"E for a distance of 168.87 feet to an iron, then turning and running S01°21'09"E for a distance of 440.44 feet to the point of beginning.

TMS # 14800-04-14

All that certain piece, parcel or tract of land, situate, lying and being in the County of Richland, State of South Carolina, shown and delineated as containing 20.93 acres on plat prepared for RTL Grading, Inc. by CTH Surveyors, Inc. dated June 29, 2005 and recorded in the Office of the ROD for Richland County in Record Book _____ at Page _____. According to said plat, having the following metes and bounds: Beginning at an iron on North side of subject property on Marthan Road from that point running N89°34'28"E for a distance of 88.44 feet to an iron, then turning and running S00°33'29"E for a distance of 403.50 feet to an iron, then turning and running S88°50'59"E for a distance of 208.72 feet to an iron, then turning and running S70°05'43"E for a distance of 13.49 feet to an iron, then turning and running S03°39'01"E for a distance of 98.41 feet to an iron, then turning and running S03°03'55"E for a distance of 207.61 feet to a steel fence post, then turning and running S01°65'55"E for a distance of 636.17 feet to an iron, then turning and running S03°03'38"W for a distance of 66.38 feet to an iron, then turning and running S72°15'09"W for a distance of 796.01 feet to an iron, then turning and running S69°45'07"W for a distance of 46.02 feet to an iron, then turning and running N01°34'02"W for a distance of 408.7 feet to an iron, then turning and running N01°34'02"W for a distance of 200.08 feet to an iron, then turning and running N01°21'09"W for a distance of 440.44 feet to an iron, then turning and running N01°19'55"W for a distance of 168.87 feet to an iron, then turning and running S78°39'13"E for a distance of 184.05 feet to an iron, then turning and running S78°41'32"E for a distance of 328.96 feet to an iron, then turning and running N01°07'30"W for a distance of 220.67 feet to an iron, then turning and running N1°07'16"W for a distance of 341.72 feet to the point of beginning.

TMS # 14800-04-31/32/34

All that certain piece, parcel or tract of land, situate, lying and being in the County of Richland, State of South Carolina, State of South Carolina, shown and delineated as Parcels A, B, and D on a plat prepared for RTL Grading, Inc. by CTH Surveyors, Inc. dated August 18, 2005 and recorded in the Office of the ROD for Richland County in Record Book 1112 at Page 2062. According to said plat having the following metes and bounds: Beginning at an iron on the Northeastern corner of the subject property and from that point running S01°34'02"E for a distance of 200.08 feet to a point, then turning and running S01°34'02"E for a distance of 46.41 feet to an iron, then turning and running S01°34'02"E for a distance of 361.66 feet to an iron, then turning and running S69°45'07"W for a distance of 441.50 feet to an iron, then turning and running N05°32'26"W for a distance of 257.91 feet to an iron, then turning and running S72°12'51"W for a distance of 460.64 feet to an iron, then turning and running N19°39'58"W for a distance of 10.93 feet to an iron, then turning and running N49°04'48"E for a distance of 21.83 feet to an iron, then turning and running N33°04'47"W for a distance of 19.91 feet to an iron, then turning and running N15°28'39"E for a distance of 37.82

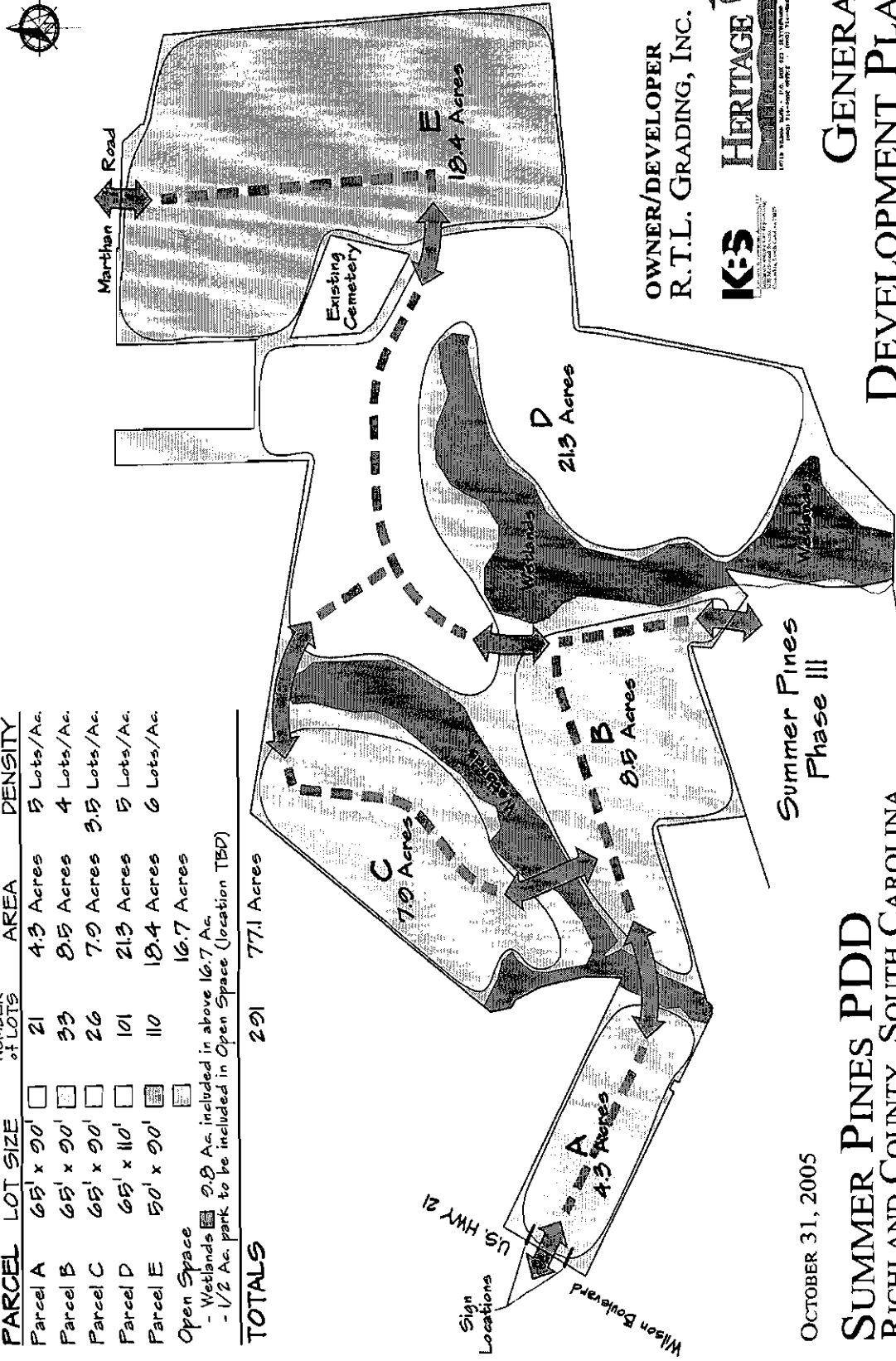
feet to an iron, then turning and running $N29^{\circ}55'43''E$ for a distance of 28.64 feet to an iron, then turning and running $N01^{\circ}03'12''E$ for a distance of 79.30 feet to an iron, then turning and running $N30^{\circ}30'21''W$ for a distance of 9.82 feet to an iron, then turning and running $N56^{\circ}35'41''E$ for a distance of 7.09 feet to an iron, then turning and running $N32^{\circ}24'34''E$ for a distance of 59.57 feet to an iron, then turning and running $N01^{\circ}55'05''E$ for a distance of 108.17 feet to an iron, then turning and running $N69^{\circ}51'58''E$ for a distance of 848.70 feet to the point of beginning.

TMS # 14800-04-25

All that certain piece, parcel or tract of land, situate, lying and being in the County of Richland, State of South Carolina, shown and delineated as containing 3.964 acres on a plat prepared for RTL Grading, Inc. by CTH Surveyors, Inc. dated August 16, 2005 and recorded in the Office of the ROD for Richland County in Record Book _____ at Page _____. According to said plat having the following metes and bounds: Beginning at an iron on the northwestern corner of the subject property on Wilson Boulevard and running $S60^{\circ}28'13''E$ for a distance of 713.15 feet to an iron, then turning and running $S32^{\circ}24'34''W$ for a distance of 59.57 feet to an iron, then turning and running $S56^{\circ}35'41''W$ for a distance of 7.09 feet to an iron, then turning and running $S30^{\circ}30'21''E$ for a distance of 9.82 feet, then turning and running $S01^{\circ}03'12''W$ for a distance of 79.30 feet to an iron, then turning and running $S29^{\circ}55'43''W$ for a distance of 28.64 feet to an iron, then turning and running $S15^{\circ}28'39''W$ for a distance of 37.82 to an iron, then turning and running $S33^{\circ}04'47''E$ for a distance of 19.91 feet to and iron, then turning and running $S49^{\circ}04'48''W$ for a distance of 21.83 feet to an iron, then turning and running $N60^{\circ}27'15''W$ for a distance of 428 feet to an iron, then turning and running $N60^{\circ}22'57''W$ for a distance of 124.65 feet to an iron, then turning and running $N60^{\circ}22'33''W$ for a distance of 211.60 feet to an iron, then turning and running $N27^{\circ}29'29''E$ for a distance of 234.75 feet to the point of beginning.

Exhibit B

PARCEL	LOT SIZE	NUMBER of LOTS	AREA	DENSITY
Parcel A	65' x 90'	21	4.3 Acres	5 Lots/Ac.
Parcel B	65' x 90'	33	8.5 Acres	4 Lots/Ac.
Parcel C	65' x 90'	26	7.9 Acres	3.5 Lots/Ac.
Parcel D	65' x 110'	101	21.3 Acres	5 Lots/Ac.
Parcel E	50' x 90'	110	18.4 Acres	6 Lots/Ac.
Open Space			16.7 Acres	
- Wetlands 0.8 Ac. included in above 16.7 Ac. - 1/2 Ac. park to be included in Open Space (location TBD)				
TOTALS		291	77.1 Acres	



OWNER/DEVELOPER
R.T.L. GRADING, INC.



Summer Pines
Phase III

OCTOBER 31, 2005

SUMMER PINES PDD
RICHLAND COUNTY, SOUTH CAROLINA

**GENERAL
DEVELOPMENT PLAN**

**STATE OF SOUTH CAROLINA
COUNTY COUNCIL OF RICHLAND COUNTY
ORDINANCE NO. ___-06HR**

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 # 17500-02-14) FROM GC (GENERAL COMMERCIAL DISTRICT) TO RS-E (RESIDENTIAL, SINGLE-FAMILY, ESTATE 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 # 17500-02-14) described in Exhibit A, which is attached hereto, from GC General Commercial District zoning to RS-E Residential, Single-Family, Estate 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 enforced from and after _____, 2006.

RICHLAND COUNTY COUNCIL

By: _____
Anthony G. Mizzell, Chair

Attest this _____ day of
_____, 2006.

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: January 17, 2006
First Reading: January 17, 2006
Second Reading: February 7, 2006
Third Reading: February 21, 2006 (tentative)

Exhibit A
Property Description

All that piece, parcel or tract of land, containing 2.12 acres more or less, being rectangular in shape and lying or being near Blythewood, South Carolina on Highway 555, and being more particularly shown on plat C surveyed for Willie James Hudson by Jerry E. Todd, dated December 19, 1991. The said tract as now conveyed has the following metes and bounds: Beginning at an iron stake marking the intersection of the right-of-way of SR 555 and the property line now or formerly conveyed to Nathaniel Canzater & Dorothy R. Canzater and running N 82 degrees 45 minutes 59 seconds W a distance of 602.6 feet to an iron stake; thence turning and running N 1 degree 21 minutes 24 seconds W a distance of 151.91 feet to an iron stake; thence turning and running S 83 degrees 53 minutes 15 seconds E a distance of 581.54 feet to iron stake marking the intersection of SR 555; thence turning and running S 7 degrees 48 minutes 42 seconds E along Highway SR 555 a distance of 167.46 feet to the point of beginning.

**STATE OF SOUTH CAROLINA
COUNTY COUNCIL OF RICHLAND COUNTY
ORDINANCE NO. ___-06HR**

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 # 21900-06-14), FROM RU (RURAL DISTRICT) TO PDD (PLANNED DEVELOPMENT 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 # 21900-06-14), described in Exhibit A, which is attached hereto, from RU Rural District zoning to PDD Planned Development District zoning.

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 November 2005) prepared for Savannah Wood by KN Properties, LLC., 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 382 dwelling units and 1.8 acres of neighborhood commercial land uses in the amounts and locations depicted in the site development plan, which is attached hereto as Exhibit B; and
- c) Should the applicant decide to develop the site in phases, a phasing plan must be provided to the PDSD prior to the department's review of any construction plans or site specific 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 PDSD; and
- e) Exhibit B, which is attached hereto, constitutes the applicant's Sketch Plan for subdivision purposes, and is hereby approved for such purposes; and
- f) The following changes to the Master Plan are termed "major changes" and shall be subject to the requirements of Section 26-59 (j) of the Richland County Land Development Code; i.e. a review and recommendation by the Planning Commission and a new ordinance by the County Council:
 - 1) Changes in the location of land uses;
 - 2) Any increase in the gross density or intensity; and/or
 - 3) Changes in the pattern or amount of traffic flow; and
- g) The Planning Commission is hereby authorized to make minor amendments to the Master Plan, or as otherwise allowed by Section 26-59 (j) of the Richland County Land Development Code; and
- h) The PDSD is hereby authorized to make minor adjustments to the phasing schedule as may become necessary during the project's construction; and
- i) No land development permits or building permits shall be issued until the project complies with the requirements of Section 26-59 (h) (1)-(5) of the Richland County Land Development Code; and
- j) *All internal streets shall be publicly owned and maintained by Richland County; and*
- k) Access to the subject site shall be limited to two intersections on Lower Richland Boulevard and one intersection on Rabbit Run Road; and
- l) The developer shall install a northbound right turn (deceleration) lane on Lower Richland Boulevard, which meets the requirements of the South Carolina Department of Transportation, for both entrances into the project prior to the PDSD's approval of any phase of the preliminary subdivision plans; and
- m) As stipulated in the Master Plan, the developer shall pay his fair share cost of signaling the Rabbit Run Road/Lower Richland Boulevard intersection; and
- n) The applicant shall construct a landscaped berm, fence, wall, or some combination thereof, to ensure that no parcel in the project will have direct access onto Lower Richland Boulevard or Rabbit Run Road; and
- o) The applicant must submit a copy of proposed Declaration of Covenants, which are drafted to the satisfaction of the PDSD; and

- p) 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
- q) All site development requirements described above shall apply to the applicant, the developer, and/or their successors in interest.

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 enforced from and after _____, 2006.

RICHLAND COUNTY COUNCIL

By: _____
Anthony G. Mizzell, Chair

Attest this _____ day of
_____, 2006.

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: January 24, 2006
First Reading: January 24, 2006
Second Reading: February 7, 2006
Third Reading: February 21, 2006 (tentative)

