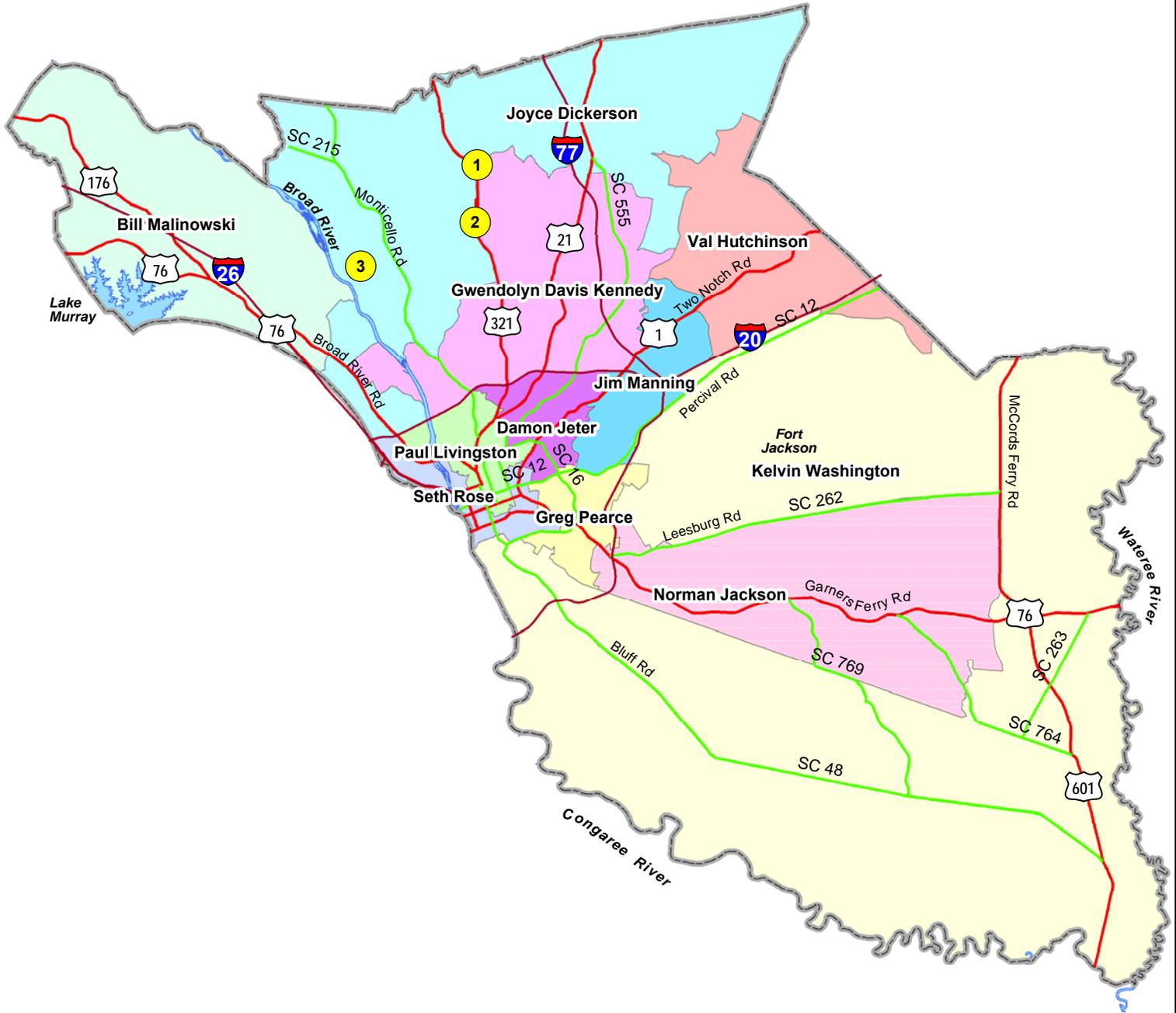


RICHLAND COUNTY COUNCIL
ZONING PUBLIC HEARING



JULY 26, 2011

*RICHLAND COUNTY COUNCIL
ZONING PUBLIC HEARING
JULY 26, 2011*



CASE NO.	APPLICANT	TMS NO.	LOCATION	DISTRICT
1. 11-08 MA	Larry H. Sharp	10100-05-01 & 02	8308 Winnsboro Rd.	Dickerson
1. 11-09 MA	Joseph Sharp	09900-03-04 & 05	8105 Winnsboro Rd.	Dickerson
2. 11-10 MA	Vulcan Lands, Inc.	06500-01-03, 06500-01-11(p)	Caughman Rd.	Dickerson



RICHLAND COUNTY COUNCIL ZONING PUBLIC HEARING

Tuesday, July 26, 2011

7:00 P.M.

**2020 Hampton Street
2nd Floor, Council Chambers
Columbia, South Carolina**

STAFF:

Anna Fonseca, AICP Planning Director
Amelia R. Linder, Esq. Attorney
Geonard Price.....Deputy Planning Director

CALL TO ORDER.....Honorable Paul Livingston
Chairman of Richland County Council

ADDITIONS / DELETIONS TO THE AGENDA

OPEN PUBLIC HEARING

MAP AMENDMENTS

1. Case #11-08 MA
Larry H. Sharp
RU to RC (3.26 acres)
8308 Winnsboro Road
TMS# 10100-05-01, 02
[FIRST READING]
Planning Commission - Approved 9-0
Page 1

2. Case #11-09 MA
Joseph E. Sharp
RU to RC (3.49 acres)
8105 Winnsboro Road
TMS# 09900-03-04,05
[FIRST READING]
Planning Commission - Approved 9-0
Page 9

3. Case #11-10 MA
Vulcan Lands Inc.
RU to HI (292.43 acres)
Caughman Road
TMS# 06500-01-03, 06500-01-11 (p)
[FIRST READING]
Planning Commission - Approved 9-0
Page 17

TEXT AMENDMENTS.

1. AN ORDINANCE AMENDING THE RICHLAND COUNTY CODE OF ORDINANCES; CHAPTER 26, LAND DEVELOPMENT; ARTICLE X, SUBDIVISION REGULATIONS; SECTION 26-224, DIVISION OF REAL PROPERTY TO HEIRS OF A DECEDENT; SUBSECTION (C), SPECIAL REQUIREMENTS FOR PRIVATE ROAD SUBDIVISIONS; SO AS RETITLE THE SUBSECTION AND TO REDUCE THE WIDTH OF THE REQUIRED ROAD.

[FIRST READING]

Planning Commission - Approved 6-1

Page 29

2. AN ORDINANCE AMENDING THE RICHLAND COUNTY CODE OF ORDINANCES; CHAPTER 26, LAND DEVELOPMENT; ARTICLE X, SUBDIVISION REGULATIONS; SO AS TO ADD A NEW SECTION THAT PERMITS PRIVATE ROAD SUBDIVISIONS IN THE RU (RURAL) ZONING DISTRICTS.

[FIRST READING]

Planning Commission - Approved 7-2

Page 32

OTHER BUSINESS

ADJOURNMENT



Richland County Planning & Development Services Department

Map Amendment Staff Report

PC MEETING DATE: July 7, 2011
RC PROJECT: 11-08 MA
APPLICANT: Larry H Sharpe
PROPERTY OWNER: Larry H. Sharpe

LOCATION: 8308 Winnsboro Road

TAX MAP NUMBER: 10100-05-01 & 02
ACREAGE: 3.26
EXISTING ZONING: RU
PROPOSED ZONING: RC

PC SIGN POSTING: June 17, 2011

Staff Recommendation

Approval

Background /Zoning History

The current zoning, Rural District (RU), reflects the original zoning as adopted September 7, 1977.

The parcels contain eight hundred and four (804) feet of frontage on Winnsboro Road and three hundred and sixty two (362) feet of frontage on Blythewood Road.

Summary

The Rural Commercial District (RC) recognizes the need to provide for areas within Richland County where residents of the more isolated agricultural and rural residential districts and residents located beyond the limits of service of the municipalities can receive convenience merchandising and services. It is intended to be a flexible district allowing a mixture of uses in order to accommodate commercial and service activities oriented primarily to serving the needs of persons who live in nearby areas. The RC District is proposed to be within or adjacent to residential neighborhoods where large commercial uses are inappropriate, but where the small neighborhood oriented business are useful and desired. This district is further designed to be located at or near intersections of arterial and/or major collector roads so as to prevent the spreading of commercial uses down the major corridors or into the surrounding countryside.

Minimum lot area/maximum density: Minimum lot area requirement: 22,000 square feet or as required by DHEC. Maximum density: there is no maximum density standard.

Direction	Existing Zoning	Use
<u>North:</u>	RU	Undeveloped
<u>South:</u>	RU	Undeveloped
<u>East:</u>	RU,RU,RU	Residence, Residence, Residence
<u>West:</u>	RU,RU	Residence, Landscaping business

Plans & Policies

The 2009 Richland County Comprehensive Plan “Future Land Use Map” designates this area as **Rural** in the **North Central Planning Area**.

North Central Area

Objective: Commercial/Office activities should be located at major traffic junctions where existing commercial and office uses are located and not encroach or penetrate established residential areas. Small scale agricultural related commercial uses, located on-site with residences, are appropriate provided adequate buffering/setbacks are available and the commercial use is in character with the area.

Compliance: The subject parcel is located at the intersection of a minor arterial and a rural collector. The properties contain existing, legally-established, non-conforming, commercial uses that do not encroach or penetrate established residential areas.

Traffic Impact

The 2010 SCDOT traffic count (Station # 189) located south of the subject parcel on Winnsboro Road identifies 6,500 Average Daily Trips (ADT’s). Winnsboro Road is classified as a two lane undivided Minor Arterial, maintained by SCDOT with a design capacity of 10,800 ADT’s. Winnsboro Road is currently operating at Level of Service (LOS) “B”.

The 2010 SCDOT traffic count (Station # 799) located east of the subject parcel on Blythewood Road identifies 2,900 Average Daily Trips (ADT’s). Blythewood Road is classified as a two lane undivided Collector, maintained by SCDOT with a design capacity of 8,600 ADT’s. Blythewood Road is currently operating at Level of Service (LOS) “A”.

A 5.47 mile section of Winnsboro Road from Koon Store Road to Blythewood Road has been identified for road widening on the 2035 COATS Cost Constrained Plan. The project is ranked 56th and funding has not been identified at this time.

Conclusion

The subject property is occupied by an existing convenience store with gas pumps. The existing use is considered nonconforming, but is permitted outright under the Rural Commercial District (RC) classification. According to Section 26-256. (3):

A nonconforming use of a structure may be enlarged or extended only into portions of the structure that existed at the time that the use became

nonconforming. No structural alterations will be allowed to any structure containing a nonconforming use....

The area is characterized by scattered, rural, large-lot, single-family, residential development, manufactured housing, agriculture and silva-cultural farming operations. To the west of the subject parcel is a landscape business which is permitted outright in the Rural District (RU) as a commercial use. Two subdivisions are located northwest of the site along Blythewood Road. The Rural Residential District (RR) zoned parcels are identified as part of the Surreywood subdivision and to the east of the Surreywood subdivision is a Rural District (RU) zoned subdivision named Blythewood Point. Blythewood Road is classified as a collector road and Winnsboro Road is classified as a minor arterial road. As such, since the site does not encroach upon the residential subdivisions and is located at a traffic intersection, the staff is of the opinion that the location of the subject parcels meets the intent of the Rural Commercial District (RC).

The parcel is currently served by private water and septic sewer service. There are not any fire hydrants located near the subject parcels. The Cedar Creek fire station (number 15) is located southeast of the subject parcel on Wilson Circle. The proposed map amendment would not negatively impact public services or traffic.

Since the proposed Zoning Map Amendment is in compliance with the Comprehensive Plan the Planning Staff recommends **Approval** of this map amendment.

Zoning Public Hearing Date

July 26, 2011

Planning Commission Action

At their meeting of **July 7, 2011** the Richland County Planning Commission **agreed** with the PDSO recommendation and recommends the County Council initiate the ordinance consideration process to **approve the proposed Amendment** for **RC Project # 11-08 MA** at the next available opportunity.

Case 11-08 MA RU to RC

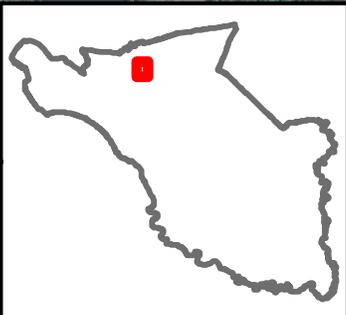
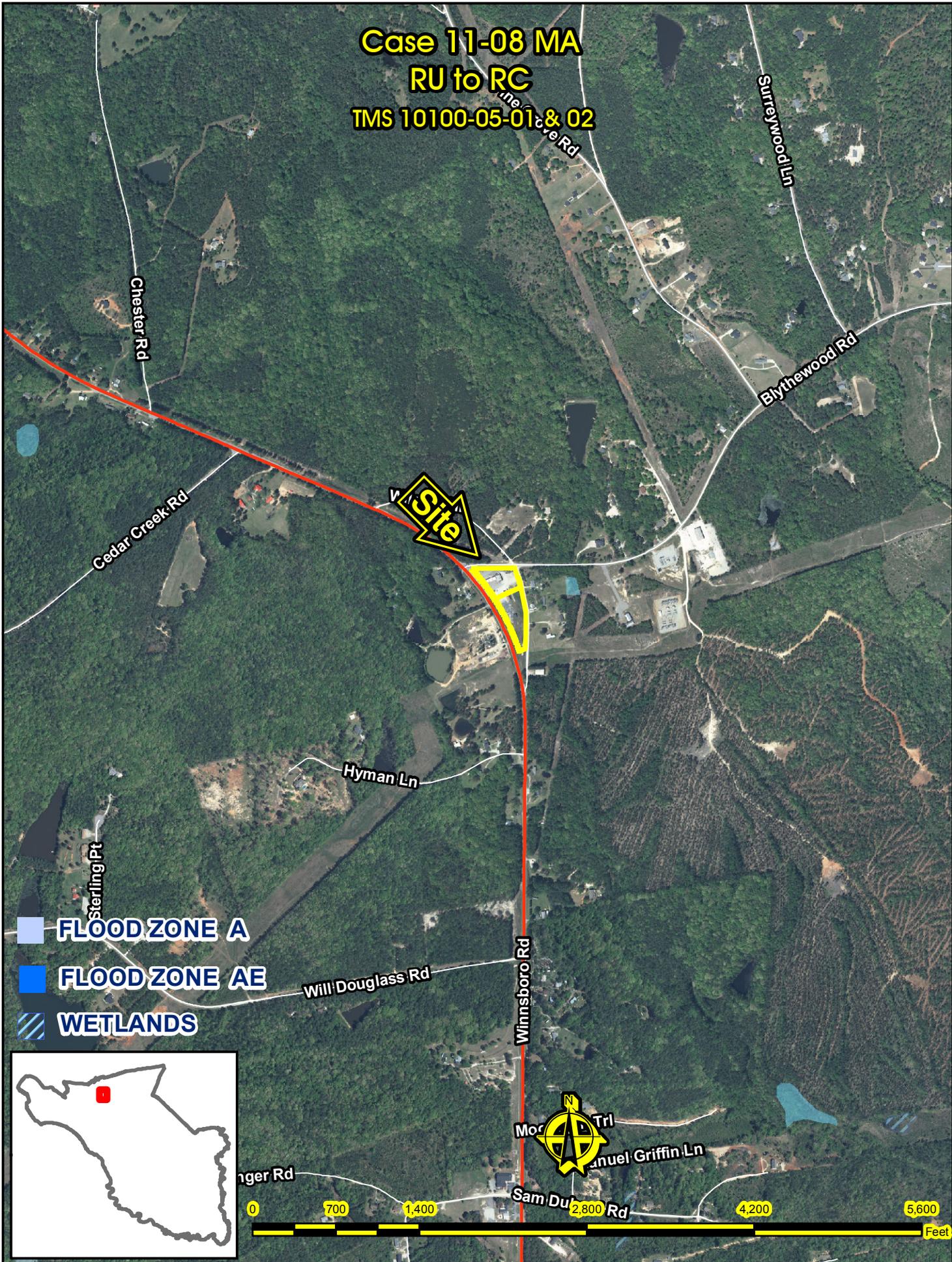


ZONING CLASSIFICATIONS

RR	RS-E	MH	NC	LI	TROS
C-1	RS-LD	RM-MD	GC	HI	Subject Property
C-3	RS-MD	RM-HD	RC	PDD	
RG-2	RS-HD	OI	M-1	RU	



Case 11-08 MA
RU to RC
TMS 10100-05-01 & 02



CASE 11-08 MA

From RU to RC

TMS# 10100-05-01, 02

Winnsboro Road



STATE OF SOUTH CAROLINA
COUNTY COUNCIL OF RICHLAND COUNTY
ORDINANCE NO. ____-11HR

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 # 10100-05-01/02 FROM RU (RURAL DISTRICTS) TO RC (RURAL COMMERCIAL DISTRICTS); 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 # 10100-05-01/02 from RU (Rural District) zoning to RC (Rural Commercial District) zoning.

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 effective from and after _____, 2011.

RICHLAND COUNTY COUNCIL

By: _____
Paul Livingston, Chair

Attest this _____ day of
_____, 2011.

Michelle M. Onley
Assistant Clerk of Council

Public Hearing: July 26, 2011 (tentative)
First Reading: July 26, 2011 (tentative)
Second Reading:
Third Reading:



Richland County Planning & Development Services Department

Map Amendment Staff Report

PC MEETING DATE: July 7, 2011
RC PROJECT: 11-09 MA
APPLICANT: Joseph E Sharpe
PROPERTY OWNER: Joseph E. Sharpe

LOCATION: 8105 Winnsboro Road

TAX MAP NUMBER: 09900-03-04 & 05
ACREAGE: 3.49
EXISTING ZONING: RU
PROPOSED ZONING: RC

PC SIGN POSTING: June 17, 2011

Staff Recommendation

Approval

Background /Zoning History

The current zoning, Rural District (RU), reflects the original zoning as adopted September 7, 1977.

The northern parcel contains three hundred and twenty four (324) feet of frontage on Winnsboro Road. The southern parcel contains six hundred and sixty (660) feet of frontage on Winnsboro Road, two hundred and seventy three (273) feet of frontage on Lorick Rd and two hundred seventy five (275) feet of frontage on Family Circle.

Summary

The Rural Commercial District (RC) recognizes the need to provide for areas within Richland County where residents of the more isolated agricultural and rural residential districts and residents located beyond the limits of service of the municipalities can receive convenience merchandising and services. It is intended to be a flexible district allowing a mixture of uses in order to accommodate commercial and service activities oriented primarily to serving the needs of persons who live in nearby areas. The RC District is proposed to be within or adjacent to residential neighborhoods where large commercial uses are inappropriate, but where the small neighborhood oriented business are useful and desired. This district is further designed to be located at or near intersections of arterial and/or major collector roads so as to prevent the spreading of commercial uses down the major corridors or into the surrounding countryside.

Minimum lot area/maximum density: Minimum lot area requirement: 22,000 square feet or as required by DHEC. Maximum density: there is no maximum density standard.

Direction	Existing Zoning	Use
<u>North:</u>	RU,RU	Residence, Residence
<u>South:</u>	RU	Undeveloped
<u>East:</u>	RU	Undeveloped
<u>West:</u>	RU,RU	Residence, Residence

Plans & Policies

The 2009 Richland County Comprehensive Plan “Future Land Use Map” designates this area as **Rural** in the **North Central Planning Area**.

North Central Area

Objective: Commercial/Office activities should be located at major traffic junctions where existing commercial and office uses are located and not encroach or penetrate established residential areas. Small scale agricultural related commercial uses, located on-site with residences, are appropriate provided adequate buffering/setbacks are available and the commercial use is in character with the area.

Compliance: The subject parcel is located at the intersection of a minor arterial and a rural collector. The properties contain existing, legally-established, non-conforming, commercial uses that do not encroach or penetrate established residential areas.

Traffic Impact

The 2010 SCDOT traffic count (Station # 189) located south of the subject parcel on Winnsboro Road identifies 6,500 Average Daily Trips (ADT's). Winnsboro Road is classified as a two lane undivided Minor Arterial, maintained by SCDOT with a design capacity of 10,800 ADT's. Winnsboro Road is currently operating at Level of Service (LOS) “B”.

The 2010 SCDOT traffic count (Station # 429) located east of the subject parcel on Koon Store Road identifies 1,800 Average Daily Trips (ADT's). Koon Store Road is classified as a two lane undivided Collector, maintained by SCDOT with a design capacity of 8,600 ADT's. Koon Store Road is currently operating at Level of Service (LOS) “A”.

A 5.47 mile section of Winnsboro Road from Koon Store Road to Blythewood Road has been identified for road widening on the 2035 COATS Cost Constrained Plan. The project is ranked 56th and funding has not been identified at this time.

Conclusion

The subject property is occupied by an existing convenience store with gas pumps and an attached three bay automobile repair business. A separate detached one story structure onsite is being utilized as a salon/barbershop. Previously, the southern-most parcel was used by Rockville Pipeline as a storage yard, while water lines were being installed along Winnsboro Road. The southern parcel is not currently being utilized and is undeveloped with the exception

of a perimeter chain link fence. The existing uses are considered nonconforming, but are permitted outright under the Rural Commercial District (RC) classification. According to Section 26-256. (3):

A nonconforming use of a structure may be enlarged or extended only into portions of the structure that existed at the time that the use became nonconforming. No structural alterations will be allowed to any structure containing a nonconforming use....

The area is characterized by scattered, rural, large-lot, single-family, residential development, manufactured housing, agriculture and silva-cultural farming operations. Lorick Road is classified as a collector road, Family Circle a residential street, and Winnsboro Road a minor arterial. As such, since the site does not encroach upon any nearby residential subdivision and is located at a traffic intersection, the staff is of the opinion that the location of the subject parcels meets the intent of the Rural Commercial District (RC).

The parcel is currently served by private water and septic sewer service. There is a fire hydrant located on Lorick Road south of the subject parcels. The Cedar Creek fire station (number 15) is located 1.95 miles north of the subject parcel on Wilson Circle. The proposed map amendment would not negatively impact public services or traffic.

Since the proposed Zoning Map Amendment is in compliance with the Comprehensive Plan the Planning Staff recommends **Approval** of this map amendment.

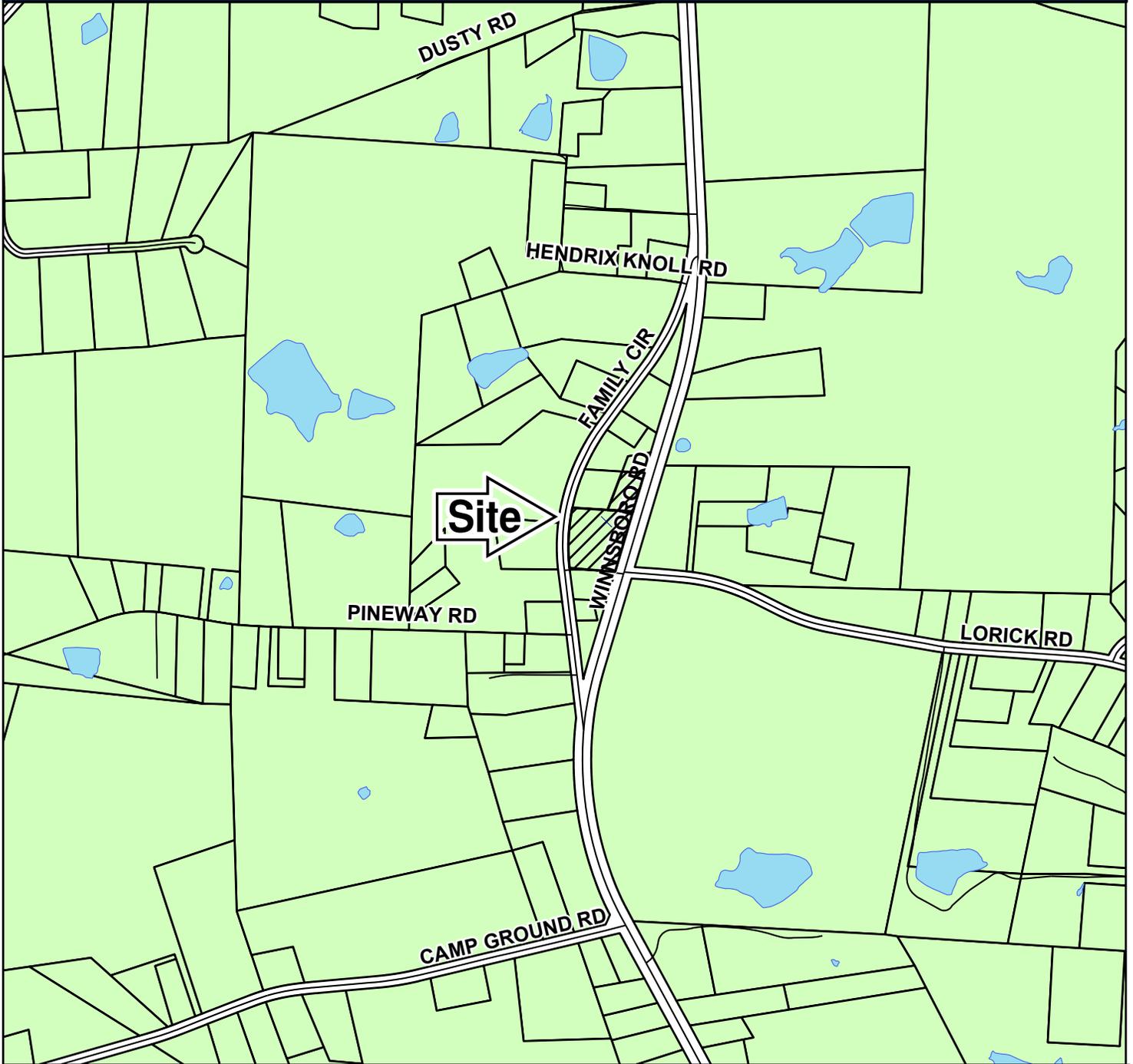
Zoning Public Hearing Date

July 26, 2011

Planning Commission Action

At their meeting of **July 7, 2011** the Richland County Planning Commission **agreed** with the PSDS recommendation and recommends the County Council initiate the ordinance consideration process to **approve the proposed Amendment** for **RC Project # 11-09 MA** at the next available opportunity.

Case 11-09 MA RU to RC

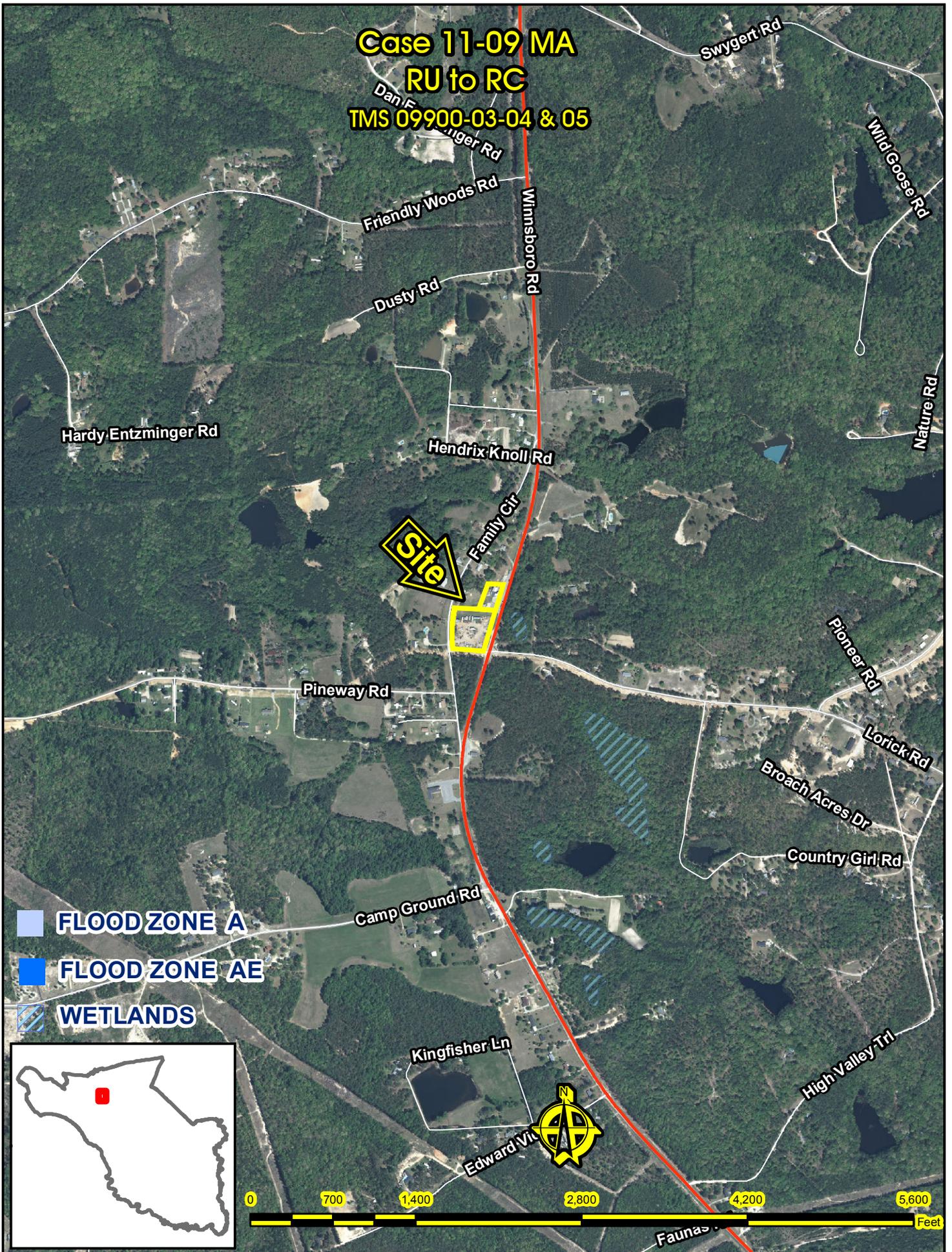


ZONING CLASSIFICATIONS

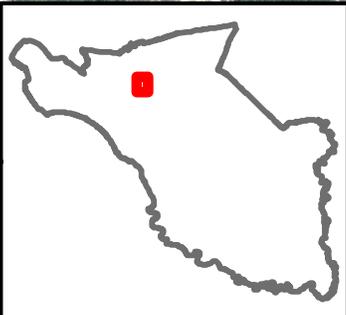
RR	RS-E	MH	NC	LI	TROS
C-1	RS-LD	RM-MD	GC	HI	Subject Property
C-3	RS-MD	RM-HD	RC	PDD	
RG-2	RS-HD	OI	M-1	RU	



Case 11-09 MA
RU to RC
TMS 09900-03-04 & 05



- FLOOD ZONE A
- FLOOD ZONE AE
- WETLANDS



CASE 11-09 MA

From RU to RC

TMS# 09900-03-04, 05

Winnsboro Road



STATE OF SOUTH CAROLINA
COUNTY COUNCIL OF RICHLAND COUNTY
ORDINANCE NO. ____-11HR

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 # 09900-03-04/05 FROM RU (RURAL DISTRICTS) TO RC (RURAL COMMERCIAL DISTRICTS); 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 # 09900-03-04/05 from RU (Rural District) zoning to RC (Rural Commercial District) zoning.

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 effective from and after _____, 2011.

RICHLAND COUNTY COUNCIL

By: _____
Paul Livingston, Chair

Attest this _____ day of
_____, 2011.

Michelle M. Onley
Assistant Clerk of Council

Public Hearing: July 26, 2011 (tentative)
First Reading: July 26, 2011 (tentative)
Second Reading:
Third Reading:



**Richland County
Planning & Development Services Department**

Map Amendment Staff Report

PC MEETING DATE: July 7, 2011
RC PROJECT: 11-10 MA
APPLICANT: Vulcan Lands Inc.
PROPERTY OWNER: Vulcan Lands Inc.

LOCATION: Caughman Road North

TAX MAP NUMBER: 06500-01-03 & 06500-01-11 (Portion of)
ACREAGE: 292.43
EXISTING ZONING: RU
PROPOSED ZONING: HI

PC SIGN POSTING: June 17, 2011

Staff Recommendation

Approval

Background /Zoning History

The current zoning, Rural District (RU), reflects the original zoning as adopted September 7, 1977.

The parcel contains access to Caughman Road.

Summary

The proposed zoning, Heavy Industrial (HI) District is intended to primarily accommodate uses of a manufacturing and industrial nature, and secondly, uses that are functionally related thereto, such as distribution, storage, and processing. General commercial uses are allowed, but are considered incidental to the predominantly industrial nature of this district.

No minimal lot area except as required by DHEC; and no maximum density standard.

Direction	Existing Zoning	Use
<u>North:</u>	RU, HI, RR	Undeveloped, Landfill, Undeveloped
<u>South:</u>	HI/RU	Quarry/Undeveloped
<u>East:</u>	RU	Undeveloped
<u>West:</u>	RU	Undeveloped

Plans & Policies

The 2009 Richland County Comprehensive Plan “Future Land Use Map” designates this area as **Rural** in the **North Central Planning Area**.

North Central Area

Objective: Industrial activities should be compatible with the surrounding land uses and should be considered on a case-by-case basis. Industrial uses should not locate near residential or commercial uses without adequate space for buffering/setbacks. Proposed industrial uses should consider sites with adequate room for expansion, existing infrastructure, and access to major arterials and/or highways. Sites will be considered during the rezoning process and periodically updated.

Compliance: The subject parcels contain existing, legally-established, non-conforming mining operations. There is a landfill currently operating north of the parcel and a mining operation to the south. The existing industrial use is permitted outright under the proposed zoning.

Traffic Impact

The 2010 SCDOT traffic count (Station # 189) located south of the subject parcel on Monticello Road identifies 5,300 Average Daily Trips (ADT's). Monticello Road is classified as a four lane undivided Minor Arterial, maintained by SCDOT with a design capacity of 21,600 ADT's. Monticello Road is currently operating at Level of Service (LOS) “A”.

There are no planned or programmed improvements for this section of Monticello Road.

Conclusion

The subject property is currently occupied by a functioning rock quarry, wetlands, heavily wooded areas, and has frontage along the Broad River, in addition to frontage along the Norfolk Southern Railway. Otherwise, the area is characterized by a split zoned Heavy Industrial District (HI) and Rural District (RU) parcel to the south containing a quarry on the western portion. The split zoning correlates with a power line easement. The Heavy Industrial District (HI) zoned parcel to the north of the subject property contains a landfill operated by Richland County. The Heavy Industrial (HI) District permits uses such as major and minor automobile repair and maintenance services, rental centers with outside storage, septic tank services, textile mills, mining/extraction facilities, cement and concrete products, and chemical products. The Heavy Industrial District (HI) is the only district that allows mining as a permitted use. The proposed Heavy Industrial District (HI) zoning would allow for future expansion of the existing mining operations and for overburden to be placed in additional areas onsite.

The existing use is considered nonconforming, but is permitted outright under the Heavy Industrial District (HI). Under Sec.26-256. (3);

A nonconforming use of a structure may be enlarged or extended only into portions of the structure that existed at the time that the use became nonconforming. No structural alterations will be allowed to any structure containing a nonconforming use....

Permitted uses within the Heavy Industrial District (HI) will be subject to additional regulations and development practices outlined within the Floodplain Overlay District (Sec. 26-106). Specific regulations regarding development in the floodplain will be determined at the time of

site plan submittal. The subject parcels are located and thereby designated as an “A” flood zone. AE zones are inundation areas of base flood where the base flood elevation is not determined.

The subject parcel contains National Wetland Inventory (NWI) land. Wetlands are important landscape features that hold and slowly release flood water, recharge groundwater, act as filters to cleanse water of impurities, and recycle nutrients (US Fish and Wildlife). The subject parcels contain wetlands that have been identified as a Palustrine System. The Palustrine System wetlands are dominated by trees, shrubs, emergents, mosses or lichens. Surface water is present for extended periods, especially early in the growing season, but is absent by the end of the growing season in most years.

In summary, the staff has reviewed the request in accordance with the Comprehensive Plan Directive, “on a case-by-case” basis and has come to the following conclusion. The staff has determined that since the subject site is located in close proximity to and compatible with other properties zoned Heavily Industrial (HI) and utilized in this manner, e.g. other quarries, landfills and junkyards taking advantage of the economies of scale, is located in a heavily wooded area not in close proximity to residential or commercial uses with adequate room for expansion and for buffering and setbacks, has access to a major arterial, in addition to the existing transportation infrastructure system provided by the rail line, from the staff’s viewpoint the request adequately meets the intent of the Comprehensive Plan and is appropriately located in relation to surrounding uses and zoning.

The parcel would be served by the City of Columbia for water. Sewer would be provided through the use of septic tanks, and a fire hydrant located on Caughman Road east of the subject parcels. The Upper Richland fire station (number 17) is located 1.55 miles northeast of the subject parcel on Campground Road. The proposed map amendment would not negatively impact public services or traffic.

Since the proposed Zoning Map Amendment is in compliance with the Comprehensive Plan the Planning Staff recommends **Approval** of this map amendment.

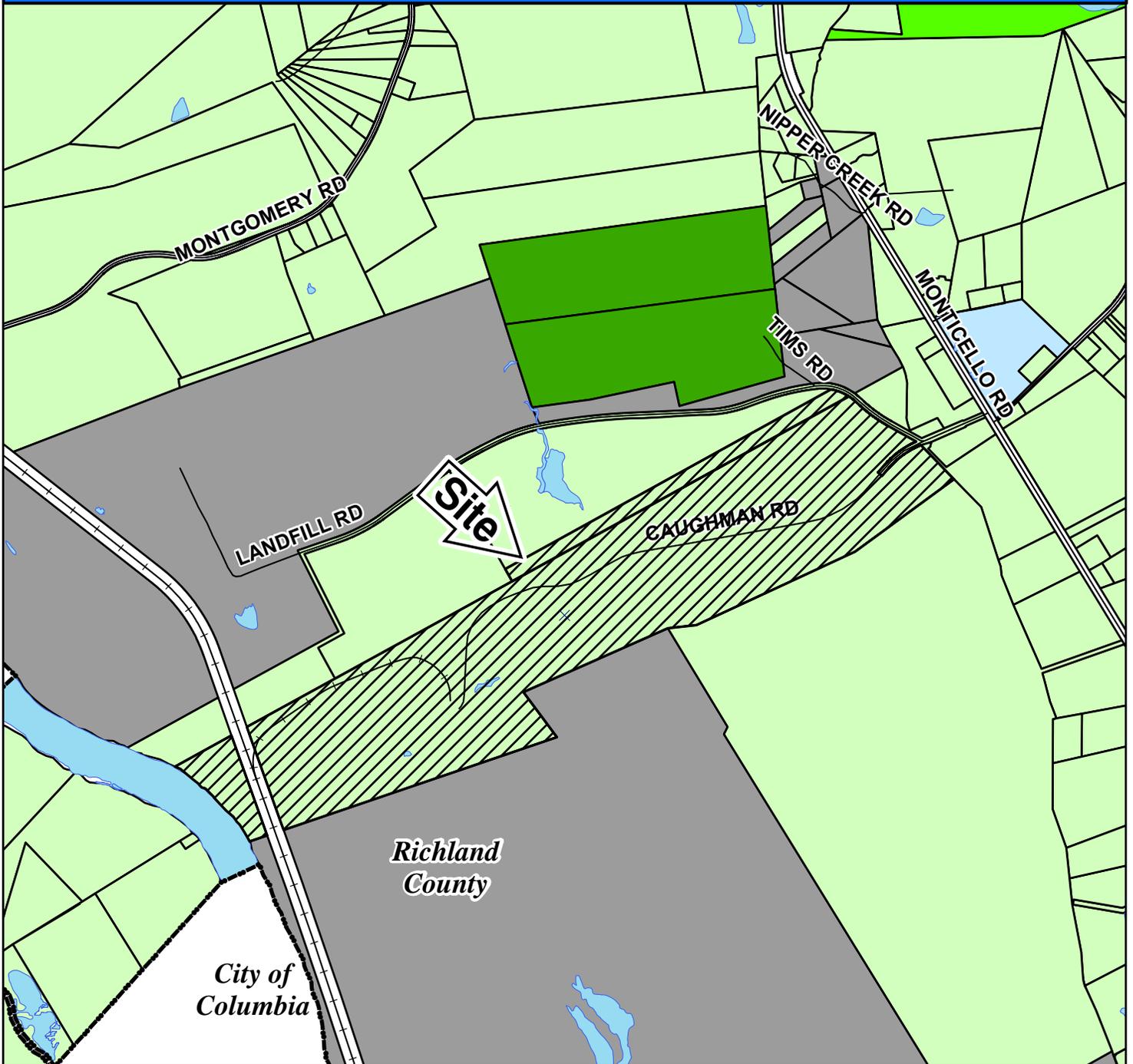
Zoning Public Hearing Date

July 26, 2011

Planning Commission Action

At their meeting of **July 7, 2011** the Richland County Planning Commission **agreed** with the PDSO recommendation and recommends the County Council initiate the ordinance consideration process to **approve the proposed Amendment** for **RC Project # 11-10 MA** at the next available opportunity.

Case 11-10 MA RU to HI



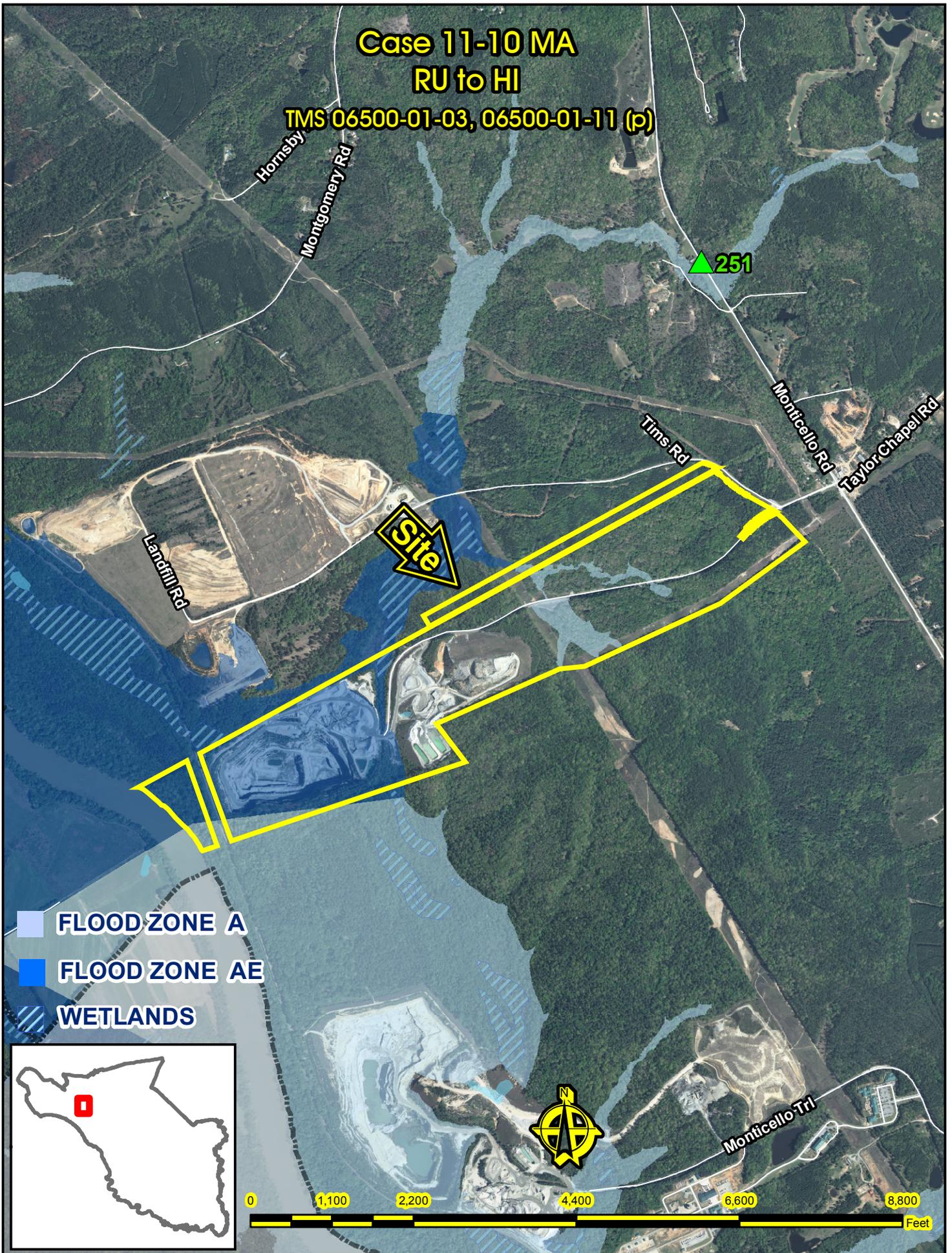
ZONING CLASSIFICATIONS

RR	RS-E	MH	NC	LI	TROS
C-1	RS-LD	RM-MD	GC	HI	Subject Property
C-3	RS-MD	RM-HD	RC	PDD	
RG-2	RS-HD	OI	M-1	RU	



**Case 11-10 MA
RU to HI**

TMS 06500-01-03, 06500-01-11 (p)



CASE 11-10 MA

From RU to HI

TMS# 06500-01-03, 11 (P)

Caughman Road North



STATE OF SOUTH CAROLINA
COUNTY COUNCIL OF RICHLAND COUNTY
ORDINANCE NO. ____-11HR

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 # 06500-01-03 AND AS A PORTION OF TMS # 06500-01-11 FROM RU (RURAL DISTRICTS) TO HI (HEAVY INDUSTRIAL DISTRICTS); 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 # 06500-01-03 and as a portion of TMS # 06500-01-11 from RU (Rural District) zoning to HI (Heavy Industrial District) zoning, (all as described in Exhibit A, which is attached hereto).

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 effective from and after _____, 2011.

RICHLAND COUNTY COUNCIL

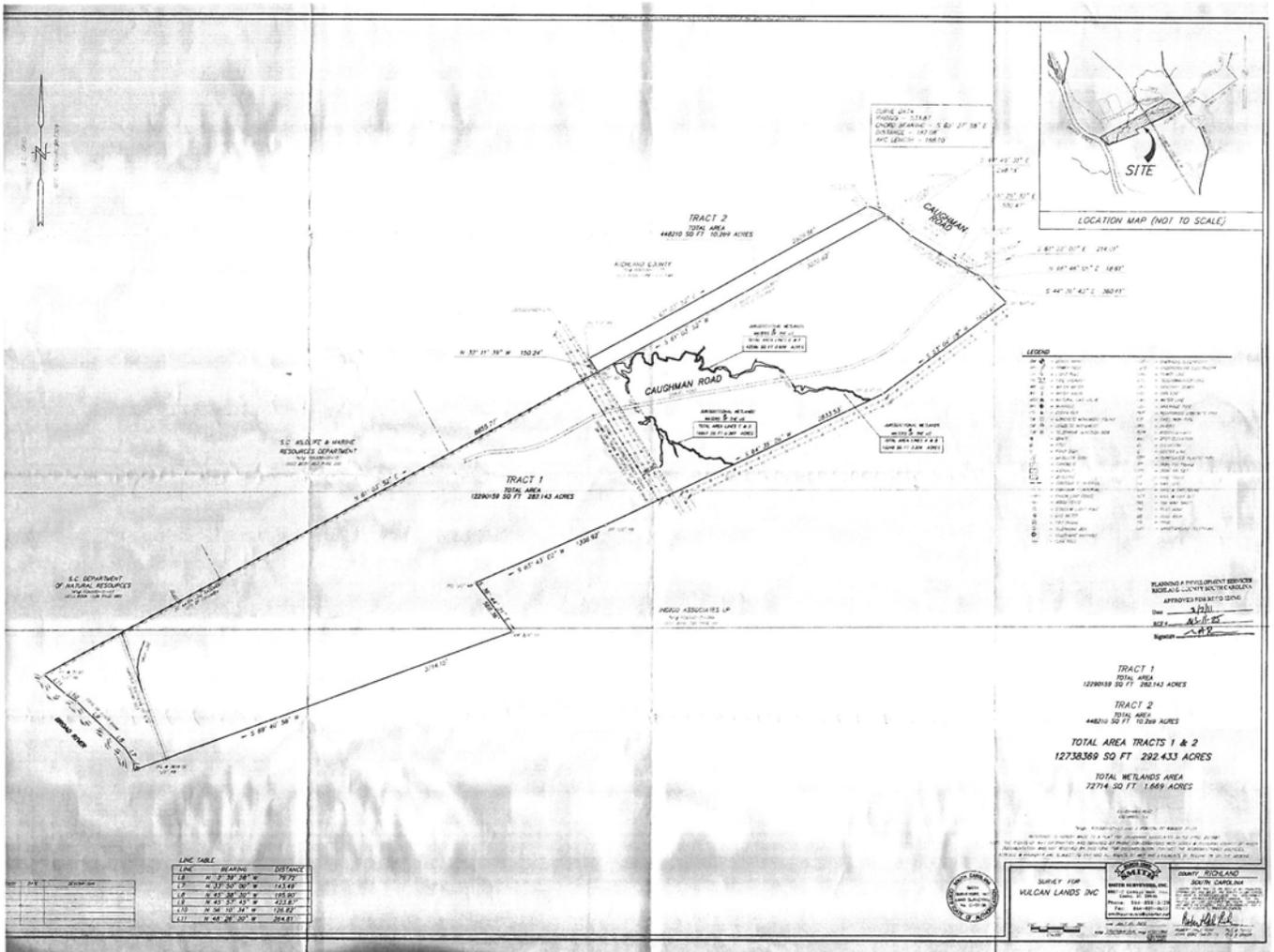
By: _____
Paul Livingston, Chair

Attest this _____ day of
_____, 2011.

Michelle M. Onley
Assistant Clerk of Council

Public Hearing: July 26, 2011 (tentative)
First Reading: July 26, 2011 (tentative)
Second Reading:
Third Reading:

Exhibit A



MEMORANDUM

TO: Richland County Council Members

FROM: Amelia R. Linder, Esq

DATE: July 7, 2011

RE: Chronology of the private road subdivision ordinances, including the one to heirs of a deceased property owner and the one that allows subdivision to anyone in the RU District

January 4, 2011, County Council gave **third reading to an ordinance that would allow the subdivision of property to heirs of a deceased property owner AND made a motion to send an ordinance to the D&S Committee that would allow for the subdivision of land to family members while still living**

January 25, 2011, the D&S Committee received as information and took no action.

February 7, 2011, the Planning Commission reviewed an ordinance that would have **deleted the heirs language and instead allow for a private driveway subdivision** (subdivision of land to family members). The Planning Commission unanimously recommended denial of the ordinance and a memo was sent to Council expressing their concerns.

February 22, 2011, a public hearing was held. County Council sent the ordinance back to the Planning Commission in order to give them the opportunity to craft amended language, and then the ordinance was to go to the D&S Committee.

March 7, 2011, the Planning Commission again recommended denial of the ordinance.

April 26, 2011, the D&S Committee reviewed an ordinance that would have **deleted the heirs language and instead allow for the subdivision of property to anyone in the RU district**, with a maximum of 7 lots, with a 66' right-of-way, and with the requirement of a "hold harmless" agreement. The Committee recommended removing the "hold harmless agreement" and the "restrictive covenants" from the ordinance, and reducing the right-of-way from 66' to 50'.

May 3, 2011, County Council sent an amended ordinance to the Planning Commission that would have **deleted the heirs language and instead allow for the subdivision of property to anyone in the RU district**, with a maximum of 7 lots, with a 50' right-of-way, and include the requirement of a "hold harmless" agreement.

May 24, 2011, the D&S Committee reviewed the **existing heirs' subdivision ordinance** with the removal of the "hold harmless agreement" and the reduction of the right-of-way from 66' to 50'.

June 6, 2011, the Planning Commission reviewed an ordinance that would have **deleted the heirs language and instead allow for the subdivision of property to anyone in the RU district**, with a maximum of 7 lots, with a 50' right-of-way, and with the requirement of a "hold harmless" agreement. The Planning Commission recommended approval of the amended ordinance, but recommended a **66' right-of-way**.

* **Note:** During this time, staff determined that two ordinances were necessary. 1) **Division of property to heirs of a decedent** and 2) **Division of property for a private road subdivision**. The heirs' property ordinance will not limit the number of lots that could be subdivided, thereby accommodating an unlimited number of heirs. The private road subdivision ordinance would allow property owners in the RU (rural) district to subdivide no more than 7 lots without having to pave roads or install sidewalks. With the creation of two ordinances, both objectives of County Council were met.

June 7, 2011, County Council reviewed the **existing heirs' subdivision ordinance** with the removal of the "hold harmless agreement" and the reduction of the right-of-way from 66' to 50'. Council sent the ordinance to the Planning Commission leaving the "hold harmless agreement" in the ordinance and reducing the right-of-way from 66' to 50'.

July 7, 2011, the Planning Commission reviewed the **existing heirs' subdivision ordinance** with a reduction of the right-of-way from 66' to 50' and recommended to keep the right-of-way of 66'.

July 26, 2011, two ordinances are now scheduled for the Zoning Public Hearing:

- a. **Division of property to heirs of a decedent**, which amends the heirs' property ordinance by changing the title name and reducing the right-of way from 66' to 50' (the requirement of a "hold harmless" agreement was not affected and, therefore, did not change), and
- b. **Division of property for a private road subdivision**, which is a new Section to allow the subdivision of property to anyone in the RU district with no more than 7 lots, with a 50' right-of-way, and with the requirement of a "hold harmless" agreement.

NOTE: The Planning Commission recommended that the right-of-way width in both ordinances be 66'.

STATE OF SOUTH CAROLINA
COUNTY COUNCIL FOR RICHLAND COUNTY
ORDINANCE NO. ____-11HR

AN ORDINANCE AMENDING THE RICHLAND COUNTY CODE OF ORDINANCES; CHAPTER 26, LAND DEVELOPMENT; ARTICLE X, SUBDIVISION REGULATIONS; SECTION 26-224, DIVISION OF REAL PROPERTY TO HEIRS OF A DECEDENT; SUBSECTION (C), SPECIAL REQUIREMENTS FOR PRIVATE ROAD SUBDIVISIONS; SO AS RETITLE THE SUBSECTION AND TO REDUCE THE WIDTH OF THE REQUIRED ROAD.

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 26, Land Development; Article X, Subdivision Regulations; Section 26-224, Division of Real Property to Heirs of a Decedent; Subsection (c), Special Requirements for Private road Subdivisions; is hereby amended to read as follows:

- (c) *Special requirements for ~~private road~~ subdivisions of heir property.*
- (1) *Review.* Subdivision of heir property is subject to the minor subdivision review procedure found at Sec. 26-54(c)(2). All Planning Department subdivision plan review fees shall be waived; provided, however, all fees charged by DHEC (and collected by the Richland County Public Works Department) shall be paid by the applicant.
 - (2) *Roads.* Roads in subdivisions of heir property shall be exempt from the road paving requirements of Sec. 26-181 of this chapter, but shall not be exempt from any other road design requirement. Roads in subdivisions of heir property shall not be eligible or accepted for county maintenance, which is otherwise provided pursuant to Section 21-5 of the Richland County Code of Ordinances, until they meet the road construction standards provided in Chapter 21 of the Richland County Code. The roadway shall have a minimum right-of-way width of ~~sixty six (66)~~ fifty (50) feet and minimum twenty (20) foot wide passable surface, which meets the standards established and set forth by the county engineer. The subdivision documents shall include a conspicuous statement stating that improvements to the roadway without the approval of the county engineer are prohibited.
 - (3) *Sidewalks.* Subdivisions of heir property shall be exempt from the sidewalk requirements of Sec. 26-179 of this chapter.
 - (4) *Size of lots.* Any and all lots created in a subdivision of heir property shall conform to the zoning district's requirements.

- (5) *Number of dwelling units.* Only one (1) dwelling unit shall be permitted on each lot.
- (6) *E-911 requirements.* The road, and each lot, shall conform to the county's E-911 system addressing and posting requirements.

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 effective from and after _____, 2011.

RICHLAND COUNTY COUNCIL

BY: _____
Paul Livingston, Chair

Attest this the _____ day of
_____, 2011

Michelle M. Onley
Assistant Clerk of Council

RICHLAND COUNTY ATTORNEY'S OFFICE

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

Public Hearing: July 26, 2011 (tentative)
First Reading: July 26, 2011 (tentative)
Second Reading:
Third Reading:

MEMORANDUM

TO: Richland County Council Members

FROM: Amelia R. Linder, Esq.

DATE: June 6, 2011

RE: Text Amendment number 2 of the Zoning Public Hearing Agenda – Private Road Subdivision Ordinance (a first reading item).

On June 6, 2011, the Planning Commission unanimously (by a vote of 7 to 0) recommended APPROVAL of the ordinance that would allow the subdivision of land in the RU zoning district without the requirement of paving roads or installing sidewalks. Additionally, they specifically recommended that the ordinance require a:

- 66’ right-of-way, and
- a “Hold Harmless Agreement”

STATE OF SOUTH CAROLINA
COUNTY COUNCIL FOR RICHLAND COUNTY
ORDINANCE NO. ___-11HR

AN ORDINANCE AMENDING THE RICHLAND COUNTY CODE OF ORDINANCES; CHAPTER 26, LAND DEVELOPMENT; ARTICLE X, SUBDIVISION REGULATIONS; SO AS TO ADD A NEW SECTION THAT PERMITS PRIVATE ROAD SUBDIVISIONS.

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 26, Land Development; Article X, Subdivision Regulations; is hereby amended by the addition of a new section; to read as follows:

Sec. 26-225. Private road subdivisions.

- (a) Purpose. It is the intent and purpose of this section to furnish a means of subdividing property in the RU zoning district of the county without incurring the costs associated with major subdivisions.
- (b) Applicability. The provisions of this section shall only apply to the RU (Rural) zoning district.
- (c) Special requirements for private road subdivisions.
 - (1) Review. Subdivision of property for a private road subdivision is subject to the minor subdivision review procedure found at Sec. 26-54(c)(2). All Planning Department subdivision plan review fees shall be waived; provided, however, all fees charged by DHEC (and collected by the Richland County Public Works Department) shall be paid by the applicant.
 - (2) Roads. Roads within a private road subdivision shall be exempt from the road paving requirements of Sec. 26-181 of this chapter, but shall not be exempt from any other road design requirement. Roads within a private road subdivision shall not be eligible or accepted for county maintenance, which is otherwise provided pursuant to Section 21-5 of the Richland County Code of Ordinances, until they meet the road construction standards provided in Chapter 21 of the Richland County Code. The roadway shall have a minimum right-of-way width of fifty (50) feet and minimum twenty (20) foot wide passable surface, which meets the standards established and set forth by the county engineer. The subdivision documents shall include a conspicuous statement stating that

improvements to the roadway without the approval of the county engineer are prohibited.

(3) Sidewalks. Private road subdivisions shall be exempt from the sidewalk requirements of Sec. 26-179 of this chapter.

(4) Size of lots. Any and all lots created in a private road subdivision shall conform to the RU zoning district's requirements.

(5) Number of lots. An owner of land may subdivide a tract of land pursuant to this section provided that no more than seven (7) lots result from the subdivision.

(6) Number of dwelling units. Only one (1) dwelling unit shall be permitted on each lot.

(7) E-911 requirements. The road, and each lot, shall conform to the county's E-911 system addressing and posting requirements.

(d) Legal documents required. An applicant for a private road subdivision shall submit:

(1) The necessary legal documents that:

a. Clearly provide permanent access to each lot.

b. State that the county shall not be responsible for either construction or routine (i.e. recurring) maintenance of the private road.

c. Clearly state that the parcels created by this process shall not be divided again, except in full compliance with all regulations in effect at the time.

(5) A "Hold Harmless Agreement" as to Richland County.

All legal documents shall be provided in a form acceptable to the county legal department.

Secs. 26-226 – 26-250. Reserved.

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 effective from and after _____, 2011.

RICHLAND COUNTY COUNCIL

BY: _____
Paul Livingston, Chair

Attest this the _____ day of
_____, 2011

Michelle M. Onley
Assistant Clerk of Council

RICHLAND COUNTY ATTORNEY'S OFFICE

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

Public Hearing: July 26, 2011 (tentative)
First Reading: July 26, 2011 (tentative)
Second Reading:
Third Reading:

PROCEDURES FOR SENDING REZONING MATTERS ‘BACK’ TO THE PLANNING COMMISSION

PLANNING COMMISSION	PLANNING COMMISSION RECOMMENDATION	COUNTY COUNCIL ACTION AT THE ZONING PUBLIC HEARING	Goes back to PC and is reviewed	Goes back to PC and starts over	Does not go back to PC
Zoning District X to Zoning District Y	APPROVE	APPROVE			X
Zoning District X to Zoning District Y	DENY	APPROVE			X
Zoning District X to Zoning District Y	APPROVE	DENY			X
Zoning District X to Zoning District Y	DENY	DENY			X
Zoning District X to Zoning District Y	APPROVE	Zoning District X to Zoning District Z		X	
Zoning District X to Zoning District Y	DENY	Zoning District X to Zoning District Z		X	
Zoning District X to PDD	APPROVE	Zoning District X to PDD with less restrictions	X		
Zoning District X to PDD	APPROVE	Zoning District X to PDD with more restrictions			X
Zoning District X to PDD	DENY	Zoning District X to PDD with less restrictions	X		
Zoning District X to PDD	DENY	Zoning District X to PDD with more restrictions			X

