



RICHLAND COUNTY COUNCIL

DEVELOPMENT AND SERVICES COMMITTEE

Bernice G. Scott	Kit Smith	Norman Jackson, Chair	Damon Jeter	Bill Malinowski
District 10	District 5	District 11	District 3	District 1

JUNE 24, 2008

5:00 PM

**2020 Hampton Street
Council Chambers**

CALL TO ORDER

APPROVAL OF MINUTES

1. Regular Session: May 27, 2008

ADOPTION OF AGENDA

ITEMS FOR ACTION

2. Request to close a road/easement located to the east and south of Covenant Road
3. Request to negotiate and award a professional services contract to the most responsive bidder for the removal and replacement of all HVAC controls and operating system for the Richland County Administration and Health Department Buildings
4. Amendment of ordinances to support Richland County's National Pollution Discharge Elimination System (NPDES) Permit requirements
 - a. Chapter 12 - Garbage, Trash & Refuse Ordinance
 - b. Chapter 26 - Land Development Ordinance

ITEMS FOR DISCUSSION / INFORMATION

5. Discussion of modifications to Hobart Road
6. Discussion of a request to install a turn lane on Longtown Road for the Holly Ridge subdivision
7. Discussion of location requirements for community residential care facilities
8. Request to limit the number of daycares and nurseries in residential neighborhoods
9. Request to create a Community Development Corporation.
10. Report from the Citizens' Committee for Animal Issues regarding amendments to the county's vicious dog ordinance
11. Request to impose fees and licensing requirements for sites with waste storage [*Eligible for Executive Session*]

ADJOURNMENT



Richland County Council Request of Action

Subject

Regular Session: May 27, 2008

Purpose

The committee is requested to approve the minutes from the May 27, 2008 D&S Committee meeting.

Background / Discussion

N/A

Financial Impact

N/A

Alternatives

1. Approve the minutes as submitted.
2. Approve the minutes with amendments.
3. Do not approve the minutes.
- 4.
- 5.

Recommendation

It is recommended that the committee approve the minutes.

Recommended By: Joe Cronin
Department: Administration

Date: 05-20-2008

Reviews

**Richland County Council
Development and Services Committee
May 27, 2008
5:00 PM**



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: Norman Jackson
Member: Bill Malinowski
Member: Bernice G. Scott
Member: Kit Smith

Absent: Damon Jeter

Others Present: Joseph McEachern, Milton Pope, Tony McDonald, Roxanne Matthews, Joe Cronin, Larry Smith, Brad Farrar, Stephany Snowden, Teresa Smith, John Hixon, Andy Metts, Sandra Hayes, Latausha Hopper, Daniel Driggers, Jim Wilson, Monique Walters, Michelle Onley

CALL TO ORDER

The meeting was called to order at approximately 5:00 p.m.

Mr. Malinowski moved, seconded by Ms. Scott, to recess at 5:01 p.m. The vote in favor was unanimous.

Mr. Malinowski moved, seconded by Ms. Scott, to reconvene at 5:25 p.m. The vote in favor was unanimous.

APPROVAL OF MINUTES

April 22, 2008 (Regular Session) – Mr. Malinowski moved, seconded by Ms. Scott, to reconsider his vote, for the record, on the smoking ban ordinance. The vote in favor was unanimous.

Richland County Council
Development and Services Committee
May 27, 2008
Page Two

ADOPTION OF AGENDA

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

ITEMS FOR ACTION

Request to approve an extension of the American Engineering Construction Management Contract, the Power Engineering Resident Contract Representative Contract, and the Power Engineering Consultant Services Contract for the purpose of completing the Broad River Waste Treatment Plant construction project – Mr. Malinowski moved, seconded by Ms. Scott, to forward this item to Council without a recommendation. A discussion took place.

The vote in favor was unanimous.

Request to approve a changer order in the amount of approximately \$290,000.00 with Crowder Construction Company for the purpose of constructing an additional influent force main line at the Broad River Waste Water Treatment Plant – Ms. Scott moved, seconded by Mr. Malinowski, to forward this item to Council without a recommendation. A discussion took place.

The vote in favor was unanimous.

An Ordinance Amending the Richland County Code of Ordinances, Chapter 6, Building and Building Regulations; Article III, Building Code, Section 6-82; Article IV, Electrical Code, Sections 6-96 and 6-97; Article V, Fire Prevention Code; Article VI, Gas Code; Article VII, Mechanical Code; Article VIII, Plumbing Code, Sections 6-153 and 6-154; Article IX, Swimming Pool Code, Sections 6-168 and 6-169; Article X, Property Maintenance, Section 6-182; so as to adopt the 2005 edition of the National Electrical Code and 2006 editions of the International Residential Code, International Building Code, International Fire Code, International Mechanical Code, International Plumbing Code, and International Property Maintenance Code – Ms. Scott moved, seconded by Mr. Malinowski, to forward this item to Council with a recommendation for approval. A discussion took place.

The vote in favor was unanimous.

Request to approve the awarding of a contract to Center for Watershed Protection in the amount of \$248,532.85 the purpose of developing the Crane Creek Watershed Management Plan – Mr. Malinowski moved, seconded by Ms. Scott, to forward this item to Council with a recommendation for approval. The vote in favor was unanimous.

Ordinance authorizing the transfer of deed to the City of Columbia for Jim Hamilton Boulevard – Ms. Smith moved, seconded by Ms. Scott, to forward this item to Council without a recommendation. The vote was in favor.

Richland County Council
Development and Services Committee
May 27, 2008
Page Three

Request to approve the awarding of a construction contract to First Class Construction, LLC, for Phase I of the Judicial Center Courtyard Repairs project in the amount of \$171,600.00 – Ms. Scott moved, seconded by Mr. Malinowski, to forward this item to Council with a recommendation for approval. The vote in favor was unanimous.

Request to approve the purchase of a replacement tri-axle dump truck for the Roads and Drainage Division of the Department of Public Works for an amount not to exceed \$125,000.00 – Mr. Malinowski moved, seconded by Ms. Scott, to forward this item to Council with a recommendation for approval. The vote in favor was unanimous.

ITEMS FOR DISCUSSION/INFORMATION

Overview of licensing and location requirements for community residential care facilities
– Mr. Shelton Elliott from DHEC gave Council an overview of the requirements for licensing for community care facilities.

Report from the Citizens' Committee for Animal issues regarding amendments to the county's vicious dog ordinance – This item was held in committee.

Discussion of modifications to Hobart Road – This item was held in committee.

Discussion of turn lane installation on Holly Ridge Road – This item was held in committee.

ADJOURNMENT

The meeting adjourned at approximately 5:59.

Submitted by,

Norman Jackson, Chair

The minutes were transcribed by Michelle M. Onley

Richland County Council Request of Action

Subject

Request to close a road/easement located to the east and south of Covenant Road

Purpose

County Council is requested to consider a petition filed with the circuit court to close a road/County easement which is 20 ft. in width and located to the east and south of Covenant Road.

Background / Discussion

Petitioners filed with the circuit court to close a road/County easement which is 20 ft. in width and located to the east and south of Covenant Road. According to the petition, the County obtained an easement over the subject strip of land/roadway in 1950 in anticipation of subdivision and development of the area. A public roadway was to be constructed by the County on the easement area to service the developed area. Petitioners assert that the roadway was never constructed and the County has never maintained the easement/roadway.

Additionally, attorney for Petitioners has included in his packet of information documents regarding a landlocked parcel located near the subject easement/roadway. After having reviewed the documents, it is the opinion of the Legal Department that the parcel of land was landlocked prior to the owner's purchase and the property does not abut the subject easement/roadway; thus, the closing of the easement/roadway would not affect the landlocked parcel.

Petitioners request that the court close the roadway and vest title with the Petitioners. A copy of the petition is attached for your convenience.

The Legal Department now needs Council's guidance in answering this lawsuit.

Financial Impact

There is no known financial impact associated with this request.

Alternatives

1. Approve petitioner's request to close the subject road and direct Legal to answer the suit accordingly.
2. Deny petitioner's request to close the road, state reasons for such denial, and direct Legal to answer the suit accordingly.
- 3.
- 4.
- 5.

Recommendation

This request is left to council's discretion.

Recommended By:

Elizabeth A. McLean

Department:

Legal

Date:

05-06-2008

Reviews

Planning

Reviewed by: Joe Kocy

Date: 5/19/2008

Recommend:No

Cover Memo

Comments Regarding Recommendation:

Item # 2

Roadway easements may prove beneficial to a growing county, therefore I recommend retaining this

easement.

Public Works

Reviewed by: Howard Boyd

Date: 6/13/2008

Recommend:Yes

Comments Regarding Recommendation:

This closure will eliminate, and therefore clarify, a possible questionable R/W and therefore benefit the County.

Emergency Services

Reviewed by: Michael Byrd

Date: 5/19/2008

Recommend:Yes

Comments Regarding Recommendation:

Closing should have no impact to Emergency Services.

Finance

Reviewed by: Daniel Driggers

Date: 5/19/2008

Recommend:No recommendation

Comments Regarding Recommendation:

No recommendation. Left to Council discretion.

Legal

Reviewed by: Elizabeth McLean

Date: 5/19/2008

Recommend:No recommendation

Comments Regarding Recommendation:

Council's discretion.

Administration

Reviewed by: Tony McDonald

Date: 6/16/2008

Recommend:Yes

Comments Regarding Recommendation:

Recommend approval based on the assurance from the County Engineer that there are no future plans for use of this property as a roadway.

ORMAND, ASHLEY & GIBBONS, P.A.
ATTORNEYS AND COUNSELORS AT LAW
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Columbia, South Carolina 29223

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Sender's Facsimile: (803) 419-8986

April 14, 2008

Mr. Milton Pope
Administrator of Richland County
P.O. Box 192
Columbia, SC 29202

RECEIVED
APR 16 2008

RE: Celia Elkin, et al
vs.
The County of Richland, et al
Case No. 2008-CP40-02588

Sgc

Dear Mr. Pope:

Please be advised that our firm represents the plaintiffs in the above-referenced matter, which is an action seeking to close a roadway and quiet-title. Enclosed are file-stamped copies of the following documents, which are hereby served upon you as Administrator of Richland County:

1. Notice of Intention To File Petition for Closure of Road;
2. Lis Pendens;
3. Summons, Notice of Motion and Motion for Order of Reference, and Complaint;
4. Affidavit for Order of Publication of Summons and for Appointment of a Guardian ad Litem;
5. Petition for Appointment of Guardian ad Litem Nisi;
6. Order Appointing Guardian Ad Litem;
7. Petition for Publication; and
8. Order for Publication.

Further, for your reference, I have also enclosed herewith copies of the following:

- (a) Tax Map Sheet #14007;
- (b) Tax Map Sheet #14011;
- (c) Easement and Right of Way recorded in Deed Book 61, at page 594;
- (d) Plat recorded in Plat Book P, at page 58;

Mr. Milton Pope
April 14, 2008
Page 2

- (e) Plat recorded in Plat Book 2, at page 180;
- (f) Deed (Tax Title) recorded in Deed Book D-317, at page 588;
- (g) Deed of Distribution recorded in Record Book 972, at page 3185; and,
- (h) Quitclaim Deed recorded in Record Book 1323, at page 3805.

Items “f”, “g” and “h”, which I will collectively refer to as the “McDaniel deeds”, reflect ownership of the piece of land designated as TMS #: 14011-01-67. The only reason I have included these documents is because, during a preliminary conversation with Howard Boyd, he mentioned that access to this particular property may pose a possible concern on the County’s part, and I want to address this matter up front.

It appears that this small area of land became isolated during development of surrounding properties. The enclosed Tax Title indicates that this lot is “the same premises carried on the Tax Roll as Unknown Property”.

C.O. Hughes acquired this parcel from the County at a tax sale on April 2, 1973, for \$50.18. There does not appear to be a defaulting taxpayer. Upon the death of Mr. Hughes in 2003, title to this land passed to Marie Ethel Hughes, and she sold the property by Quitclaim Deed to Ted W. McDaniel in June of 2007, for \$100.00.

Since this land does not abutt the roadway in question, the owner has no standing in our lawsuit. Further, I can see no legal basis whatsoever for any obligation on the part of Richland County to provide access to this particular parcel.

Further, this small piece of land appears unusable and of little or no value, and it was purchased, originally by C.O. Hughes and more recently by Ted W. McDaniel, with the knowledge that it is land-locked.

For these reasons we decided against involving Mr. McDaniel in this action, and I would hope the County agrees that this is not an issue in our request for judicial closure of the roadway in question.

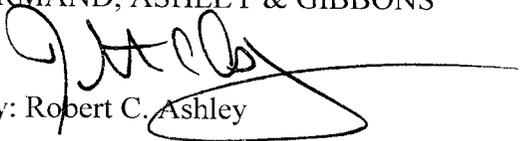
By copy of this letter, with enclosures, I am providing Larry Smith, attorney for Richland County, and Howard Boyd of the Department of Public Works, with a notice of the filing of this action.

Mr. Milton Pope
April 14, 2008
Page 3

With kind regards, I am,

Sincerely,

ORMAND, ASHLEY & GIBBONS


By: Robert C. Ashley

RCA/csa

cc w/enc.:

Celia T. Elkin
John V. Green
Beth Bernstein, Esq.
Steven B. Elliott, Esq.
Frank Barron
Larry C. Smith, Esq.
Howard Boyd

STATE OF SOUTH CAROLINA)
)
COUNTY OF RICHLAND)
)
Celia T. Elkin, John V. Green,)
and BDJ Emerald Development-)
Covenant, LLC,)
)
Plaintiffs,)

vs.)

The County of Richland,)
successor in interest to the)
Supervisor and County Board)
Commissioners of Richland)
County; a body politic,)
Summer Place of Forest Acres)
Homeowners Association, Richard)
C. Norwood, Cynthia S. Norwood;)
Ben M. Wilson, III;)
Chappell S. Wilson; Herman C.)
Salzberg; and all other Persons or)
Entities Unknown Claiming Any)
Right, Title, Interest, Estate in or)
Lien upon the real estate described)
herein, specifically including, but)
not limited to, any and all heirs of)
Jennie Blizzard, a/k/a Janie Drawdy)
Blizzard, a/k/a Jinnie Blizzard,)
a/k/a Janie Drawdy Brazell, any and)
all heirs of Dennis G. Brazell, any)
and all heirs of Lester Blizzard, and)
any and all heirs of Thelma Blizzard)
Sanders, all being A Class)
Designated as "John Doe", and also)
Any Unknown Infants or Persons)
under disability, Being a Class)
Designated as Richard Roe.)
)
Defendants.)

IN THE COURT OF COMMON PLEAS

COMPLAINT
(Closure of Roadway and Quiet Title)
(Non-Jury)

FILED
2008 APR 10 PM 2:02
BARBARA A. SCOTT
C.C.C. & G.S.

The Plaintiff would respectfully show unto the Court as follows:

1. Celia T. Elkin is a citizen and resident of the County of Lexington, State of South Carolina;

2. John V. Green is a citizen and resident of the County of Richland, State of South Carolina.

3. BDJ Emerald Development-Covenant, LLC (hereinafter referred to as "BDJ") is a limited liability company duly organized and existing under the laws of the State of South Carolina. Further, BDJ has entered into contracts with Elkin and with Green whereby BDJ intends to purchase certain real properties from each said co-plaintiff consisting, in part, of the land described hereinbelow respectively, as the Elkin Lots and the Green Lot, said properties both being located in the County of Richland.

4. The County of Richland is a political entity organized and existing under the laws of the State of South Carolina, and it is the successor in interest to the Supervisor and County Board of Commissioners of Richland County.

5. Upon information and belief, Jennie Drawdy Blizzard, also known as Jinnie Blizzard, also known as Janie Drawdy Blizzard, also known as Jennie B. Brazell, is deceased, and no estate was ever probated for her in Richland County. However, prior to her death, Jennie Drawdy Blizzard owned the property which is the subject of this action.

6. Upon information and belief, Dennis G. Brazell was the surviving spouse of Jennie Blizzard Brazell, and he, along with four children, Haskell Blizzard, Robert Blizzard, Lester Blizzard and Thelma Blizzard Sanders were the sole surviving heirs at law of Jennie Blizzard Brazell (there being no children born of the marriage of Jennie Blizzard Brazell and Dennis G. Brazell). Further,

upon information and belief, Dennis G. Brazell, Robert Blizzard, Lester Blizzard and Thelma Blizzard Sanders are all deceased, and their heirs at law, if any, are included in the “John Doe” class of defendants in order to address any right, title, claim or interest any such heirs may have to the properties which are the subject of this action.

7. Upon information and belief, the Summer Place of Forest Acres Homeowners Association, Inc. is a non-profit corporation duly organized and existing under the laws of the State of South Carolina, which exists primarily to hold legal title to, and to provide for the maintenance and upkeep of, the common areas, consisting of land, a privacy fence and any and all other amenities located within Summer Place Subdivision, in the City of Columbia, County of Richland, State of South Carolina.

8. The Plaintiffs are informed and believe that Jennie Blizzard, a/k/a Jinnie Blizzard, a/k/a Janie Drawdy Blizzard, a/k/a Janie Drawdy Brazell (hereinafter referred to as “Jennie Blizzard”), owned a tract of land located in the County of Richland, State of South Carolina, which she acquired from her first husband, J.W. Blizzard, by deed dated and recorded February 24, 1951 in Deed Book D.Y. at page 142 consisting of 21.50 acres, more or less, lying on the Southeastern side of Alm’s House Road (now known as Covenant Road). Said tract encompassed the land shown on that Plat of 20.25 acres surveyed for Mrs. Jennie Blizzard by Jas. C. Covington, C.E. dated March 8, 1946, last revised December 22, 1953, recorded in the Office of the Registrar of Deeds for Richland County in Plat Book P at page 58, (hereinafter referred to as First Covington Plat”), and which is, in part, comprised by the residential subdivision now known as Summer Place; Lots 1, 2, 3 and an undesignated or unnumbered lot, triangular in shape, lying on the Northern side of Lot 3

owned by Celia T. Elkin, a Co-Plaintiff herein, and hereinafter referred to as the "Elkin Lots"), a one and 05/100 (1.05) acre parcel of land shown as Lot No. 1 on that Plat of 3.60 acres surveyed for Mrs. Jinnie Blizzard by Jas. C. Covington, C.E., dated February 6, 1951, last revised September 26, 1951, recorded in the Office of the Register of Deeds for Richland County in October 5, 1951, in Plat Book 2, at Page 180 (hereinafter referred to as "Second Covington Plat"), now owned by one Co-Plaintiff, John V. Green, (hereinafter referred to as the "Green Lot"); and the above-described roadway.

9. By deed dated and recorded February 24, 1951, in Deed Book 69, at page 142, Janie Drawdy blizzard conveyed a parcel of land containing 2.0 acres to Mazzie R. Nichols.. Said 2.0 acre tract being a portion of the above-referenced 21.50 acres of land acquired by Janie Drawdy Blizzard in 1935, and said 2.0 acre that being shown as Lot No. 1 on the said Second Covington Plat (Book 2, Page 180). Further as a result of certain subsequent conveyances, a 1.05 acre portion of this said 2.0 acre lot was acquired by John V. Green (See deed from C.T. Sanders, Jr. dated November 21, 1977, recorded December 18, 1977, in Deed Book D-445, at page 792).

10. By deed dated and recorded March 24, 1954, in Deed Book 130, at page 302, Janie Drawdy Blizzard conveyed the above referenced Elkin Lots (as shown on the First Covington Plat: Book P, Page 58) to Jule B. Elkin. This property was inherited by Celia T. Elkin upon the death of Jule B. Elkin, a/k/a Jule Bunyan Elkin, as evidenced by that Corrective Deed of Distribution dated March 14, 2005, recorded on March 15, 2005, in record Book 1032, at page 2040.

11. Upon information and belief, a 5.09 acre portion of the above-referenced 21.50 acre tract of land was conveyed by Jennie Blizzard to her son, Robert Blizzard, specifically including the land that now comprises the subdivision known as Summer Place, by deed dated December 1, 1960, and recorded in Deed Book 288, at page 586. Further, by deed dated November 16, 1984, recorded

November 19, 1984 in Deed Book D-718, at page 664, Robert Blizzard conveyed this property to Sun Devil, Inc. the developer of Summer Place.

12. By that deed dated November 5, 1992, recorded on November 18, 1992, in Deed Book D-1115, at page 918, and by that deed dated May 13, 1996, recorded on May 14, 1996, in Deed Book D-1316 at page 397, Sun Devil, Inc. conveyed to Summer Place of Forest Acres Homeowners Association the common areas within Summer Place of Forest Acres Homeowners Association, specifically including a strip of land around the perimeter of the subdivision which borders the above-referenced 1.05 acres lot owned by John V. Green and which borders the strip of land designated as the roadway (County Easement) on the said First Covington Plat: Book P, page 58, which separates Summer Place from the said Elkin Lots.

13. Jennie Blizzard granted and conveyed unto the Supervisor and County Board of Commissioners of Richland County an Easement and Right of Way dated July 21, 1950, recorded in the Office of the Register of Deeds for Richland County on September 30, 1950, in Deed Book 61, at page 594, (hereinafter referred to as the "County Easement"). This easement consisted of the strip of land twenty (20.0) feet in width delineated on the said first Covington plat (Plat Book P, at page 58).

14. Upon information and belief, there no longer exists a person, firm, entity, department, board or agency known as the Supervisor of the County Board of Commissioners of Richland County, but Richland County, as a body politic, is the successor in interest to the Board of Commissioners and currently holds the legal rights conveyed by said County Easement.

15. The Plaintiffs are informed and believe the said County Easement was granted in anticipation of the subdivision and development of the above-described 21.50 acre tract of land, with

the understanding that the said road would be a public thoroughfare for the future owners of land within the developed tract, with a street to be constructed and maintained by Richland County. However, no public roadway was ever constructed and no maintenance has ever been provided by Richland County.

16. The Plaintiffs Elkin and Green hereby claim that they hold, in varying degrees, all of the legal and equitable right, title and interest in and to that certain strip of land located near the City of Columbia, County of Richland, State of South Carolina, heretofore designated as a roadway and more particularly described as follows:

(Roadway)

All that certain parcel, piece or strip of land being twenty (20.0) feet in width, lying on the East and South sides of Covenant Road (S-259, formerly known as Alm's House Road, in the City of Columbia, County of Richland, State of South Carolina, more particularly shown on that plat of 20.25 acres surveyed for Jinnie Blizzard by Jas. C. Covington, C. E., dated March 8, 1946, revised as to right of way April 3, 1950, shown and delineated thereon as the roadway bounded on the Northwest by Alm's House Road; on the West by Lots 1, 2, 3 and an undesignated lot, triangular in shape, lying on the Northern side of Lot 3; on the South by land now or formerly of Chalmers; and on the East by Tract "B"; said plat being recorded in the Office of the Register of Deeds for Richland County in Plat Book P, at page 58.

And, all that parcel, piece or strip of land, being triangular in shape extending from the strip of land described above in an easterly direction, and being more particularly shown and designated as "Road" on that plat of 3.6 acres surveyed for Jinnie Blizzard by Jas. C. Covington, C. E., dated February 6, 1951, revised September 26, 1951, recorded in the Office of the Register of Deeds for Richland County in Plat Book 2, at page 180.

17. The Defendant Summer Place of Forest Acres Homeowners Association, Inc. may have some claim, right, title or interest in and to the roadway; however, said Association has in place a privacy fence that serves as a physical boundary between Summer Place subdivision and the roadway, as well as the property owned by Green. Upon information and belief, said Association

has agreed to enter into an agreement with the Plaintiffs herein waiving any right, title, interest or claim to the roadway and setting forth a revised boundary between its land and the land owned by Celia Elkin.

18. Upon information and belief, Richard C. Norwood and Cynthia S. Norwood are the owners of 4035 Springhill Road, Ben M. Wilson, III and Chappell S. Wilson and the owners of 4031 Springhill Road, and Herman C. Salzburg is the owner of 4039 Springhill Road, all in Columbia, South Carolina, and all three properties abutt the strip of land consisting of the section of the roadway in question which bounds the Southern side of Green's property. Further, the Plaintiffs are informed and believe that this particular section of the roadway has never been utilized by anyone, it has never been opened or graded as a roadway, it abuts the back yards of these particular Defendants, and none of these said Defendants would be impacted by the closure of the roadway in question.

FOR A FIRST CAUSE OF ACTION
(Closure of Roadway)

19. Each and every allegation set forth in Paragraphs One (1) through Eighteen (18) of the Complaint is hereby reiterated as if set forth hereinbelow verbatim.

20. The Plaintiffs are informed and believe that the roadway described hereinabove has never been utilized as a public street; that Richland County has never exercised any of the rights to this strip of land obtained pursuant to the above-referenced County Easement nor has the County ever provided any upkeep or maintenance to the roadway; and that neither any of the parties herein nor any member of the public in general has any need to utilize this land in question as a street.

21. The Plaintiffs are informed and believe that the interest of all concerned would best

be served by this Court issuing its Order closing the roadway in question, terminating the said County Easement, and releasing Richland County from any and all obligation to construct or maintain a roadway on the strip of land in question, and forever barring its future use by the general public as a thoroughfare.

FOR A SECOND CAUSE OF ACTION
(Quiet Title of Roadway)

22. Each and every allegation set forth in Paragraphs One (1) through Twenty-One (21) of the Complaint is hereby reiterated as if set forth hereinbelow verbatim.

23. The Plaintiff's Elkin and Green are informed and believe that they, and their predecessors in title, are the only parties who have ever utilized the land which constitutes the roadway, and they have exercised uninterrupted use, dominion and control of the property. Further, these plaintiffs are informed and believe that pursuant to the doctrines of South Carolina boundary law, by virtue of adverse possession, and/or by virtue of color of title, they jointly own, in fee simple, title to the said roadway property.

24. The Plaintiff's Elkin and Green are informed and believe that they are entitled to an Order of this Court declaring the two of them as the lawful owners, in fee simple absolute of the said roadway property as tenants in common, and further, that they have the requisite ability to grant, sell, transfer, assign and convey good and marketable title, in fee simple absolute, to the Co-Plaintiff BDJ Emerald Development-Covenant, LLC.

FOR A THIRD CAUSE OF ACTION
(Quiet Title)

25. Each and every allegation set forth in Paragraphs One (1) through Twenty-Four (24)

of the Complaint is hereby reiterated as if set forth hereinbelow verbatim.

26. According to the above-referenced deeds in the John V. Green and the Summer Place of Forest Acres Homeowners Association chains of title, the Green lot is bounded on the north by the common area of Summer Place subdivision, which is owned by the said Homeowners Association. However, according to that plat prepared for BDJ Emerald Development-Covenant, LLC by Cox and Dinkins, Inc., dated October 10, 2007, revised March 26, 2008, there exists two gaps between the northern boundary of the Green property and the southern boundary of the Summer Place property.

27. John V. Green is informed and believes that he is the lawful owner, in fee simple absolute, of any and all land lying on the southern side of the boundary line of Summer Place of Forest Acres Homeowners Association as it is shown on the said Cox & Dinkins plat and Green is further informed and believes that neither the said Homeowners Association nor any of the known living heirs of Jennie Blizzard maintains any claim to having any right, title or interest in this particular land.

28. The land in question is more particularly described as follows:

All those certain pieces, parcels or strips of land located in the County of Richland, State of South Carolina, lying to the South of Summer Place subdivision, being more particularly shown and designated as Parcel A, containing 1214 square feet, and Parcel B, containing 2174 square feet, on that plat prepared for BDJ Emerald Development-Covenant, LLC by Cox & Dinkins, Inc., dated October 10, 2007, revised March 26, 2008, with reference to said plat for a more complete description thereof.

29. The Plaintiff, John V. Green is informed and believes that he is entitled to have this Court declare that he is the lawful owner, in the fee simple absolute, of the said property designated as Parcels A and B on the above referenced Cox & Dinkins plats.

WHEREFORE, the Plaintiff's pray that the Court inquire into this matter and issue its Order:

(1) Closing the said roadway lying on the eastern side of Covenant road, more fully described hereinabove, and terminating the easement and right of way granted by Janie Drawdy Blizzard to Richland County Supervisor and Board of Commissioners recorded in Deed Book 61, at page 594;

(2) Declaring John V. Green and Celia Elkin to be the lawful owners of the land comprising the said road, as tenants in common, in fee simple absolute;

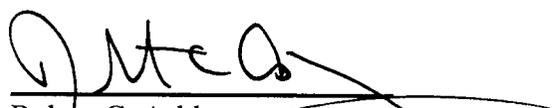
(3) Declaring John V. Green to be the lawful owner of the parcels of land designated as Parcels A and B on the above-referenced Cox and Dinkins plat, in fee simple absolute.

(4) Declaring that BDJ Emerald Development-Covenant, LLC can, by consummating its contracts with Green and Elkin, acquire good and marketable title to the said Roadway property and to Parcels A and B, in fee simple absolute; and,

(5) For such other and further relief as may be just and proper.

Respectfully Submitted,

April 8, 2008


Robert C. Ashley
Ormand, Ashley & Gibbons, P.A.
P.O. Box 8657
Columbia, SC 29201

Road

VOL 61 PAGE 594

C. E. HIRSHANT
C. C. P. & S. S.
RICHLAND COUNTY, S. C.

SEP 30 12 30 PM '50

FILED

THE STATE OF SOUTH CAROLINA
COUNTY OF RICHLAND

EASEMENT AND RIGHT OF WAY DEED

THIS INDENTURE made this the day of July, 1950,

by and between Janis Blizard of the county and state aforesaid, Party of the First Part, and, the Supervisor and County Board of Commissioners of Richland County, of the County and State aforesaid, Parties of the Second Part, WITNESSETH:

That the said Parties hereto, for and in consideration of the sum of one (\$1.00) dollar each to the other paid, the receipt whereof is hereby acknowledged, and in the further consideration of the agreements and conditions hereinafter contained do mutually agree as follows:

That the Party of the First Part does hereby grant, bargain, sell, release and convey to the Parties of the Second Part, his and its successors in office, easements and rights-of-way, Twenty (20) feet in width over and across the lands hereinafter described for the purpose of constructing and maintaining streets or roads thereon, said rights-of-way for the construction of such streets or roads being more particularly described as follows:

all that certain parcel, piece or strip of land Twenty (20) feet wide in width east of Alms Mouse Road in the County of Richland, State of South Carolina being shown on a plat of Janis Blizard's property made by James U. Covington, Civil Engineer, March 8, 1940, and revised as to right-of-way April 3, 1950, including a survey by Buford Jackson, Surveyor, May 26, 1950: said strip of land commencing at a point on the southern side of Alms Mouse Road, ~~Twenty (20)~~ Nine (9) feet North-east from the intersection of Blizard and Alms property on Alms Mouse Road; thence running in a south-west direction to the Eastern boundary line of Lot No. 3 as shown on said plat; thence running in a North-west direction along the Eastern boundary of Lots Nos. 3, 2 and 1 to the property line of Blizard and Chalmers; thence turning and running in a North-east direction along the said property line for One hundred Sixty (160) feet.

It is understood and agreed that the width of the above described rights-of-way may exceed Twenty (20) feet if made necessary by cuts and fills or by drainage ditches.

Together with, all and singular the rights, members hereditaments and appurtenances thereunto belonging, or in anywise incident or appertaining.

TO HAVE AND TO HOLD the said easements and rights-of-way unto the said Parties of the Second Part, his and its successors and assigns, upon the following conditions:

Party of the First Part understands that said streets or roads are located by the Party of the First Part; that the construction and maintenance of said streets or roads will tend to collect surface waters into artificial channels and cast same on the lands adjoining said rights-of-way in concentrated form, through interference with the natural flow of such surface waters; that the Parties of the Second Part do not hold themselves out to perform, nor do they have equipment and material or appropriations of money to purchase equipment and material necessary to adequately pipe and ditch the lands adjoining said rights-of-way (the contemplated road beds) for the purpose of removing the surface waters or to provide means so that the natural flow of water shall not be impounded or interfered with to the damage of adjoining lands; and it is, therefore agreed as one of the material considerations and inducements for constructing and maintaining said streets or roads by the Parties of the Second Part, that the Party of the first part does hereby release the Parties of the Second Part, and his and their successors in office and Richland County, in the State aforesaid, from, and does hereby assume, all risks of loss, damage, destruction or claims, of every kind or description, present or

future, caused to, or suffered by, Party of the First Part, his heirs, assigns or successors in title to property adjoining said rights-of-way resulting from the collection of, or interference with, the natural flow of surface water due to the construction and maintenance, including future construction, maintenance and repair, of said streets or roads creating or resulting in a nuisance or of the taking of property without due process of law.

And the said Party of the First Part for his heirs and assigns does hereby further agree to save and hold harmless the Parties of the Second Part, his and their successors in office, and Richland County, from all such losses, damages, destruction and claims hereinabove specified.

It being understood and agreed by and between the parties hereto that the Party of the First Part shall furnish, at no cost to the Party of the Second Part, all necessary drain pipe to be used in construction of the roads or streets over the rights-of-way hereinabove described and the Party of the Second Part shall furnish at no cost to the Party of the First Part all necessary pipe for opening driveways from said rights-of-way to the adjoining property.

And the Parties of the Second Part, his and their successors in office agree to construct and maintain said streets or roads in a good and reasonably workmanlike manner.

IN WITNESS WHEREOF the Parties hereto have hereunto set their hands and seals the day and year first hereinabove written.

Janis Blizard
PARTY OF THE FIRST PART

SUPERVISOR AND COUNTY BOARD OF COMMISSIONERS OF RICHLAND COUNTY

By *John S. Walker* (SEAL)
Supervisor and Chairman of the Board

Attest: *J. R. ...*

SIGNED, SEALED AND DELIVERED
IN THE PRESENCE OF

D 317 PAGE 588

STATE OF SOUTH CAROLINA
COUNTY OF RICHLAND

TAX TITLE

WHEREAS, Tom Elliott as Treasurer of Richland County did lawfully issue a certain warrant or execution requiring one of the Richland County Deputy Treasurers to levy, by distress and sale, so much of the herein named defaulting taxpayer's estate, real, personal or both, as may be sufficient to raise and collect the sum of \$ 50.18 of which \$ 0.50 is cost and penalty, in order to pay the taxes due on assessments against defaulting taxpayer, Unknown, for the year(s) commencing December 31st, 1972 thru 1971 and:

WHEREAS, by virtue of said warrant or execution, one of the Richland County Deputy Treasurers did, on the 8th day of February, 1973, seize and take exclusive possession of the property which is hereinafter described; and

WHEREAS, at a public sale at the Richland County Courthouse on the 2nd day of April, 1973, during the usual hours of sale, after due advertisement, it did sell the hereinafter described property to the highest bidder, Name C.O. Hughes, address 2005 Cheltenham Lane, Coln., S.C. Code for the sum of \$ 50.00 cash, issued him his receipt for the purchase money with duplicate warrant and endorsement thereon annexed; and

WHEREAS the period of twelve (12) months having expired from the day of said tax sale, and the defaulting taxpayer(s) or other party interested to redeem said property so sold, having not redeemed the same as provided by law;

NOW THEREFORE, the undersigned Richland County Deputy Treasurer, acting by and pursuant to the Laws of the State of South Carolina and in consideration of the premises, and further consideration of the sum of \$ 50.00 cash (receipt whereof is hereby acknowledged) to me in hand paid by the purchaser at said sale have granted, bargained, sold and released, by these presents do grant, bargain, sell and release unto C.O. Hughes T.M.S. 285-1-81

All that certain piece, parcel or lot of land situate, lying and being the rear of 2115 Woodmere Drive in the Town of Forest Acres, County of Richland, State of South Carolina, said lot being a triangle in shape and having the following metes and bounds: on the east by lot of John M. Goodman whereon it measures eighty-seven five-tenths (87.5') feet, more or less; on the west by lot of Sarah H. Talbert whereon it measures eighty-three (83') feet, more or less and on the northwest by lot of Robert Blizzard whereon it measures thirty (30') feet, more or less. This being the same premises carried on the Tax Roll as Unknown Property and sold to the Grantee herein by Richland County in Tax Sale April 2, 1973.

CANCELLED
NOT VALID

D 317 PAGE 588

REC'D
MAY 30 1 33 PM '74
REG. CLERK OF
RICHLAND COUNTY, S.C.
CLARA L. BARTLETT

FILED

Recorded this 30 day of May A.D. 1974
I hereby certify that the within Deed was filed for record in my office at 1:33 P. M. o'clock on the 30 day of May 1974, and was immediately entered upon the proper indexes and duly recorded in Book D 317 page 588

Clara L. Bartlett @
Register of Mesne Conveyance
Richland County, S. C.

D 317 PAGE 589

TOGETHER with all and singular the rights, members, hereditaments and appurtenances to the said premises belonging or in anywise incident or appertaining.

TO HAVE AND TO HOLD, all singular the premises hereby granted, with the appurtenances, unto

C. O. Hughes heirs and assigns forever, according to the form, force and effect of the laws and usages of the State of South Carolina in such cases made and provided.

WITNESS my hand and seal this 23 day of May, A.D. 1974, and in the one hundred and ninety seventh year of the Sovereignty and Independence of the United States of America.

Signed, Sealed and Delivered in the Presence of
Ella S. Gladney Witness
Frank L. Claytor Witness

Phyllis R. Mobley (L.S.)
Deputy Treasurer for Richland County

STATE OF SOUTH CAROLINA
COUNTY OF RICHLAND

PERSONALLY appeared before me, Ella Gladney and made oath that she saw the above named Phyllis R. Mobley as Deputy Treasurer of Richland County sign, seal and as her act and deed, deliver the above Tax Title, and that she, with Frank L. Claytor witnessed the execution thereof.

SWORN to before me this 24 day of May, A.D. 1974.
W. L. MIA (L.S.) Ella S. Gladney Witness
Notary Public for South Carolina
11-13-80
My Commission Expires

This is to certify that I have this _____ day of _____, 19____, delivered exclusive possession and seisin of the property above described to the grantee(s) hereinabove named, by actual delivery of this Tax Title at and upon the premises herein conveyed.

_____ (L.S.)
for Richland County, S. C.

COUNTY OF RICHLAND
STATE OF SOUTH CAROLINA
NOTICE OF SEIZURE OF REAL OR PERSONAL PROPERTY FOR TAXES

WHEREAS, TOM ELLIOTT, TREASURER OF RICHLAND COUNTY, HAS ISSUED TO ME, PHYLLIS R. MOBLEY DEPUTY TREASURER OF RICHLAND COUNTY, TAX EXECUTION(S) AGAINST:

KNOW BY ALL MEN BY THESE PRESENTS, THAT THIS 8th DAY OF February 1974 I OR A DEPUTY OF THIS OFFICE, DULY DEPUTIZED, PURSUANT TO SECTION 65.2568 OF THE CODE OF LAWS OF SOUTH CAROLINA FOR 1962 AS AMENDED, HAVE ENTERED UPON ARMED WITH THE EXECUTION(S), LEVIED UPON, SEIZED AND THEREBY TAKEN EXCLUSIVE POSSESSION OF THE FOLLOWING PROPERTY, TO WIT:

TAX DIST.	LAND ASSESSMENT	NO. BLDGS.	BUILDING ASSESSMENT	TOTAL ASSESSMENT	TAX MAP NO.			ACCOUNT NO.
					SHEET	BLK	LOT	
1B	\$ 20		\$	\$ 20	0285	01	81	000571

LEVIED UPON AS THE PROPERTY OF.

PROPERTY LOCATION AND DESCRIPTION

REAR 2115
WOODMERE DR.
88X30X83

D 317 PAGE 589

Phyllis R. Mobley
DEPUTY TREASURER FOR RICHLAND COUNTY

PERSONALLY APPEARED BEFORE ME, Albert A. Kennedy WHO BEING DULY SWORN, DEPOSES AND SAYS THAT HE HAS THIS 8th DAY OF February, 1974, ENTERED UPON, ARMED WITH THE EXECUTION(S) AGAINST THE DEFAULTING TAXPAYER, HEREIN ABOVE NAMED AND TAKEN EXCLUSIVE POSSESSION OF THE PROPERTY HEREIN DESCRIBED.

SWORN TO BEFORE ME:
Walter ...
NOTARY PUBLIC SOUTH CAROLINA
9-11-80

Albert A. Kennedy
DEPUTY TREASURER AND TAX COLLECTOR FOR RICHLAND COUNTY
Item # 2

STATE OF SOUTH CAROLINA
COUNTY OF RICHLAND

PROBATE COURT

IN THE MATTER OF CUNNINGHAM ODEN HUGHES

CASE NUMBER 2003 ES 40 01456

DEED OF DISTRIBUTION

WHEREAS, the decedent died on the 20 day of October, 2003; and,

WHEREAS, the estate of the decedent is being administered in the Probate Court for Richland County, South Carolina in File # 03 ES 40 01456; and,

WHEREAS, the grantee herein is either a beneficiary or heir at law, as appropriate, of the decedent; and,

WHEREAS, the undersigned Personal Representative is the duly appointed and qualified fiduciary in this matter; and,

NOW, THEREFORE, in accordance with the laws of the State of South Carolina, the Personal Representative has granted bargained, sold and released, and by these Presents does grant, bargain, sell and release to:

Name: Marie Ethel Hughes
Address: 8110 Old Percival Road
Columbia, SC 29223

the following described property:

See Attached Legal Description

" Exhibit A "

Book 00972-3185
2004071568 08/31/2004 13:19:52 61
Fee: \$10.00 County Tax: \$0.00 State Tax: \$0.00

Deed of Distribution



Richland County ROD

Richland County Auditor Paul Brawley 2007

Instrument: 2004071568

Book/Page: R972 : 3186

DateTime: 8/31/2004 1:19:52 PM

Case Number: 2003 ES 40 01456

TOGETHER with all and singular, the Rights, Members, Hereditaments and Appurtenances to the said Premises/Property belonging, or in anywise incident or appertaining.

TO HAVE AND TO HOLD, all and singular, the said Premises/Property unto the said Marie Ethel Hughes,
their heirs and assigns forever.

IN WITNESS WHEREOF, the undersigned, as Personal Representative of the estate of the decedent, has executed this Deed, this 31 day of August, 2004.

SIGNED, SEALED AND DELIVERED
IN THE PRESENCE OF

Estate of: CUNNINGHAM ODEN HUGHES
by Signature: Cunningham O. Hughes, Jr.
Cunningham O. Hughes, Jr.

Witness: Charity Grooms

Witness: Ronald C. Dodson

STATE OF SOUTH CAROLINA)
COUNTY OF RICHLAND) PROBATE

PERSONALLY appeared before me

Chasity Grooms and made oath that
he/she saw the within named Personal Representative(s) sign, seal, and as their act and deed,
deliver the within written Deed, and that he/she with

Ronald C. Dodson witnessed the execution thereof.

SWORN to before me this 31 day of
August, 2004.

Witness Signature:
Charity Grooms

Ronald C. Dodson
Notary Public for South Carolina
My Commission Expires: 7/31/2010

Richland County ROD

Richland County Auditor Paul Brawley 2007

Instrument: 2004071568

Book/Page: R972 : 3187

DateTime: 8/31/2004 1:19:52 PM

EXHIBIT " A "

All that certain piece, parcel or lot of land, with any improvements thereon, situate, lying and being the rear of 2115 Woodmere Drive in the Town of Forest Acres, County of Richland, State of South Carolina, said lot being a triangle in shape and having the following metes and bounds: On the East by lot of John M. Goodman and measuring thereon eighty-seven and five-tenths (87.5') feet, more or less; on the West by lot of Sarah H. Talbert whereon it measures eighty-three (83') feet, more or less; and on the Northwest by lot of Robert Blizzard whereon it measures thirty (30') feet, more or less.

TMS 14011-01-67

Derivation: Deed Book D-317 at page 588.

Richland County ROD

Richland County Auditor Paul Brawley 2007

QUITCLAIM DEED

THIS QUITCLAIM DEED, Executed this 1st day of June, 2007, by first party, Marie E. Hughes, whose post office address is 5100 Percival Road, Elgin, South Carolina, to second party, Ted W. McDaniel, whose post office address is 108 Weir Road, Columbia, South Carolina.29223

WITNESSETH, That the said first party, for good consideration and for the sum of \$100.00 (One hundred dollars no/100) paid by the second party, the receipt whereof is hereby acknowledged, does hereby remise, release, and quitclaim unto the said second party forever, all the right, title, interest and claim which the said first party has in and to the following described parcels of land, and improvements and appurtenances thereto in the County of **Richland**, State of **South Carolina** to wit:

See Attached Legal Description " Exhibit A "
Tax map #14011-01-67
Property - RR 2115 Woodmere Drive
Land 88x30x83
Tax Notice Number R-2006-078148
Heyward Heights - Forest Acres

IN WITNESS WHEREOF, The said first party has signed and sealed these presents the day and year first above written.

Signed, sealed and delivered in the presence of:

Joseph R. Morgan
Witness

Marie Hughes
First Party

Kenneth Keeling
Witness

[Signature]
Second Party

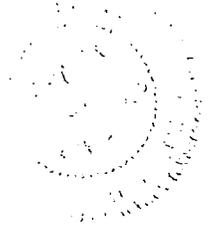
State of **South Carolina**
County of **Richland**

On June 1, 2007, before me, **Joseph R. Morgan**, personally appeared **Marie E. Hughes & Ted W. McDaniel**, personally known to me (or name (s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity (ies), or the entity upon behalf of which the person (s) acted, executed the instrument. WITNESS my hand and official seal.

Signature: Joseph R. Morgan

My Commission Expires July 17, 2012

Book 1323-3805
2007052526 06/12/2007 12:54:31:283
Fee: \$10.00 County Tax: \$0.00 State Tax: \$0.00



Richland County ROD

Richland County Auditor Paul Brawley 2007

Instrument: 2007052526

Book/Page: R1323 3806

DateTime: 6/12/2007 12:54:31 PM

Print Job: 96916

Page 12 of 12

Instrument: 2004071568

Book/Page: R972 3187

DateTime: 8/31/2004 1:19:52 PM

EXHIBIT " A "

All that certain piece, parcel or lot of land, with any improvements thereon, situate, lying and being the rear of 2115 Woodmere Drive in the Town of Forest Acres, County of Richland, State of South Carolina, said lot being a triangle in shape and having the following metes and bounds: On the East by lot of John M. Goodman and measuring thereon eighty-seven and five-tenths (87.5') feet, more or less; on the West by lot of Sarah H. Talbert whereon it measures eighty-three (83') feet, more or less; and on the Northwest by lot of Robert Blizzard whereon it measures thirty (30') feet, more or less.

TMS 14011-01-67

Derivation: Deed Book D-317 at page 588.

Richland County ROD

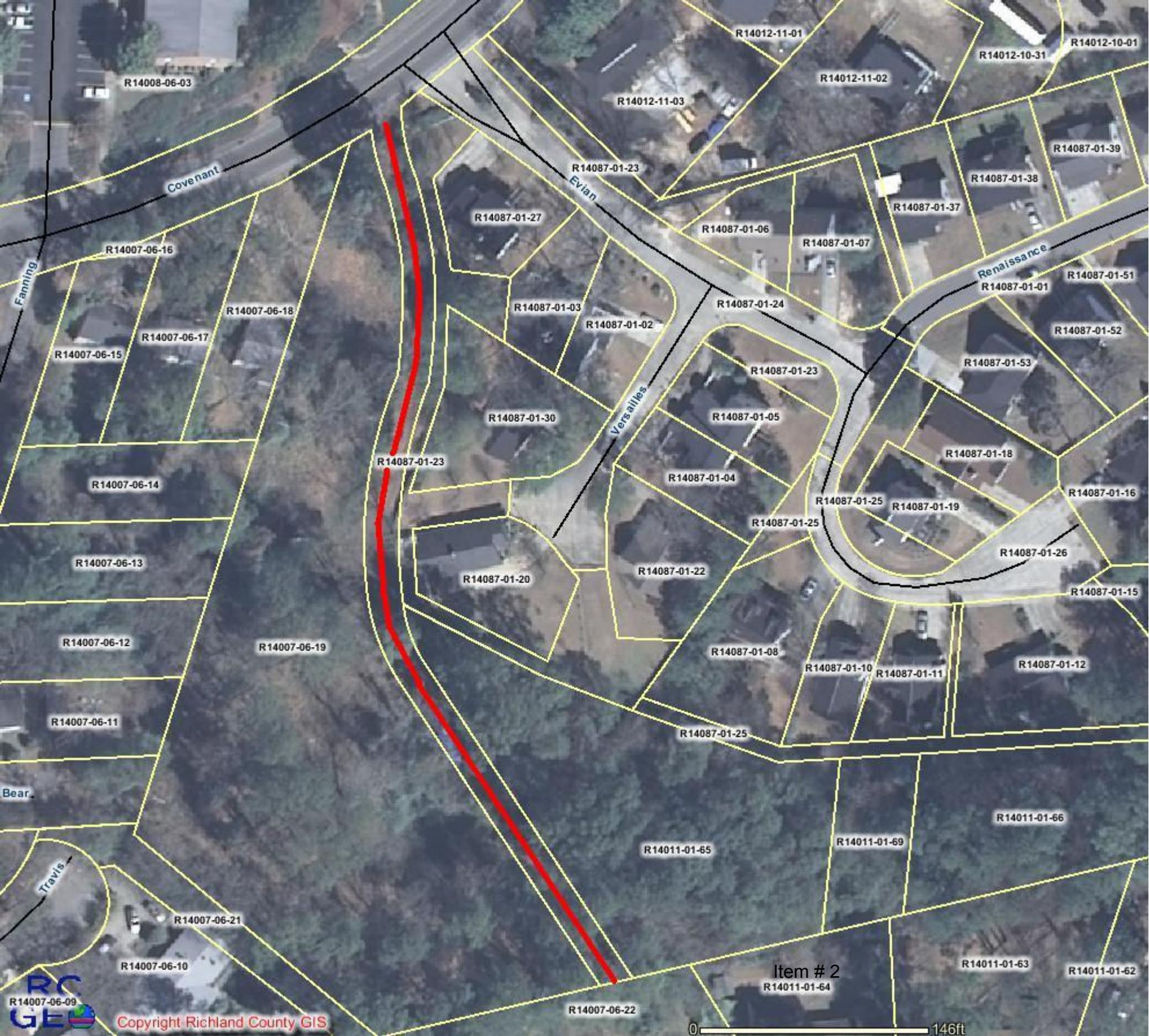
Richland County ROD

John G. Norris

Richland County Auditor Paul Brawley 2007

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Fanning

Covenant

Evian

Versailles

Renaissance

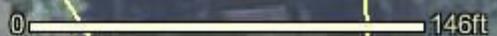
Bear

Travis



Copyright Richland County GIS

Item # 2
R14011-01-64



Richland County Council Request of Action

Subject

Request to negotiate and award a professional services contract to the most responsive bidder for the removal and replacement of all HVAC controls and operating system for the Richland County Administration and Health Department Buildings

Purpose

The purpose of this request is to seek County Council's approval to enter into a professional services contract with the most responsive proposal responder for the replacement of the heating, ventilation, and air conditioning (HVAC) controls in the Richland County Administration and Health Department buildings.

Background / Discussion

The HVAC equipment for the administrative complex has been budgeted for replacement. This project will include the replacement of all equipment controls to include over 400 variable air volume (VAV) units, chiller and cooling tower systems as well as the computer controlled central control system. The new control system will be intranet accessible as is installed in our new construction projects at this time. This allows troubleshooting and control of the operating system from facilities remote PC systems. This system will also be the central hub for all the new remote access systems being installed during construction today. The County IT Department is in the selection and implementation process to insure compatibility and security within the County IT system.

A detailed scope has been prepared and submitted for the HVAC control replacement project. This scope was advertised in a Request for Proposal that is currently under evaluation by a selected team. The responders to the proposal request were:

- Harris Integrated Solutions
- Johnson Controls
- I-Sys Corporation
- Hoffman & Hoffman
- Control Management

The purpose of this funded project is to remove and replace all antiquated HVAC controls for the Administration and Health Complex. The existing controls are no longer supported by the manufacturer and with each component failure increased maintenance funds are expended to find and or repair these parts. Some components have taken over a month to locate and this creates negative effects on environmental control and power efficiency. Failure to replace the existing controls will one day result in a failure in part or all of the environmental control systems that will not be repairable without complete system replacement. The selected system will not be proprietary to any one company allowing competitive maintenance service agreements.

Financial Impact

There is currently \$384,138 that has been approved through the budget process for this project and it is anticipated that the project will not exceed this allocated funding level based on preliminary component and labor cost evaluations.

Alternatives

1. Grant permission for the Procurement Director with input from Facilities management to negotiate and award a professional services contract to the most responsive vendor selected by the evaluation team to remove and replace all HVAC controls and operating system for this complex with a reliable and supported system.
2. Do not grant permission to negotiate and award a contract and continue to operate with the existing system, as can best be maintained by the facilities department.

3. Cover Memo
- 4.
5. Item # 3

Recommendation

It is recommended that County Council approve the award of a professional services contract to the selected vendor for the replacement of the HVAC controls in the County Administration Complex project.

Recommended By:

John C. Mincy / John Hixon

Department:

Public Works

Date:

06-10-2008

Reviews

Finance

Reviewed by: Daniel Driggers

Date: 6/13/2008

Recommend:Yes

Comments Regarding Recommendation:

Procurement

Reviewed by: Rodolfo Callwood

Date: 6/14/2008

Recommend:Yes

Comments Regarding Recommendation:

Legal

Reviewed by: Larry Smith

Date: 6/18/2008

Recommend:Yes

Comments Regarding Recommendation:

Administration

Reviewed by: Tony McDonald

Date: 6/18/2008

Recommend:Yes

Comments Regarding Recommendation:

Recommend approval, provided the final cost is within the amount of budget dollars available.

Richland County Council Request of Action

Subject

Amendment of ordinances to support Richland County's National Pollution Discharge Elimination System (NPDES) Permit requirements

- a. Chapter 12 - Garbage, Trash & Refuse Ordinance
- b. Chapter 26 - Land Development Ordinance

Purpose

County Council is being requested to approve the changes to current Code of Ordinances Chapter 12 – Garbage, Trash & Refuse and Chapter 26- Land Development. The Ordinance change benefits Richland County's efforts to improve water quality, serves as an added measure to protect the environment and supports compliance with our National Pollution Discharge Elimination System (NPDES) Permit.

Background / Discussion

Richland County is currently operating under its second five year National Pollutant Discharge Elimination System (NPDES) permit to govern stormwater quality in County jurisdictional areas. DHEC issued the permit and it is effective from September 11, 2006 through September 10, 2011. This re-issued permit also covers two Co-Permittees, the Town of Arcadia Lakes and City of Forest Acres, for NPDES Phase II regulations.

Two Chapters of the Richland County Ordinances are requested to be revised. A brief description of the proposed changes is described below.

Chapter 12 - Garbage, Trash & Refuse Ordinance Change: It is being recommended to have leaves bags when place curbside for pickup (see attached Ordinance for detail). The intent of this best management practice is to assist with deferring leaves from entering the stormwater pipes thus decreasing the potential for the pipes clogging.

Chapter 26 - Land Development Ordinance Change: It is being recommended to edit certain aspects of current Ordinance and add new language (see attached Ordinance for detail). These changes are needed to support several programs developed by DPW's Stormwater Management Division in conjunction with complying with the Corrective Action Plan and re-issued permit requirements. Some of those programs are:

- Updated Stormwater Management Plan
- Delegated Qualified Local Program (QLP) for plan reviews, inspections etc
- Pesticide & Herbicide and Fertilizer Control Program
- Illicit Connection, Improper Disposal, Illegal Discharge and Illegal Dumping Control
- Sanitary Sewer Regulatory Program (SSRP)
- Industrial & High-risk Runoff (IHR) Control Program
- Stormwater Infrastructure Inspection and Maintenance
- Stormwater Pollution Prevention Plans (SWPPPs)
- Spill Prevention Control and Countermeasure (SPCC) Plans
- Road Runoff Management Program
- Sampling and Monitoring Program etc...

The changes to the current Ordinance reflect components of the developed programs for their effective implementation. The Ordinance language is updated to reflect currently effective permit requirements.

Financial Impact

The Department of Public Works (DPW) current personnel implements/enforces the added language. No new financial impacts due to the added language. On the contrary, there is the potential to generate revenue for Richland County as result of in terms of enforcement by implementing the added measures.

Alternatives

1. Approve the recommended changes to current Code of Ordinances (Chapter 12 – Garbage, Trash & Refuse and Chapter 26- Land Development).

Cover Memo

Item # 4

2. Do not approve the recommendations, and risk non-compliance with NPDES reissued permit items for lack of pertinent language and enforcement authority permit required programs.
- 3.
- 4.
- 5.

Recommendation

It is recommended that Council approve the changes to current Code of Ordinances Chapter 12 - Garbage, Trash & Refuse and Chapter 26 - Land Development.

Recommended By:

Teresa Smith / Srinivas Valavala

Department:

Public Works (Stormwater)

Date:

06-10-2008

Reviews

Finance

Reviewed by: Daniel Driggers

Date: 6/16/2008

Recommend:Yes

Comments Regarding Recommendation:

Planning

Reviewed by: Joe Kocy

Date: 6/16/2008

Recommend:Yes

Comments Regarding Recommendation:

These recommendations were thoroughly researched by Mr. Valavala, improving environmental health in the County and complying with NPDES requirements.

Legal

Reviewed by: Larry Smith

Date: 6/20/2008

Recommend:Yes

Comments Regarding Recommendation:

Administration

Reviewed by: Tony McDonald

Date: 6/20/2008

Recommend:Yes

Comments Regarding Recommendation:

It is recommended that the amendments to Chapter 26 be sent to the Planning Commission for consideration prior to going before the full council.

Suggested Revisions to Code 12 – Garbage, Trash and Refuse

Sec. 12-16. Same--Yard trash and other household articles.

- (a) Refuse shall be collected only by collectors who are franchised by the county.
- (b) Yard trash and other household articles shall be collected in the entire unincorporated portion of the county under the following conditions:
 - (1) Yard trash, including all bagged or boxed trash and the equivalent of two (2) roll carts of loose trash, placed at curbside of the nearest public road, shall be collected once each week.
 - (2) Yard trash and other household articles not suitable for placement in a roll cart, plastic bag or trash container sack may be placed for collection as follows:
 - a. Tree branches and heavy brush which do not exceed four (4) inches in diameter shall be cut in lengths not exceeding four (4) feet in length and stacked in a compact pile in front of the residence adjacent to the curb, but such piles shall not extend into the streets;
 - b. Sticks, hedge clippings, and small brush shall be placed in neat piles at curbside.
 - c. Leaves shall be bagged and placed at curbside.
 - (3) Within one (1) week of each month, contractors shall remove all household furnishings, appliances, large yard toys and other large household articles, when placed in front of the residence at the nearest public road. All large appliances shall have door removed prior to placement at the curb.

(Ord. No. 1517-86, § 1, 8-5-86)

Summary of Changes to Chapter 26 of Richland County's Code of Ordinances

Prepared by BP Barber

- Page 10 – Added definition of *Best Management Practices*.
- Page 10 – Added definition of *BMP Design Manual*.
- Page 14 – Modified definition of *Erosion and Sediment Control Plan*. Added “This plan shall be incorporated into the SWPPP.”
- Page 15 – Modified definition of *Grading Permit*. Changed reference to “erosion and sediment control plan” to “SWPPP.” Added sentence “Issued after DHEC issues coverage under *NPDES General Permit for Large and Small Construction Activities*.”
- Page 16 – Added definition of *Illicit Discharge Detection and Elimination (IDDE)* Program. Defined as being synonymous with *Illicit Discharge and Improper Disposal (IDID)* Program.
- Page 19 – Added definition of *Non-linear Projects*.”
- Page 20 – Added definition of *Owner/Operator*.
- Pages 21-22 – Added definition of *Pollutant*.
- Page 23 – Added definition of *Sanitary Sewer Overflow (SSO)*.
- Page 29 – Added definition of *Storm Water Pollution Prevention Plan (SWPPP)*.
- Page 37, Section 26-36(a)(2) – Added mention of erosion and sediment control provisions to powers of the Richland County engineer. Also referred to Sections 26-64, 26-202 and 26-203 of Code of Ordinances.
- Page 38 – Added SWPPP to list of permit/approval types.
- Page 77, Section 26-64 – Revised entire section. Changed all references to *Stormwater Management Design Plan* to *SWPPP*.

- Page 77, Section 26-64(a) – Added language regarding requirement of owner/operator to maintain approved SWPPP, copy of NOI, copy of the General Construction Permit and a copy of the DHEC approval letter at an active construction site at all times.
- Section 26-65 (*Grading Permits*) – Removed entire section.
- Page 81, Section 26-64(g)(2)(b) – A site must be temporarily stabilized if there will not be any construction activity for a period of fourteen or more days.
- Page 89, Section 26-64(q) – Added *Notice of Termination*. Owner/operator can apply for an NOT when site is 70% stabilized.
- Page 286, Section 26-202 – Changed all references to *Erosion and Sediment Control Plans* to *SWPPPs*. Changed exemptions to match the General Construction Permit.
- Page 294 – Added reference to BMP Manual.
- Page 299, Section 26-202(c)(6)(c) – Language regarding County assistance in maintenance changed.
- Page 302, Section 26-202(f) – Incorporated by reference all requirements of the applicable provisions of the *Standards for Stormwater Management and Sediment Reduction*.
- Page 302, Section 26-203 – Created section specifically for *NPDES Municipal Separate Storm Sewer System (MS4) Program*, and provided an overall purpose for this section of the ordinance.
- Page 303, Section 26-203(b)(1) – *Industrial and High Risk (IHR) Runoff Program* moved to this section. (Located in Section 26-203(a)(6) on page 306 in previous version of ordinance). Intent added for IHR Program.
- Page 306, Section 26-203(b)(2) – Created section for *Pesticide, Herbicide and Fertilizers (PHF) Program*.

- Page 307, Section 26-203(b)(3) – *IDID, Organic Waste and Spills* moved to this section. (Located in Section 26-203(a)(4) on page 302 of previous version of ordinance). Intent added for IDID, Organic Waste and Spills section.
- Page 308, Section 26-203(b)(3)(e) – Added language regarding oils, toxics and household hazardous waste.
- Page 310, Section 26-203(b)(3)(f)(2) – Changed language regarding privies, pigpens and stables to give SW Manager authority to determine what distance is “far enough away” from receiving waters.
- Page 310, Section 26(b)(3)(h) – Created section to address SSOs.
- Page 311, Section 26-203(b)(4) – Added *Construction Site Runoff Control Program* and intent for this program. Section refers to specific requirements of the program located in Sections 26-64 and 26-202.
- Page 311, Section 26-203(b)(5) – Added *Post-Construction* section and intent for this program. Section refers to specific requirements of the program located in Sections 26-64 and 26-202.
- Page 312, Section 26-203(c) – Moved *MS4 Authority* to this section. (Located in Section 26-203(a)(2) on page 302 in previous version of ordinance).
- Page 312, Section 26-203(d) – *Violations* moved to this section. *Enforcement Response Guide* referenced as tool that will be used to respond to violations of Chapter 26. (Located in Section 26-203(a)(3) on page 302 in previous version of ordinance).

Summary of Changes to Richland County Code – Section 26: Land Development

Prepared by: WK Dickson & Co., Inc.

§26-22 Definitions

Page 7 *Added terms and definitions for “Accidental Discharges” and “Accidental Damage”*

Page 11 *Added term and definition for “Clean Water Act”*

Page 16 *Added terms and definitions for “Illicit Connection” and “Illegal Discharge”*

Page 17 *Added terms and definitions for “Illegal Dumping”, “Improper Disposal” and “Inflow and Infiltration”*

Page 19 *Added term and definition for “Municipal Separate Storm Sewer System (MS4)”*

Page 20 *Added terms and definitions for “Non-stormwater Discharge”, “NPDES” and “NPDES Stormwater Permit”*

Page 24 *Added term and definition for “Sanitary Sewer Pre-Treatment”*

Page 30 *Added terms and definitions for “Stormwater”, Stormwater Outfall” and “Stormwater System”*

Page 33 *Added term and definition for “Wastewater”*

§26-203 NPDES Municipal Separate Storm Sewer System (MS4) Program

Page 304 §26-203(a)(1)
Added language to second sentence to cover NPDES co-permittees, the Town of Arcadia Lakes and the City of Forest Acres

Page 305 §26-203(a)(1)
Added language to the end of second sentence to cover water quality protection within all NPDES-defined jurisdictional areas

§26-203(a)(2)
Added language to cover enforcement within jurisdictional areas of co-permittees under NPDES permit and inter-local agreements

- Page 306 §26-203(b)(2)
Modified title to read “Illicit Connections, Illegal Discharges, Illegal Dumping, Improper Disposal, Organic Waste and Spills”
- Added “and eliminating”, “connections” and “illegal dumping” to first sentence*
- Added “This section will also” to second sentence*
- Added “County’s” and language to cover co-permittees to third sentence*
- Page 307 §26-203(b)(2)(b)
Changed title to “Improper disposal”
- §26-203(b)(2)(c)
Added a new section titled “Illegal dumping”
- §26-203(b)(2)(d)
Changed section outline numeration from “c” to “d” due to insertion of new section
- §26-203(b)(2)(e)
Changed section outline numeration from “d” to “e” due to insertion of new section
- Changed title to “Illegal discharges”*
- Page 308 §26-203(b)(2)(e)
Added item number 18 regarding discharges from dye testing
- §26-203(b)(2)(f)
Changed section outline numeration from “e” to “f” due to insertion of new section
- §26-203(b)(2)(g)
Changed section outline numeration from “f” to “g” due to insertion of new section
- Page 309 §26-203(b)(2)(h)
Changed section outline numeration from “g” to “h” due to insertion of new section
- Page 310 §26-203(b)(2)(i)
Changed section outline numeration from “h” to “i” due to insertion of new section

Added "Inflow and Infiltration" to title

Page 311

§26-203(b)(2)(i)(3)

Added "with untreated wastewater" to the first sentence

Added "within the same required reporting timeframe" to second sentence

§26-203(b)(2)(i)(4)

Added a new section to address the County's ability to inspect sanitary sewer systems related to SSOs, etc.

§26-203(b)(3)

Added "as well as Spill Prevention Control and Countermeasure (SPCC) Plans" to first sentence of second paragraph

Page 315

§26-203(b)(6)

Added a section for Accidental Discharges and Damage

Page 316

§26-203(c)(2)

Added a sentence to allow for the County remedial and abatement actions in response to discharges that pose a threat to human health and/or the environment

§26-203(c)(3)

Added a section to reiterate the County's authority within the jurisdictional areas of the co-permittees

§26-203(d)(3)

Added a section to address Emergency Actions

STATE OF SOUTH CAROLINA
COUNTY COUNCIL FOR RICHLAND COUNTY
ORDINANCE NO. 074-04HR

AN ORDINANCE AMENDING THE RICHLAND COUNTY CODE OF ORDINANCES, SO AS TO ADOPT THE RICHLAND COUNTY LAND DEVELOPMENT CODE; AND TO DELETE SECTION 2-221 OF CHAPTER 2: ADMINISTRATION; AND TO DELETE CHAPTER 8: STORMWATER MANAGEMENT, EROSION AND SEDIMENT CONTROL, CHAPTER 22: LAND DEVELOPMENT REGULATIONS, AND CHAPTER 27: LANDSCAPE REQUIREMENTS; AND AMENDING CHAPTER 26: ZONING.

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

SECTION I. The Richland County Code of Ordinances; Chapter 2, Administration; Article V., County Departments; Division 4, Planning and Development Services; Section 2-221, Uniform Addressing Systems; is hereby amended by the deletion of the language contained therein. The Code of Ordinances shall thereafter reference Section 2-221 as “Reserved”.

SECTION II. The Richland County Code of Ordinances; Chapter 8, Stormwater Management, Erosion and Sediment Control, is hereby amended by the deletion of the language contained therein and the substitution of the following language:

CHAPTER 8: RESERVED

SECTION III. The Richland County Code of Ordinances; Chapter 22, Land Development Regulations, is hereby amended by the deletion of the language contained therein and the substitution of the following language:

CHAPTER 22: RESERVED

SECTION IV. The Richland County Code of Ordinances; Chapter 27, Landscape Requirements, is hereby amended by the deletion of the language contained therein and the substitution of the following language:

CHAPTER 27: RESERVED

SECTION V. The Richland County Code of Ordinances; Chapter 26, Zoning, is hereby amended by the deletion of the language contained therein and the substitution of the following language:

CHAPTER 26:

LAND DEVELOPMENT

ARTICLE I. GENERAL PROVISIONS

Sec. 26-1. Title.

This chapter shall be known and may be cited as the Land Development Code of Richland County, South Carolina.

Sec. 26-2. Purpose and scope.

- (a) *Purpose.* The regulations contained in this chapter have been adopted in accordance with the comprehensive plan for Richland County, South Carolina, and for the general purposes of guiding development in accordance with existing and future needs and promoting the public health, safety, morals, convenience, order, appearance, prosperity, and general welfare. Furthermore, this chapter has been adopted with reasonable consideration of the following purposes:
- (1) To provide for adequate light, air, and open space;
 - (2) To prevent the overcrowding of land, to avoid undue concentration of population and to lessen congestion in the roads;
 - (3) To facilitate the creation of a convenient, attractive, and harmonious community;
 - (4) To protect and preserve scenic, historic, cultural, or ecologically sensitive areas;
 - (5) To regulate the density and distribution of populations and the uses of buildings, structures and land for trade, industry, residence, recreation, agriculture, forestry, conservation, airports and approaches thereto, water supply, sanitation, protection against floods, public activities and other purposes;
 - (6) To facilitate the adequate provision or availability of transportation, police and fire protection, water, sewage, schools, parks and other recreational facilities, affordable housing, disaster evacuation, and other public services and requirements as are set forth in this chapter;
 - (7) To secure safety from fire, flood, and other dangers;
 - (8) To encourage the development of an economically sound and stable county;

- (9) To assure the timely provision of required roads, utilities, and other facilities and service to new land developments;
 - (10) To assure the adequate provision of safe and convenient traffic access and circulation, both vehicular and pedestrian, in and through new land developments;
 - (11) To assure the provision of needed public open spaces and building sites in new land developments through the dedication or reservation of land for recreational, educational, and/or transportation purposes;
 - (12) To assure, in general, the wise and timely development of new areas, and redevelopment of previously developed areas in harmony with the comprehensive plans of Richland County and its municipalities;
 - (13) To assure compatibility between neighboring properties and adjacent zoning districts; and
 - (14) To further the public welfare in any other regard specified by the Richland County Council.
- (b) *Scope.* The regulations set forth herein shall apply to all land and improvements thereon in the unincorporated portion of Richland County, South Carolina.

Sec. 26-3. Statutory authority.

This chapter has been adopted pursuant to the authority conferred by the South Carolina Code of Laws, as amended. Specifically, authorization comes in Title 6, Chapter 29, of the South Carolina Code of Laws (South Carolina Local Government Comprehensive Planning Enabling Act of 1994). The Land Development Code of Richland County, South Carolina also uses powers granted in other sections of the South Carolina Code of Laws relating to particular types of development or particular development issues.

Sec. 26-4. Comprehensive plan.

Pursuant to Title 6, Chapter 29, of the South Carolina Code of Laws, this chapter is intended to implement the goals, objectives and purposes of the comprehensive plan for Richland County. Any amendments to or actions pursuant to this chapter shall be consistent with the comprehensive plan. The comprehensive plan may be amended and the Land Development Code for Richland County shall reflect and incorporate those amendments.

Secs. 26-5 – 26-20. Reserved.

ARTICLE II. RULES OF CONSTRUCTION; DEFINITIONS

Sec. 26-21. Rules of construction.

- (a) *Interpretation of zoning map.* The following rules of interpretation shall be applicable to the zoning map for Richland County.
- (1) *District designation.* A district name on the zoning map indicates that the regulations pertaining to the district designated by that name, or abbreviation of the same, extend throughout the whole area bounded by the district boundary lines within which such name or abbreviation is shown, except as otherwise provided in this chapter.
 - (2) *District boundary determination.* Where uncertainty exists as to the boundaries of any zoning district, the zoning administrator shall interpret the location of the zoning district boundaries. An appeal from an interpretation or finding of the zoning administrator may be taken to the board of zoning appeals as specified in Section 26-58 of this chapter.
 - a. District boundaries indicated as approximately following centerlines of roads, highways, or alleys shall be construed to follow such centerlines.
 - b. District boundaries indicated as approximately following platted lot lines shall be construed as following such lines.
 - c. District boundaries indicated as approximately following city or county limit lines shall be construed as following such city or county limits.
 - d. District boundaries indicated as approximately following railroad lines shall be construed to be the midway between the main tracks.
 - e. District boundaries indicated as approximately following centerlines of streambeds or other bodies of water shall be construed to follow such centerlines.
 - f. District boundaries indicated as approximately parallel to or extensions of features indicated in subsections a. through e. above shall be so construed and at such distance therefrom as indicated on the official copy of the zoning map. Distances not specifically indicated on the official copy of the zoning map shall be determined by the scale of such map.
 - g. Where the zoning map shows a district boundary dividing a lot, each part of the lot shall conform with the standards established by this chapter for the zoning use or overlay district in which that part is located.

- (b) *General rules of construction.*
- (1) *Words to have customary meanings.* The words and phrases in this chapter shall have their customary meanings or shall be as defined in a standard dictionary, except for the specific words and phrases as defined in this chapter.
 - (2) *Tense.* Words used in the present tense include the future tense.
 - (3) *Number.* The singular number includes the plural number, and the plural number includes the singular number.
 - (4) *Person.* The word “person” includes a firm, association, partnership, trust, company, corporation, or any other entity usually defined in legal usage as a person.
 - (5) *Shall and may.* The words “shall” “must” and “will” are mandatory in nature. The word “may” is permissive in nature.
 - (6) *Used or occupied.* The words “used” and “occupied” include the words “intended, designed, or arranged to be used or occupied.”
 - (7) *Lot.* The word “lot” includes the words “plot” and/or “parcel.”
 - (8) *Structure.* The word “structure” includes the word “building.”
 - (9) *Contiguous.* The word “contiguous”, as applied to lots or districts, shall be interpreted as meaning “having a common boundary of ten (10) or more feet in length.
 - (10) *On the premises of.* The phrase “on the premises of,” as applied to accessory uses or structures, shall be interpreted to mean “on the same lot.”
 - (11) *Administrative personnel.* The listing of any specific administrative official (i.e., building inspector, zoning administrator) in this chapter shall be interpreted to include an authorized designee of said official.
 - (12) *Fractional requirements.* When any requirement of this chapter results in a fraction of a unit, a fraction of one-half or more will be considered a whole unit and a fraction of less than one half will be disregarded.
- (c) *Types of districts or zones.* Types of districts or zones, when used as a descriptive term for purposes of identifying certain circumstances in which particular

regulations are applied (as, for example...”when such parking lot is contiguous to a residential district...” are defined as follows:

(1) *Residential districts include:*

- a. RR Rural Residential District
- b. RS-E Residential, Single-Family, Estate District.
- c. RS-LD Residential, Single-Family, Low Density District
- d. RS-MD Residential, Single-Family, Medium Density District
- e. RS-HD Residential, Single-Family, High Density District
- f. MH Manufactured Home Residential District
- g. RM-MD Residential, Multi-Family, Medium Density District
- h. RM-HD Residential, Multi-Family, High Density District

(2) *Commercial districts include:*

- a. OI Office and Institutional District
- b. NC Neighborhood Commercial District
- c. RC Rural Commercial District
- d. GC General Commercial District

(3) *Industrial districts include:*

- a. M-1 Light Industrial District
- b. LI Light Industrial District
- c. HI Heavy Industrial District

(4) *Other districts.* The RU Rural District, the PDD Planned Development District, the TC Town and Country District, and any other district not enumerated in this subsection shall be interpreted by the zoning administrator as being residential, commercial, or industrial, in any particular instance. The interpretation of the zoning administrator shall be in keeping with the protective intent and purposes of Section 26-2 of this chapter whenever an interpretation is necessary in a specific instance.

(d) *Application of regulations; conflict or inconsistency with other laws, covenants or deed restrictions.*

(1) *Application of regulations.*

a. Within each district, the regulations set forth by this chapter shall apply uniformly to each class or kind of building, structure or land.

b. Agencies, departments, and subdivisions of South Carolina that use real property, as owner or tenant, are subject to these regulations. However, no provision of this chapter shall require a state agency, department or subdivision to move from facilities occupied on September 7, 1977, regardless of whether or not the location is in violation of this chapter.

c. A municipality or agency, department, or subdivision of it that uses any real property, as owner or tenant, is subject to these regulations.

(2) *Regulations regarded as minimum.* In the interpretation and application of the provisions of this chapter, the provisions of this chapter shall be held to be minimum requirements, adopted for the promotion of the purposes set forth in Section 26-2 of this chapter.

(3) *Conflict or inconsistency with other laws, covenants, or deed restrictions.*

a. *Relation of this chapter to other regulations.* This chapter is not intended to abrogate any other law, ordinance, or regulation. However, whenever the requirements of this chapter are at variance with the requirements of any other lawfully adopted rules, regulations, or ordinances, the most restrictive or that imposing the higher standards shall govern.

b. *Conflicting provisions of this chapter.* In the event of any conflict between the limitations, requirements, or standards contained in different provisions of this chapter in applying them to an individual use or structure, the more restrictive provision shall apply. However, the regulations for overlay districts set forth in Article V., unless otherwise specified, shall control in the event of any conflict between those regulations and regulations which are set forth in Article V. of this chapter for the underlying district. In the event of a conflict or inconsistency between the text of this chapter and any caption, figure, illustration, or map contained herein, the text shall control.

- c. *Conflicts with covenants, deed restrictions, etc.* This chapter is not intended to abrogate any easement, covenant, or other private agreement. However, where the regulations of this chapter are more restrictive or impose higher standards or requirements than such easement, covenant, or other private agreement, then the requirements of this chapter shall govern. Unless deed restrictions, covenants, or other contracts directly involve Richland County government as a party in interest, the county shall have no administrative responsibility for enforcing such deed restrictions or covenants.

Sec. 26-22. Definitions.

Accessory use/structure (building). A structure or use that is clearly incidental to and customarily found in connection with a principal building or use, is subordinate to and serves that principal building or use, and is subordinate in area, extent and purpose to the principal building or principal use served. An accessory structure must be on the lot on which the principal use is located.

Accidental Discharge. A discharge prohibited by this section into the Richland County Stormwater System and the stormwater systems of the County's co-permittees of the Town of Arcadia Lakes and City of Forest Acres or receiving waters, which occurs by chance and without planning or consideration prior to occurrence. Accidental discharges do not include any discharges associated with other regulatory program elements, such as sanitary sewer overflows (SSOs) or other activities covered under NPDES permits or sanitary sewer pre-treatment requirements.

Accidental Damage. Damage to any portion of the Richland County Stormwater System or the stormwater systems of the County's co-permittees of the Town of Arcadia Lakes and the City of Forest Acres, which occurs by chance and without planning or consideration prior to occurrence.

Activity area. For determining parking standards, the activity area is the area of a recreational facility where the recreation or amusement operation is actually conducted. This shall include all areas open to the public and used by employees of the facility. This term shall not include open areas that are not available to the public or storage areas.

Addition (to an existing building). An extension or increase in the floor area or height of a building or structure. Unless otherwise specified in this chapter, additions to existing buildings shall comply with the standards for new construction whether or not the addition is a substantial improvement.

AE and A1-30 Zones. Risk zones within an area of special flood hazard that are subject to the 100-year flood. On the Flood Insurance Rate Maps (FIRMs) such areas are indicated and mandatory flood insurance applies.

Airport. Columbia Owens Downtown Airport and McEntire Air National Guard Base.

Airport elevation. The highest point of an airport's usable landing area measured in feet above mean sea level.

- (a) For Columbia Owens Downtown Airport the airport elevation is 194.0 feet.
- (b) For McEntire Air National Guard Base the airport elevation is 251.0 feet.

Alley. A private road primarily designed to serve as a secondary access to the side or rear of those properties whose principal frontage is on another road, either public or private, meeting minimum county requirements.

Animal unit. A unit of measurement to compare various animal types based upon equivalent waste generation. One animal unit equals the following: 1.0 cow (except dairy cows); 0.5 horse; 0.7 dairy cow; 2.5 swine weighing over fifty-five (55) pounds; fifteen (15) swine under fifty-five (55) pounds; ten (10) sheep; thirty (30) laying hens; fifty-five (55) turkeys; one hundred (100) chickens; or an equivalent animal unit.

Antenna. Any device for radiating or receiving electromagnetic radiation. This definition shall specifically include, but is not limited to all radio, television, telephone, telecommunications, microwave and satellite dish antennas.

AP approach zone (Columbia Owens Downtown Airport). The inner edge of the approach zone coincides with the width of the primary surface and begins two hundred (200) feet from the runway end and is five hundred (500) feet wide. The approach zone expands outward uniformly to a width of two thousand (2,000) feet at a horizontal distance of five thousand (5,000) feet from the primary surface. Its centerline is the continuation of the centerline of the runway.

AP approach zone (McEntire Air National Guard Base). The approach zone begins two hundred (200) feet beyond each end of the primary surface at the centerline elevation of the runway end and extends for fifty thousand (50,000) feet. The slope of the approach clearance zone is fifty (50) to one (1) along the runway centerline extended until it reaches an elevation of five hundred (500) feet above the established airport elevation (251 mean sea level). It then continues horizontally at this elevation to a point fifty thousand (50,000) feet from the point of beginning. The width of this surface at the runway end is the same as the primary surface, it flares uniformly, and the width at fifty thousand (50,000) feet is sixteen thousand (16, 000) feet.

AP conical zone (Columbia Owens Downtown Airport). A surface extending outward and upward from the periphery of the horizontal surface at a slope of twenty (20) to one (1) for a horizontal distance of four thousand (4,000) feet.

AP conical zone (McEntire Air National Guard Base). The conical surface/zone for precision instrument runways extends from the periphery of the inner horizontal surface outward and upward at a slope of twenty (20) to one (1) for a horizontal distance of seven thousand (7,000) feet to a height of five hundred (500) feet above established airfield elevation.

AP horizontal zone (Columbia Owens Downtown Airport). The zone established horizontally by swinging arcs of five thousand (5,000) feet radii from the center of each end of the primary surface of each runway and connecting the adjacent arcs by drawing lines tangent to those arcs. The horizontal zone does not include the approach and transitional zones.

AP horizontal zone (McEntire Air National Guard Base). There are two horizontal zones for McEntire Air Base as follows:

- (a) *Inner horizontal zone.* The horizontal zone, oval in shape, at a height of one hundred and fifty (150) feet above the established field elevation. The plane is constructed by scribing an arc with a radius of seven thousand five hundred (7,500) feet about the centerline at each end of each runway and interconnecting these arcs with tangents.
- (b) *Outer horizontal zone.* A plane, located five hundred (500) feet above the established air field elevation, extending outward from the outer periphery of the conical zone for a horizontal distance of thirty thousand (30,000) feet.

AP transitional surface (Columbia Owens Downtown Airport). These surfaces extend outward at right angles (90-degree angles) to the runway centerline at a slope of seven (7) feet horizontally for each foot vertically from the sides of the primary and approach surfaces to where they intersect the horizontal surfaces.

AP transitional surface (McEntire Air National Guard Base). At military airports these surfaces connect the primary surfaces, the first two hundred (200) feet of the clear zone surfaces, and the approach clearance surfaces to the inner horizontal surface, conical surface, outer horizontal surface or other transitional surfaces. The slope of the transitional surface is seven (7) to one (1).

AP transitional zone. The areas beneath the AP transitional surfaces.

APA. The symbol for “airport approach zone.”

APAM. The symbol for “airport approach zone for McEntire Air National Guard Base.”

APAO. The symbol for “airport approach zone for Columbia Owens Downtown Airport.”

APC. The symbol for “airport conical zone.”

APCM. The symbol for “airport conical zone for McEntire Air National Guard Base.”

APCO. The symbol for “airport conical zone for Columbia Owens Downtown Airport.”

APCZ. The symbol for “airport clear zone.”

APCZM. The symbol for “airport clear zone for McEntire Air National Guard Base.”

APCZO. The symbol for “airport clear zone for Columbia Owens Downtown Airport.”

APH. The symbol for “airport horizontal zone.”

APHM. The symbol for “airport horizontal zone for McEntire Air National Guard Base.”

APHO. The symbol for “airport horizontal zone for Columbia Owens Downtown Airport.”

APP. The symbol for “airport primary zone.”

Appeal. A request for a review of a decision or interpretation made by an administrator or reviewing body in the administration of the Richland County Land Development Code.

Applicant. Any person acting on his/her own behalf as a property owner, or as an agent for a property owner, who makes application for some type of action (plan approval, map amendment, etc.) in accordance with this chapter.

APPM. The symbol for “airport primary zone for McEntire Air National Guard Base.”

APPO. The symbol for “airport primary zone for Columbia Owens Downtown Airport.”

Approach clearance surface. For McEntire Air National Guard Base, an inclined plane, symmetrical above the runway centerline and, beginning two hundred (200) feet beyond each end of the primary surface at the centerline elevation of the runway end and extending for fifty thousand (50,000) feet. The slope of the approach clearance surface is fifty (50) to one (1) along the runway centerline extending until it reaches an elevation of five hundred (500) feet above the established airport elevation. It then continues horizontally at this elevation to a point fifty thousand (50,000) feet from the point of beginning. The width of this surface at the runway end is the same as the primary surface, it flares uniformly, and the width at fifty thousand (50,000) feet is sixteen thousand (16,000) feet.

Approach surface. A surface longitudinally centered on the extended runway centerline, extending outward and upward from the end of the primary surface and at the same slope as the approach zone height limitation slope set forth in this chapter.

APT. The symbol for “airport transitional zone.”

APTM. The symbol for “airport transitional zone for McEntire Air National Guard Base.”

APTO. The symbol for “airport transitional zone for Columbia Owens Downtown Airport.”

Area of shallow flooding. A designated AO Zone on the county’s Flood Insurance Rate Map (FIRM) with base flood depths of one (1) to three (3) feet where a clearly defined channel does not exist, where the path of flooding is unpredictable and indeterminate, and where velocity flow may be evident.

Area of special flood hazard. The land in the floodplain subject to a one percent (1%) or greater chance of flooding in any given year. This term also includes all wetlands within a community. For purposes of these regulations, the term “area of special flood hazard” is synonymous in meaning with the phrase “special flood hazard area.”

Arterial. A freeway, expressway or a road or highway that is used or intended to be used for moving either heavy vehicular traffic volumes or high-speed traffic or both on which average daily traffic exceeds four thousand (4,000) vehicles or more.

Authorized agent. Any person with valid authority provided by the owner, as evidenced by a document either notarized or witnessed by at least two (2) independent third parties authorizing the agent to represent the owner, and acting on behalf of the owner of land seeking an amendment or some type of approval as set forth in this chapter.

Base flood or regulatory flood. The flood having a one percent (1%) chance of being equaled or exceeded in any given year.

Basement. Any enclosed area of a building that is below grade on all sides.

Bed and breakfast home or inn. A transient lodging establishment, generally operated in a single-family dwelling, primarily engaged in providing overnight or otherwise temporary lodging for the general public.

Best Management Practices (Stormwater Management). A structural or nonstructural management-based practice used singularly or in combination to reduce nonpoint source inputs to receiving waters in order to achieve water quality and quantity protection goals.

Best Management Practices (BMP) Design Manual (Stormwater Management). The manual of design, performance and review standards for stormwater management BMPs to be used in Richland County.

Block. A unit of land bounded by roads or by a combination of roads and public land, railroad rights-of-way, waterways, or any other barrier to the continuity of development.

Board of zoning appeals. The Board of Zoning Appeals for Richland County, South Carolina.

Boardinghouse. See “roominghouse and boardinghouse.”

Boat, small. Recreational boats (such as motorboats, canoes, and small sailboats) that are eighteen (18) feet or less in length.

Borrow pits. An excavated area where naturally occurring earthen materials are to be removed for use as ordinary fill at another location.

Buffer transition yard. A linear strip of land combined with a vertical element such as natural or planted vegetation, fences or walls, berms, etc. which physically separates and screens incompatible uses.

Building. Any structure built for support, shelter or enclosure for any occupancy or storage, including storage tanks.

Building, enclosed. A structure, the inner portion of which is fully enveloped with walls (including doorways and windows) and roofing and which has no open sides.

Building footprint. The outline of the total area covered by a building's perimeter at the ground level.

Building, height. See "structure, height."

Building, high-rise. Any building that exceeds three (3) stories and thirty-five (35) feet in height.

Building line. The inner edge of any required yard or required setback, and the corresponding outer edge of the buildable area. Except as specifically provided by this chapter, no portion of any building or structure may be extended to occupy any portion of a lot outside its building lines.

Building permit. An authorization to construct a structure as issued by the Richland County Office Of Building Inspections which acknowledges that such building complies with the provisions of the county code related to building construction and related construction (electrical, plumbing, etc.).

Canopy (building). A permanent attached structure which projects from and is supported by a building, which serves as a cover providing shelter or decoration and which extends beyond the building.

Canopy (service station). A permanent structure, attached to or projecting from a service station or convenience store, which serves as a cover for those customers purchasing gasoline, etc.

Certificate of zoning compliance. A document issued by Richland County upon final inspection of a new use or structure indicating compliance with the requirements of this chapter.

Change in (of) use. Substitution of one use of land or a building for another.

Clear zone surface. For McEntire Air National Guard Base, a surface located at established field elevation (251 mean sea level) at each end of the primary surface, with a length of one thousand (1,000) feet and the same width as the primary surface.

Clubs or Lodges. Establishments primarily engaged in promoting the civic and social interests of their members. Such establishments must be incorporated and operating as not-for-profit organizations.

Clean Water Act. The Federal Water Pollution Control Act, as amended, codified at 33 U.S.C. §§ 1252 et seq.

Collector road. A road that is used or intended to be used for moving traffic from minor and local roads to arterial roads, including the circulation road or roads of a residential development and including the proposed transportation network roads which are shown on the development plan maps adopted by the Richland County Planning Commission. Average daily traffic exceeds two thousand (2,000) vehicles or more, but less than four thousand (4,000) vehicles.

Combined sewer overflows (CSOs) are discharges of untreated sewage and storm water from municipal sewer systems or treatment plants when the volume of wastewater exceeds the system's capacity due to periods of heavy rainfall or snow melt. A CSO is a public health hazard and a violation of federal, state and local discharge regulations.

Collocate. The act of using a single support structure and/or site by more than one (1) communication (i.e., wireless) provider.

Common area. Land within a development, not individually owned or dedicated for public use, which is designed and intended for the common use or enjoyment of the residents of the development.

Common area recreation and service facilities. Recreational (swimming pools, etc.) and service (laundry, etc.) facilities built to serve housing developments.

Comprehensive plan. A plan for the development of Richland County, adopted by the Richland County Council, pursuant to Title 6, Chapter 29, of the South Carolina Code of Laws (South Carolina Local Government Comprehensive Planning Enabling Act of 1994). The comprehensive plan includes the following planning elements: a population element; an economic development element; a natural resources element; a cultural resources element; a community facilities element; a housing element; and, a land use element.

Coordinated design. The design of a development so as to incorporate unifying features, such as building height, articulation of building elements, rhythm of design, massing, bulk, architectural features, etc.

County. Richland County, South Carolina.

County administrator. The Richland County Administrator.

County council. Richland County Council.

County engineer. The Richland County Engineer.

Critical facilities. Structures or facilities that produce, use or store highly volatile, flammable, explosive, toxic and/or water-reactive materials; hospitals, nursing homes and housing likely to

contain occupants who may not be sufficiently mobile to avoid death or injury during a flood; police stations, fire stations, vehicles and equipment storage facilities, and emergency operations centers that are needed for flood response activities before, during, and after a flood; and public and private utility facilities that are vital to maintaining or restoring normal services to flooded areas before, during and after a flood.

Cul-de-sac. A road having one end open to traffic and the other end terminated by a vehicular turnaround; a dead-end street.

Days. Unless otherwise specified, days shall mean calendar days.

Density. The number of dwelling units per gross acre of land.

Designated water resource. A perennial surface water body that normally flows or contains water throughout the year, except during extreme droughts. These water bodies typically have a defined channel or shoreline and support a diverse population of aquatic insects, including some with life cycles that require permanent water. Those water bodies with channels are able to sort and move channel materials.

Developer. Any person acting on his own behalf as a property owner, or as an agent for a property owner, who makes application for development plan approval as set forth in this chapter.

Development. Any of the following actions undertaken by a public or private individual or entity: (a) any land altering activities associated with the division of a lot, tract, or parcel of land into two (2) or more lots, plots, sites, tracts, parcels, or other divisions by plan or deed; or (b) any human-made change to improved or unimproved real estate, including, but not limited to, buildings or other structures, clearing, mining, dredging, filling, grading, paving, berming, diking, excavation or drilling operations, or storage of equipment or materials.

DHEC. The South Carolina Department of Health and Environmental Control.

Drag strips. A roadway designed for a race between cars to determine which can accelerate faster from a standstill. A drag strip may include seating, concession areas, parking facilities and any accessory offices or other buildings.

Drainage. A general term applied to the outflow of water or other fluid from a given area, whether by natural means (surface water runoff) or artificial means (drains, grading, etc.).

Drainage channel. Any natural or man-made conveyance for surface water, including open channels, enclosed storm sewers, streams, rivers, lakes, ponds, or marshes.

Drainage system. The surface and subsurface system for removal of water from the land, including both the natural elements of streams, marshes, swales, and ponds, whether of an intermittent or continuous nature; and the manmade elements such as improved open channels, culverts, retention facilities, and enclosed storm sewers.

Drive-in. A term used to describe an establishment designed or operated to serve a patron who is seated in an automobile. This term shall include the term “drive-thru”.

Drive-thru. See “drive-in”.

Dwelling. Any building designed, occupied, or intended for human occupancy; provided, however, dwelling shall not include a hotel, motel, rooming house, hospital, or other accommodation used more or less for transient occupancy.

Dwelling, accessory. A secondary dwelling unit established in conjunction with and clearly subordinate to a principal dwelling unit, whether a part of the same structure as the principal dwelling unit or a detached dwelling unit on the same lot.

Dwelling, manufactured home on individual lots. A manufactured home designed for occupancy by a single family and which is placed on a lot with no other principal structure or building.

Dwelling, multi-family. Any building or buildings containing more than two (2) dwelling units on a single lot including apartments, condominiums, etc.

Dwelling, principal. The main dwelling unit on a lot.

Dwelling, single-family. A structure designed for occupancy by one (1) family.

Dwelling, single-family, detached. A single-family dwelling unit that is not attached to any other dwelling unit by any means and is surrounded by yards.

Dwelling, single-family, zero lot line, common. A single-family development (attached and semi-detached units) where the units are connected on one (1) side by means of a common dividing structural or load-bearing wall of at least ten (10) linear feet to another one-family dwelling. Each dwelling is located on its own individual lot and adjacent structures are placed on an alternate side lot line.

Dwelling, single-family, zero lot line, parallel. A detached single-family development where the units are placed on parallel side lot lines and each dwelling is located on its own individual lot.

Dwelling, two-family. A building on a single lot containing two (2) dwelling units, each of which is totally separated from the other by an unpierced wall extending from ground to roof or an unpierced ceiling and floor extending from exterior wall to exterior wall, except for a common stairwell exterior to both dwelling units.

Easement. A grant or reservation by the owner of land for the use of such land by others for a specific purpose or purposes.

Elevated building. A non-basement building having the lowest floor elevated above the ground level by means of fill, solid foundation perimeter walls, piling, columns, piers or shear walls parallel to the flow of water.

Enclosed building. See “building, enclosed.”

Encroachment (floodplain overlay district standards). The advance or progression of uses, fill, excavation, buildings, structures, or developments into a floodplain or floodway.

Engineer. A person practicing engineering and licensed in the State of South Carolina pursuant to the requirements of Section 40-22-10, et seq., of the South Carolina Code of Laws, as amended.

Entrance, main. The principal doorway into a building or structure through which the majority of public entry is obtained.

Erosion. The general process by which soil and rock fragments are detached and moved by the action of wind, water, ice and gravity, either naturally or induced.

Erosion and sediment control plan. A plan which adequately describes necessary land management practices and control measures, including a timetable or schedule for their installation, which will effectively minimize soil erosion and sedimentation; prepared and approved as provided herein for application to a particular land area. **This plan shall be incorporated into the SWPPP.**

Existing manufactured home park or manufactured home subdivision (floodplain overlay district standards). A manufactured home park or manufactured home subdivision for which the construction of facilities for servicing the lots on such manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of roads, and either final site grading or the pouring of concrete pads) is completed before February 3, 1982, which is the initial effective date of floodplain management regulations adopted by Richland County.

Expansion to an existing manufactured home park or manufactured home subdivision. The preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of roads, and either final site grading or the pouring of concrete slabs).

FEMA. The Federal Emergency Management Agency.

Fill. The placement of fill material at a specified location to bring the ground surface up to a desired elevation.

Fill material. Natural sands, dirt, soil and rock. For the purposes of floodplain management, fill material may include concrete, cement, soil cement, brick or similar material as approved on a case-by-case basis.

FIRM. See “Flood Insurance Rate Map.”

Flood or flooding. A general and temporary condition of partial or complete inundation of normally dry land areas, caused by the overflow of a watercourse or the unusual and rapid accumulation or runoff of surface waters from any source.

Flood Insurance Rate Map (FIRM). An official map of a community on which the FEMA has delineated both the areas of special flood hazard and the risk premium zones applicable to the community.

Flood Insurance Study. An official report provided by FEMA. The report contains flood profiles, as well as the Flood Boundary Floodway Map and the water surface elevation of the base flood. A Flood Insurance Study may include a study using detailed hydrologic and hydraulic analyses to model the base flood, determine base flood elevations, and designate floodways and risk zones (Zones AE, A1-30, AH and AO).

Floodplain. The areas adjoining a river, stream, watercourse, lake, or other body of standing water that have been or may be covered by floodwater.

Floodplain development permit. A document issued by the county authorizing the applicant to undertake development and related activity in a regulated floodplain.

Flood prone area. The area of land susceptible to being inundated by a flood (see definition of “flood”).

Floodproofing. Design and construction of nonresidential structures and attendant utility and sanitary facilities that are watertight to at least two (2) feet above the base flood elevation. Walls are substantially impermeable to the passage of water and have structural components capable of resisting hydrostatic and hydrodynamic loads and the effects of buoyancy.

Flood resistant materials. Any building material capable of withstanding direct and prolonged contact with flood waters without sustaining significant damage. The term “prolonged contact” means at least seventy-two (72) hours, and the term “significant damage” means any damage requiring more than low-cost cosmetic repair (such as painting).

Floodway. The channel of a river or other watercourse and the adjacent land areas which must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one (1) foot. .

Foot candle. A unit for measuring illumination equal to the amount of direct light thrown by a source of one candela on a square foot of surface every part of which is one foot away from the source and facing directly toward the source.

Footprint, building. See “building footprint.”

Frontage. The frontage of a parcel of land is that distance where a property line is common with a road right-of-way line or an edge of traveled way.

Functionally dependant facility. A facility that cannot be used for its intended purpose unless it is located or carried out in close proximity to water, such as a docking or port facility or rowing facility necessary for the loading and unloading of cargo or passengers, shipbuilding, ship repair, or seafood processing facilities. The term does not include long-term storage, manufacture, sales, or service facilities.

GFA. See “gross floor area.”

Grading. Any displacement of soil by stripping, excavating, filling, stockpiling, or any combination thereof, and shall include the land in its excavated or filled state.

Grading permit. A certificate issued to perform work pursuant to an approved SWPPP prepared under the provisions of this chapter. Issued after DHEC issues coverage under NPDES General Permit for Large and Small Construction Activities.

Grand tree. Any healthy tree, other than a pine tree, twenty-nine (29) inches or greater in diameter.

Gross floor area (GFA). The total horizontal area of all floors of a building, including interior balconies and mezzanines, measured from the exterior faces of the exterior walls of a building.

Group home. A residential home, provided by an agency, organization or individual, for mentally or physically handicapped persons and which is licensed by the State of South Carolina to provide such a service.

Habitable floor. Any floor useable for living purposes, which include working, sleeping, eating, cooking and recreation, or any combination thereof. Floor elevation is to be measured as follows:

- (a) For slab-on-grade type buildings or buildings with basements, the top surface of the slab or basement floor constitutes the lowest floor.
- (b) For footing, foundation wall, or pile type buildings having crawl spaces under the building with no basements, the top surface of the finished flooring above the horizontal joist, beam, or other supporting member constitutes the lowest floor.

Hazardous material. Any substance that, because of its quantity, concentration, or physical or chemical characteristics, poses a significant present or potential hazard to human health and safety or to the environment if released into the workplace or the environment.

Height, structure (or building). See “structure, height.”

High rise structure (or building). Any building which exceeds three (3) stories and thirty-five (35) feet in height.

Highest adjacent grade. The highest natural elevation of the ground surface, existing prior to construction, next to the proposed walls of the structure.

Home occupation. An accessory use of a dwelling unit for limited non-residential purposes which is clearly incidental and subordinate to the use of the dwelling unit as a residence.

Hunt club. A private sporting club organized and operated for the purpose of lawfully hunting game and/or wildlife, with or without dogs, and whether on horseback, a motorized vehicle, or on foot. A hunt club may include primary and accessory structures, such as a clubhouse, kennels, stables, and storage facilities.

Illicit Connection. A connection to a stormwater system which results in a discharge that is not composed entirely of stormwater run-off except discharges pursuant to an NPDES permit (other than the NPDES permit issued for the Richland County stormwater system and its co-permittees).

Illegal Discharge. Any activity which results in a discharge to a stormwater system or receiving waters that is not composed entirely of stormwater except (a) discharge pursuant to an NPDES permit (other than the NPDES permit issued for the Richland County stormwater system and its co-permittees); (b) discharges resulting from fire-fighting activities; and (c) any activity specifically addressed in this ordinance or by Richland County as not being significant sources of pollution.

Illicit Discharge Detection and Elimination Program (IDDE) Program. The third Minimum Control Measure of the Stormwater Phase II Rule; it is a program, employing a plan that should include procedures for locating priority areas likely to have illicit discharges, procedures for tracing the source of an illicit discharge, procedures for removing the source of the discharge, and procedures for program evaluation and assessment.

Illegal Dumping. The disposal of waste in an unpermitted area or the pouring of liquid wastes or trash into stormwater drains.

Inflow and Infiltration. Result of groundwater or stormwater entering into a sanitary sewer system as a result of damaged collection lines or manholes or from direct stormwater connections, such as from catch basins or roof drains.

Impede the free flow of water. Any change to water elevation or velocity due to obstructions, diversions, or retardation, including changes to the flow characteristics of the waters of the regulatory flood as they pass both the upstream and the downstream boundaries of the property.

Impervious surface. Any hard-surfaced, man-made area that does not readily absorb or retain water, including, but not limited to, building roofs, parking and driveway areas, graveled areas, sidewalks and paved recreation areas.

Improper Disposal. Any disposal other than through an illicit connection that results in an illegal discharge, including, but not limited to, the disposal of used oil, toxic materials or other hazardous liquids or substances resulting from the improper management of these materials.

Improvements. Pavements, curbs, gutters, sidewalks, paths, bikeways, sedimentation control facilities, re-vegetation, water mains, sanitary and storm sewers, drainways, gas lines, electrical and telephone lines and appurtenances, street signs, trees and lights, and any other similar items required for compliance with the regulations of this chapter or the conditions of approval.

Industrial road. A road for which the intended use is somewhat less than that of an arterial road and somewhat greater than that of a collector road. Such roads will generally be located in industrial/commercial areas or be used to provide access for heavy vehicles or heavy vehicular volumes to such areas.

Irrigation. A permanent, underground watering system equipped with surface, subsurface or overhead emitters and which provides one hundred percent (100%) water coverage.

Land. Any ground, soil, or earth including marshes, swamps, drainage-ways and areas not permanently covered by water.

Land development permit. A document signed by an authorized county official, as required in this chapter, as a condition precedent to the commencement of a use or the erection, construction, reconstruction, restoration, alteration, conversion or installation of a structure or building, which document acknowledges that such use, structure, or building complies with the provisions of this chapter or an authorized variance therefrom.

Land development review, major. The review of projects, exclusive of residential and commercial subdivisions, involving one (1) or more of the following: one hundred thousand (100,000) or more square feet of nonresidential floor space; one hundred and fifty (150) or more multi-family residential units, lots or manufactured home spaces in a manufactured home district; and/or the dedication of new public road segments or the dedication to the county of land for open space or other public purposes.

Land development review, minor. The review of projects, exclusive of residential and commercial subdivisions, which do not meet the standards for applicability for “land development compliance review” or “major land development review.”

Land disturbance. Any activity involving the clearing, grading, transporting, filling, and/or any other activity which causes the land to be exposed to the dangers of erosion.

Land surveyor. A person currently licensed pursuant to the requirements of Section 40-22-10, et. seq., of the South Carolina Code of Laws, as amended.

Landscape architect. A person practicing landscape architecture and licensed in the State of South Carolina pursuant to the requirements of Section 40-28-10, et. seq., of the South Carolina Code of Laws, as amended.

Levee. A man-made structure, usually an earthen embankment, designed and constructed in accordance with sound engineering practices to contain, control, or divert the flow of water so as to provide protection from temporary flooding.

Lighting, internal. With respect to signage, artificial lighting provided either through lighting on the sign face or through lighting within a sign made of transparent or translucent material.

Limited storage. An area used for storage and intended to be limited to incidental items that can withstand exposure to the elements and have low flood damage potential. Such an area must be of flood resistant or breakaway material, void of utilities (except for essential lighting), and cannot be temperature controlled.

Local commercial road. A road in a commercial area used primarily for access to abutting properties and to feed traffic to collector roads. This classification includes roads located parallel and adjacent to limited access roads or highways that provide access to abutting commercial properties and protection from through traffic.

Local residential road. A road in a residential area used primarily for access to abutting properties and to feed traffic to collector roads. This classification includes roads located parallel and adjacent to limited access roads or highways that provide access to abutting residential properties and protection from through traffic. Average daily traffic is less than two thousand (2,000) vehicles.

Lot. A parcel of land clearly defined by plat or by metes and bounds description and held, or intended to be held, in separate lease or ownership.

Lot, adjacent. A lot that is contiguous to another lot.

Lot area. The horizontal area within the exterior lines of a lot.

Lot coverage. A measure of intensity of land use that represents the portion of a site that is impervious (i.e., does not absorb water). This portion includes, but is not limited to, all areas covered by buildings, parked structures, driveways, roads, sidewalks, and any area of concrete asphalt.

Lot frontage. That part of a lot (a lot line) abutting on a road.

Lot width. The distance between straight lines connecting front and rear lot lines at each side of a lot, measured at the required front setback, provided that the width between side lot lines at their foremost points (where they intersect with the road line) shall not be less than eighty percent (80%) of the required lot width. In the case of lots fronting on a curve or cul-de-sac, the lot width may be measured up to a distance fifty percent (50%) greater than the required front yard as defined within each zoning district classification, provided the lot width at the minimum required front yard setback is eighty percent (80%) of the minimum required yard width. The measurement shall be taken tangent to the midpoint at the setback line. Where lots are

contiguous to a natural or man-made body of water, the lot width may be measured at the building site line provided all required setbacks can be met and the lot has a minimum of twenty-five (25) linear feet of public road frontage. Where lots are one (1) acre or larger, the lot width may be measured at the building site line provided all required setbacks can be met and the lot has a minimum of fifty (50) linear feet of public road frontage.

Lowest floor. The lowest floor of the lowest enclosed area. Any unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access, or limited storage in an area other than a basement area, is not considered a building's lowest floor provided that such an enclosure is not built so as to render the structure in violation of other provisions of this chapter.

Manufactured home. A factory-built, single-family structure that is manufactured under the authority of 42 U.S.C. Sec. 5401, the National Manufactured Home Construction and Safety Standards Act, is transportable in one or more sections, is built on a permanent chassis and is used as a place of human habitation. The term "manufactured home" shall not include prefabricated modular dwellings placed on permanent foundations, nor shall it include travel trailers, campers or similar units designed for recreation or other short term uses.

Manufactured home park. A lot used, designed or intended to be used for the purpose of supplying a parking space for four (4) or more occupied manufactured homes, and which includes buildings, structures, vehicles, or enclosures used or intended to be used as part of that manufactured home park. Sales or storage lots for unoccupied manufactured homes are not considered to be manufactured home parks.

Manufactured home subdivision. A parcel or contiguous parcels of land subdivided into two (2) or more lots configured for development of manufactured housing.

Marginal access road. A service road that runs parallel to a higher order road, which for purposes of safe ingress and egress, provides access to abutting properties and separation of through traffic. This term shall include the term "frontage road".

Market showroom. A building or structure used principally for the display of merchandise.

Mean sea level. The average height of the sea for all stages of the tide. It is used as a reference for establishing various elevations within the floodplain. For purposes of this chapter, the term is synonymous with National Geodetic Vertical Datum (NGVD).

Minor residential road. A loop road which serves not more than forty (40) dwelling units or a cul-de-sac road that serves not more than twenty (20) dwelling units, either of which carries no through traffic and is used for access to abutting residential lots.

More intense use. A use of greater intensity as determined by the Land Use Impact Table set forth at Section 26-176(f)(3) of this chapter.

Municipal Separate Storm Sewer System (MS4). Acronym used in the NDPES Stormwater Permit that is synonymous with stormwater system for the purposes of this ordinance.

NAICS. The North American Industrial Classification System of 2002.

National Geodetic Vertical Datum (NGVD). As corrected in 1929, elevation reference points set by National Geodetic Survey based on mean sea level.

Native plant material. Any plant material indigenous to South Carolina and which is naturally grown or commercially propagated or cultivated for the nursery or landscaping industry.

Natural plant. A plant, once established, that survives on rainfall without irrigation.

New construction. For purposes of floodplain management in this chapter, this term shall mean a structure for which the start of construction commenced on or after November 4, 1981. The term also includes any subsequent improvements to such structure.

New manufactured home park or new manufactured home subdivision. As referenced in the flood regulations, this term shall mean a manufactured home park or manufactured home subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of roads, and either final site grading or the pouring of concrete slabs) is completed on or after February 3, 1982.

Nonconforming occupied lot. A lot that does not meet the minimum requirements for the zoning district in which it is located and which contains a structure.

Nonconforming open uses of land. An open use on a lot when the only structures are incidental or accessory to the principal open use, but which would not be permitted by this chapter in the zoning district in which it is located.

Nonconforming structures occupying conforming lots. A structure that does not meet the minimum requirements for the zoning district in which it is located, but which is located on a lot that does conform to the district requirements.

Nonconforming uses of structures. A structure, the use of which would not be permitted by this chapter in the zoning district in which it is located.

Nonconforming vacant lot. A lot that is not occupied by a building, structure, or use and that does not meet the dimensional or area requirements for the zoning district in which it is located.

Nonconformity. A legal use, structure, and/or development which existed prior to the adoption of this chapter or any amendment thereto, that does not presently conform to this chapter or its amendments.

Non-linear projects. All construction activities and projects other than utility line installation, pipeline construction, and other examples of long, narrow, linear construction activities.

Non-stormwater Discharge. Any discharge to the stormwater system that is not comprised entirely of stormwater.

NPDES. National Pollutant Discharge Elimination System which is the national program for issuing, modifying, revoking and reissuing, terminating, monitoring and enforcing permits, and imposing and enforcing pretreatment requirements, under §§ 307, 402, 318, and 405 of the federal Clean Water Act.

NPDES Stormwater Permit. The permit issued by DHEC under the primacy authority from the US Environmental Protection Agency that authorizes the discharge of pollutants, in this case stormwater, to waters of the United States, whether the permit is applicable on an individual, group, or general area-wide basis.

North American Industry Classification System (NAICS). A system, published by the federal government for census and business tracking purposes, which lists and classifies various industries.

Obstruction, airport. Any structure, growth or other object, including a mobile object, which exceeds a limited height as set forth in this chapter for airport protection overlay zones.

One hundred year rainfall. A rainfall of an intensity expected to be equaled or exceeded, on the average, once in one-hundred (100) years.

On-site stormwater management. The design and construction of a stormwater management facility within and for a single development.

Open space. An area that is designed for environmental, scenic, or recreational purposes. Open space may include, but is not limited to, lawns, walkways, active and passive recreation areas, playgrounds, swimming pools, wooded areas, and watercourses. Open space shall not be deemed to include driveways, parking lots, or other surfaces designed or intended for vehicular travel.

Open use of land. The use of a lot where the only structures on the lot are incidental or accessory to the principal use of the land (e.g., golf course driving ranges).

Owner/Operator. For the purpose of this ordinance and in the context of stormwater associated with construction activity, means any party associated with a construction project that meets either of the following two criteria:

- (a) The party has operational control over construction plans and specifications. Note: A party has “operational control over construction plans and specifications” if they have the authority to prepare or modify Stormwater Pollution Prevention Plans (SWPPPS); or
- (b) The party has “operational control over day-to-day activities” at a Project that are necessary to ensure compliance with a SWPPP for the Site or other permit conditions (e.g., they are authorized to direct workers at a Site to carry out activities required by the SWPPP or comply with other permit conditions). This definition is

provided to inform permittees of EPA's interpretation of how the regulatory definitions of "Owner or Operator" and "facility or activity" are applied to discharges of storm water associated with construction activity.

Outdoor display. The placement of goods for sale or for advertisement, outside of a building or structure.

Outside storage. The storage of any material for a period greater than forty-eight (48) hours including items for sale, lease, processing, and repair (including vehicles) not in an enclosed building.

Overlay district. A zoning district, established by this chapter, to prescribe special regulations to be applied to a site in combination with the base or underlying district.

Owner. Any person, agent, firm, or corporation having a legal or equitable interest in the property.

Park. An area or facility intended to be used for recreation, exercise, sports or similar activities, or an area intended to enhance the enjoyment of natural features or natural beauty, but specifically excluding commercially operated amusement parks.

Parks, public. A park owned or operated by a government agency(ies) for public recreational use.

Parking lot. An off-road, open, authorized area where motor vehicles are stored for the purpose of temporary, daily, or overnight parking.

Parking lot, primary. The parking lot that contains the majority of the required parking spaces for a business, institution, or other type of use.

Parking, off-road. Space occupied by automobiles for parking on premises other than roads.

Parking, overflow. Parking areas designed to handle parking that is unusual for a particular use and happens only on rare occasions such as special events.

Parking, remote. Land within four hundred (400) feet of a use (measured from the property line of the use to the land to be used for parking) utilized to fulfill the parking requirements set forth in this chapter.

Parking, shared. A parking area used jointly by two (2) or more uses.

Pedestrian walkway. A marked path for pedestrian traffic.

Performance bond. A document issued by a surety, in return for a fee or premium, guaranteeing the performance of the terms and conditions of development approval.

Permitted uses with special requirements. Uses permitted by right, provided that the specific standards set forth in Article VI. are met.

Person. Any individual or group of individuals, partnership, association, corporation, company, firm, joint venture, trust, estate, commission, board, public or private institution, utility, cooperative, interstate body, any governmental or quasi-governmental entity, or other legal entity.

Place of worship. A structure (or structures) and the parcel on which it is located, in/on which persons regularly assemble for religious worship. The term “place of worship” shall not include accessory uses such as day cares, schools, thrift shops and other facilities designed for ministries incidental to the use as a place of worship. Family life centers, church offices, regular worship (“Sunday School”) classrooms and fellowship halls are considered accessory uses and part of a “place of worship” as defined herein.

Planning commission. The Richland County Planning Commission.

Planning department. The Richland County Planning and Development Services Department.

Plat. A map, or delineated representation of the subdivision of lands, prepared by a surveyor licensed in South Carolina, being a complete and exact representation of the subdivision or parcel and including other information, which is in compliance with all the relevant requirements of this chapter and other county statutes, laws and regulations.

Plat, final. A set of drawings, and other documentation, prepared in compliance with the requirements of this chapter and that are presented for final approval and recordation by the county.

Pollutant. Dredged spoil; solid waste; incinerator residue; sewage; garbage; sewage sludge; munitions; medical waste; chemical wastes; biological materials; radioactive materials; heat; wrecked or discarded equipment; rock; sand; cellar dirt; municipal, agricultural and industrial waste; and certain characteristics of wastewater (e.g. pH, temperature, TSS, turbidity, color, BOD, COD, toxicity, or odor). A foreign substance, that if permitted to get into the public water system, will degrade its quality so as to constitute a moderate hazard, or impair the usefulness or quality of the water to a degree which does not create an actual hazard to the public health but which does adversely and unreasonably affect such water for domestic use.

Portable sign. See “Sign, portable.”

Post-development. Land surface conditions as changed due to development.

Pre-development. Natural or existing land surface conditions prior to proposed development.

Primary drainage channel. A drainage channel, stream, or creek draining an area of three hundred (300) acres or more.

Primary surface. A surface longitudinally centered on a runway.

Primary surface (Columbia Owens Downtown Airport). The primary surface extends two hundred (200) feet beyond each end of the runway. The elevation of any point on the primary surface is the same as the elevation of the nearest point on the runway centerline. The width of the primary surface is five hundred (500) feet.

Primary surface (McEntire Air National Guard Base). The primary surface for military airports is located on the ground or water longitudinally centered on each runway with the same length as the runway. The width of the primary surface for runways is two thousand (2,000) feet.

Produce stand. An open-air stand or place for the selling of agricultural produce.

Public nuisance (stormwater management facilities). The following conditions constitute a public nuisance with respect to stormwater management facilities: (a) Any condition that constitutes a breeding ground or harbor for rats, mosquitoes, harmful insects or other pests; (b) An open place containing a concentration of combustible items such as mattresses, boxes, paper, automobile tires and tubes, garbage, trash, refuse, brush, old clothes, rags, or any other combustible materials or objects of a like nature; (c) Any open place containing a collection of garbage, food waste, animal waste, or any other rotten or putrescible matter of any kind; (d) Any open place containing furniture, appliances, or metal products of any kind or nature which have jagged edges of metal or glass or areas of confinement; (e) Any condition which blocks, hinders or obstructs in any way the natural flow of streams, creeks, surface water, ditches, or drains, to the extent that the blockage or hindrance or obstruction creates standing or stagnant water.

Public recreation facilities. Facilities, other than parks, owned or controlled by a public entity for the purpose of providing recreational pursuits. Public recreation shall include such facilities as swimming pools, gymnasiums and indoor tracks.

Public works department. The Richland County Public Works Department.

Racetrack. A facility containing a roadway that is used primarily for automobile, animal, and/or motorcycle racing. A racetrack may include seating, concession areas, and parking facilities along with accessory offices.

Radio, television, and other similar transmitting towers. A mast, pole, monopole, guyed or freestanding framework, or other vertical elements that act as an antenna or to which an antenna is affixed or attached.

Recreational vehicle. A vehicular-type unit primarily designed as temporary living quarters for recreational, camping, or travel use, which either has its own motive power or is mounted on or drawn by another vehicle.

Regulatory floodway. The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the

water surface elevation by more than one (1) foot, as identified on an official Flood Insurance Rate Map or other available information.

Repair and maintenance services, automobile, major. An establishment engaged in the significant repair and replacement of parts and motor services to automobiles, including, but not limited to, such services as: engine rebuilding, reconditioning of automobiles, the removal from any vehicle of a major portion (i.e., the differential, transmission, head, engine block, or oil pan) thereof for replacement or repair, the repair of damaged motor vehicles or trailers (including body, frame, or fender straightening or repair), and/or the painting of vehicles.

Repair and maintenance services, automobile, minor. An establishment engaged in the sale of automotive fuels or oils, and the incidental repair and replacement of parts and motor services to automobiles, including oil change, tire sales, and alignment, but not including any operation specified under “repair and maintenance services, automobile, major.”

Repetitive loss. Flood-related damages sustained by a structure on two (2) separate occasions during a ten (10) year period for which the cost of repairs at the time of each such flood event, on the average, equals or exceeds twenty-five percent (25%) of the market value of the structure before the damage occurred.

Retention structure. A permanent structure whose primary purpose is to permanently store a given volume of stormwater runoff.

Road. An open way designed for the operation of vehicles, including, but not limited to, streets, avenues, boulevards, highways, freeways, lanes, and/or courts. This definition shall not include driveways or ingress/egress easements.

Road frontage. The distance for which a lot line of a lot adjoins a public road, from one lot line intersecting said road to the furthest distance lot line intersecting the same road.

Road, half. A street or road that is intended to be developed by constructing one-half ($\frac{1}{2}$) of a required width of a road with the remainder to be provided at some future date.

Roominghouse or boardinghouse. An establishment, other than a hotel, motel, or bed and breakfast, in which more than three (3) persons who are not members of the owner’s immediate family are housed or lodged in rooms used or intended to be used for living and sleeping, but not for cooking or eating purposes, for compensation, with or without meals being provided. Any dwelling in which such accommodations are offered in ten (10) or more rooms shall be considered to be a hotel or motel.

Runoff. The portion of the precipitation on the land that reaches the drainage system.

Runway. A defined area at an airport prepared for landing and takeoff of aircraft along its length.

Rural road. A road serving development in low density, primarily rural areas.

Sanitary sewer overflows (SSOs) are discharges of untreated sewage from municipal sanitary sewer systems, without first passing through a wastewater treatment plant, as a result of broken pipes, equipment failure, or system overload. An SSO is a public health hazard and a violation of federal, state and local discharge regulations.

Sanitary Sewer Pre-Treatment. The reduction of the amount of pollutants, the elimination of pollutants, or the alteration of the nature of pollutant properties in wastewater to a less harmful state prior to or in lieu of discharging or otherwise introducing such pollutants into a sanitary sewer system. The reduction or alteration may be obtained by physical, chemical, or biological processes, process changes or by other means, except as prohibited by the Clean Water Act.

Screen. To visually shield or obscure one abutting or nearby structure, use or parking area from another by using fencing, walls, berms, or densely planted vegetation.

Sedimentation. The process which operates at or near the surfaces of the ground, to deposit soil, debris and other materials either on other ground surfaces or in water channels.

Seepage. Percolation of underground water through the banks and into a stream or other body of water, or into or out of a sewer.

Septage. The liquid and solid material pumped from a septic tank, cesspool, or similar domestic sewage treatment system or a holding tank when the system is cleaned or maintained.

Setback. The minimum distance by which any building or structure must be separated from the lot lines of the lot on which it is located.

Setback, front. A setback extending across the full width of a lot between the front lot line and the foremost point of any structure on the lot.

Setback, rear. A setback extending across the full width of a lot between the rear lot line and the rearmost point of any structure on the lot.

Setback, side. A setback between a side lot line and the nearest point of the nearest structure, extending from the required front setback to the required rear setback.

Sexually oriented business. An adult arcade, adult bookstore, adult video store, adult cabaret, adult motel, adult motion picture theater, adult theater, escort agency, nude model studio, or sexual encounter center. As used in this chapter, the following definitions shall apply to such businesses:

- (a) *Adult arcade.* Any place where the public is permitted or invited wherein coin-operated or slug-operated or electronically, electrically, or mechanically controlled still or motion picture machines, projectors, or other image-producing devices are maintained to show images to five (5) or fewer persons per machine at any one time, and where the images so displayed are distinguished or

characterized by the depicting or describing of specified sexual activities or specified anatomical areas.

- (b) *Adult bookstore or adult video store.* A commercial establishment which, as one of its principal business purposes, offers for sale or rental (for any form of consideration) any one (1) or more of the following:
- (1) Books, magazines, periodicals, or other printed matter, or photographs, films, motion pictures, videocassettes or video reproductions, slides, or other visual representations, which depict or describe specified sexual activities or specified anatomical areas; or
 - (2) Instruments, devices, or paraphernalia that are designed for use in connection with specified sexual activities. A commercial establishment may have other principal business purposes that do not involve the offering for sale or rental of material depicting or describing specified sexual activities or specified anatomical areas and still be categorized as an adult bookstore or adult video store. Such other business purposes will not serve to exempt such commercial establishment from being categorized as an adult bookstore or adult video store so long as one of its principal business purposes is the offering for sale or rental for consideration the specified materials which depict or describe specified sexual activities or specified anatomical areas.
- (c) *Adult cabaret.* A nightclub, bar, restaurant, or similar commercial establishment that regularly features:
- (1) Persons who appear in a state of nudity; or
 - (2) Live performances that are characterized by the exposure of specified anatomical areas or by specified sexual activities; or
 - (3) Films, motion pictures, videocassettes, slides, or other photographic reproductions that are characterized by the depiction or description of specified sexual activities or specified anatomical areas.
- (d) *Adult motel.* A hotel, motel, or similar commercial establishment that:
- (1) Offers accommodations to the public for any form of consideration; provides patrons with closed-circuit television transmissions, films, motion pictures, videocassettes, slides, or other photographic reproductions that are characterized by the depiction or description of specified sexual activities or specified anatomical areas; and has a sign visible from the public right-of-way which advertises the availability of this adult type of photographic reproductions; or

- (2) Offers a sleeping room for rent for a period of time that is less than ten (10) hours; or
 - (3) Allows a tenant or occupant of a sleeping room to sub-rent the room for a period of time that is less than ten (10) hours.
- (e) *Adult motion picture theater.* A commercial establishment where, for any form of consideration, films, motion pictures, videocassettes, slides, or similar photographic reproductions are regularly shown that are characterized by the depiction or description of specified sexual activities or specified anatomical areas.
- (f) *Adult theater.* A theater, concert hall, auditorium, or similar commercial establishment that regularly features persons who appear in a state of nudity or live performances that are characterized by the exposure of specified anatomical areas or by specified sexual activities.
- (g) *Escort.* A person who, for consideration, agrees or offers to act as a companion, guide, or date for another person, or who agrees or offers to privately model lingerie or to privately perform a striptease for another person.
- (h) *Escort agency.* A person or business association who furnishes, offers to furnish, or advertises to furnish escorts as one of its primary business purposes for a fee, tip, or other consideration.
- (i) *Establishment of a sexually oriented business.* Any of the following:
 - (1) The opening or commencement of any sexually oriented business as a new business;
 - (2) The conversion of an existing business, whether or not a sexually oriented business, to any sexually oriented business;
 - (3) The additions of any sexually oriented business to any other existing sexually oriented business; or

(4) The relocation of any sexually oriented business.
- (j) *Nude model studio.* Any place where a person who appears in a state of nudity or displays specified anatomical areas is provided to be observed, sketched, drawn, painted, sculptured, photographed, or similarly depicted by other persons who pay money or any form of consideration. This definition shall not include a modeling class operated by a proprietary school licensed by the State of South Carolina, or by a college, junior college, or university in a structure that has no sign visible from the exterior of the structure and no other advertising that indicates a nude person is available for viewing and where, in order to participate in a class, a student must enroll at least three (3) days in advance of the class. In these situations, no more than one (1) nude model may be present at any one time.

- (k) *Nude or a state of nudity.* The appearance of a person's genitals, pubic area, vulva, anus, anal cleft or cleavage of the buttocks, including the portion of the buttocks within four (4) inches on either side of a vertical line extending upward from the anus, or any simulation thereof; or any portion of a female breast below a horizontal line across the top of the areola at its highest point, or any simulation thereof. This definition shall include the entire lower portion of the female breast.
- (l) *Permittee and/or licensee.* A person in whose name a permit and/or license to operate a sexually oriented business has been issued, as well as the individual listed as an applicant on the application for a permit and/or license.
- (m) *Semi-nude.* A state of dress in which clothing covers no more than the genitals, pubic region, and areolae of the female breast, as well as portions of the body covered by supporting straps or devices.
- (n) *Sexual encounter center.* A business or commercial enterprise that, as one of its primary business purposes, offers for any form of consideration:
 - (1) Physical contact in the form of wrestling or tumbling between persons of the opposite sex; or
 - (2) Activities between male and female persons and/or persons of the same sex when one or more of the persons is in a state of nudity or semi-nude.
- (o) *Specified anatomical areas.* The male genitals in a state of sexual arousal and/or the vulva or more intimate parts of the female genitals.
- (p) *Specified sexual activities.* Any of the following:
 - (1) The fondling or other erotic touching of human genitals, pubic region, buttocks, anus, or female breasts;
 - (2) Sex acts, normal or perverted, actual or simulated, including intercourse, oral copulation, and/or sodomy;
 - (3) Masturbation, actual or simulated; or
 - (4) Excretory functions as part of or in connection with any of the activities set forth in subsection (1) through (3) of this definition.
- (q) *Substantial enlargement of a sexually oriented business.* The increase in floor areas occupied by the business by more than twenty-five percent (25%), as the floor areas exist on August 1, 1987.
- (r) *Transfer of ownership or control of a sexually oriented business.* Any of the following:

- (1) The sale, lease, or sublease of the business; or
- (2) The transfer of securities which constitute a controlling interest in the business whether by sale, exchange or similar means; or
- (3) The establishment of a trust, gift, or other similar legal device that transfers the ownership or control of the business, except for transfer by bequest or other operation of law upon the death of the person possessing the ownership or control.

Shade tree. Any tree listed as a “shade tree” in the development design manual of the county with respect to landscaping.

Side lot line. Any boundary of a lot that is not a front lot line, a road lot line or a rear lot line.

Sight visibility triangle. See “vision clearance.”

Sign. Any device (including, but not limited to, letters, numbers, words, figures, emblems, pictures, or any part or combination) used for visual communication intended to attract the attention of the public and visible to the public right-of-way and other properties.

Sign, attached. Any sign attached to, applied on, or supported by any part of a building, including, but not limited to, a wall, window or projecting sign, or a sign on a canopy, awning or marquee.

Sign, bulletin or notice board. An on-premises sign on which message copy is changed manually through attachment of letters, numbers, symbols, and other similar characters or changeable pictorial panels. Such signs display information related to activities or services conducted or offered on the premises.

Sign, combined development. A sign listing the businesses located within a combined development. A combined development is two (2) or more establishments or businesses occupying a common building or adjoining buildings which are designed and developed in a coordinated manner and which share parking, driveways and other common facilities.

Sign, directional. Any on-premises sign that includes information assisting in the flow of pedestrian or vehicular traffic, such as enter, exit and one-way.

Sign face. The part of the sign that is or can be used to identify, advertise or communicate information, or that attracts the attention of the public for any purpose. The frame or structural members may be considered as part of the sign face if it is so designed with lighting or other ornamentation that is incorporated for the sign design.

Sign, freestanding. A sign that is attached to, erected on, or supported by some structure (such as a pole, mast, frame or other structure) that is not itself an integral part of or attached to a building or other structure whose principal function is something other than the support of a sign.

Sign, height. The vertical distance from the highest point of a sign or its support, whichever is greater, to the base of a sign at grade.

Sign, incidental. Signs containing information necessary or convenient to persons coming onto a premises. Incidental signs include, but are not limited to, the following: signs containing information on hours of operation and credit cards honored, signs identifying restrooms, public telephones and other business facilities. Information signs shall not include fuel price signs or traffic directional signs.

Sign, off-premises. A sign that directs attention to a business, commodity, service or entertainment not exclusively related to the premises where such sign is located or to which it is affixed.

Sign, on-premises. A sign relating in its subject matter to the premises on which it is located, or to products, accommodations, services or activities on the premises.

Sign, portable. A sign designed or intended to be moved easily that is not permanently embedded in the ground or affixed to a building or other structure, including any sign that rests upon the ground, a frame, a building or other structure. "Portable sign" shall include, but not be limited to, the following types of signs: trailer signs (with or without wheels), menu and sandwich boards, hot air or gas-filled balloons used for advertising, sidewalk or curb signs, and A-frame signs.

Sign, projecting. A sign attached to a building or other structure and extending in whole or in part more than fourteen (14) inches beyond the building.

Sign, roof. A sign that is mounted on the roof of a building or that is wholly dependent upon a building for support and projects above the highest point of a building with a flat roof, the eave line of a building with a gambrel, gable or hip roof, or the deck line of a building with a mansard roof.

Sign, temporary. A sign not intended or designed for permanent display.

Sign, wall. A permanent sign mounted flat against and projecting less than fourteen (14) inches from, or painted on the wall of, a building or structure with the exposed face of the sign in a plane parallel to the face of the wall. This term shall include permanent window signage.

Sketch plan. A sketch preliminary plat or site plan to enable the developer/subdivider to save time and expense in reaching a general agreement with authorized officials of Richland County as to the form of the plat or plan and the objectives of this chapter.

Small maturing tree. Any tree listed as a "small maturing tree" in the development design manual of the county with respect to landscaping.

Special congregate facilities. Congregate facilities characterized by a clientele composed of persons who generally do not possess personal automobiles to assist them in their daily transportation throughout the area and its vicinity. Such facilities may include indigent care facilities, shelter facilities, hostels, and similar facilities.

Special exception. Uses that are generally compatible with land uses permitted in a zoning district, but that because of their unique characteristics or potential impacts on the surrounding neighborhood and or the county as a whole, require individual consideration of their location, design, configuration and/or operation at the particular location proposed.

Start of construction. The date the building permit was issued; provided, however, the actual start of construction, repair and reconstruction, rehabilitation, addition, or substantial improvement was within one hundred and eighty (180) days of the permit date. The actual start means the first placement of permanent construction of a structure (including a manufactured home) on a site, such as the pouring of slabs or footings, installation of piles, construction of columns, or any work beyond the state of excavation or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading, and filling; nor does it include the installation of roads and/or walkways; nor does it include excavation for footings, piers or foundations, or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of the building, whether or not that alteration affects the external dimensions of the building.

Storm Drainage Design Standards. The manual of design, performance and review standards for stormwater management, prepared under the direction of the county engineer.

Stormwater. Any surface flow, runoff and drainage consisting entirely of water from any form of natural precipitation and resulting from such precipitation.

Stormwater management. The collection, conveyance, storage, treatment and disposal of stormwater runoff in a manner to minimize channel erosion, flood damage, and or degradation of water quality and in a manner to enhance and insure the public health, safety, and general welfare.

Stormwater management facilities. Structures and man-made features designed for the collection, conveyance, storage, treatment and disposal of stormwater runoff into and through the drainage system. Stormwater management facilities include vegetative and/or structural measures, to control the increased volume and rate of stormwater runoff caused by manmade changes to the land.

Stormwater Outfall. The point at which a stormwater system discharges to the receiving waters.

Stormwater Pollution Prevention Plan (SWPPP). A document which describes the Best Management Practices and activities to be implemented by a person or business to identify

sources of pollution or contamination at a site and the actions to eliminate or reduce pollutant discharges to Stormwater, Stormwater Conveyance Systems, and/or Receiving Waters to the Maximum Extent Practicable.

Stormwater runoff. The direct response of a watershed to precipitation, including surface and subsurface flows resulting from precipitation.

Stormwater System. The publicly-owned facilities by which stormwater is collected and/or conveyed, including, but not limited to roads with drainage systems, streets, gutters, curbs, inlets, piped storm drains, pumping facilities, basins, drainage channels or other drainage structures.

Street. See “road.”

Street protective yard. A required open yard area in which trees are planted abutting roads.

Structure. Anything constructed or erected which requires location on or in the ground or is attached to something having a location on the ground or anything as defined by the building code as a structure. Structures do not include ditches and their appurtenances, poles, lines, cables or transmission or distribution facilities of public utilities, freestanding mailboxes, on-grade slabs, walks, driveways, landscaping materials or fences. This term includes both permanent and temporary structures.

Structure, height. The average finished ground elevation at the base of a structure to the highest point of the roof of the structure, provided that spires, belfries, cupolas, chimneys, antennas, water tanks, ventilators, elevator housing, mechanical equipment or other such structures placed above roof level and not intended for human occupancy shall not be subject to height limitations.

Structure, principal. A structure where the principal use of the lot on which it is located is conducted.

Structure size standards. Unless otherwise defined, this term means standards regulating the building footprint of a structure relative to the area of the lot on which the structure sits.

Subdivision. All divisions of a tract or parcel of land into two (2) or more lots, building sites, or other divisions for the purpose, whether immediate or future, of sale, lease or building development. The definition of subdivision includes:

- (a) All division of land involving a new road or change in existing roads.
- (b) Re-subdivision involving a further division or relocation of lot lines of any lot or lots within a subdivision previously made and approved or recorded according to law.
- (c) The alteration of any roads or the establishment of any new roads within any subdivision previously made and approved or recorded according to law.
- (d) Combinations of recorded lots.

The following exceptions are included within this definition only for the purpose of requiring that Richland County have a record of these subdivisions:

- (a) The combination or recombination of portions of previously platted lots where the total number of lots is not increased and the resultant lots are equal to the standards of this chapter.
- (b) The division of land into parcels of five (5) acres or more where no new road is involved and plats of these exceptions must be received as information by the Richland County Planning and Development Services Department.
- (c) The combination or recombination of entire lots of record where no new road or change in existing roads is involved.

Subdivision, major. Any subdivision that does not meet the criteria for a subdivision exception (see subdivision definition) or a minor subdivision. Any subdivision that involves the dedication of land to the county for open space or other public purposes shall be a major subdivision.

Subdivision, minor. Those divisions of land that do not qualify for administrative subdivision review, but which consist of less than fifty (50) lots. Additionally, a minor subdivision shall not involve the dedication of land to the county for open space or other public purposes.

Substantial damage. Damage of any origin sustained by a structure whereby the cost of restoring the structure to its pre-damage condition would equal or exceed fifty percent (50%) of the market value of the structure before the damage occurred. Substantial damage also means flood-related damage sustained by a structure on two (2) separate occasions during a ten (10) year period for which the cost of repairs at the time of each such flood event, on the average, exceeds twenty-five percent (25%) of the market value of the structure before the damage occurred.

Substantial improvement. Any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds fifty percent (50%) of the market value of the structure before the “start of construction” of the improvement. This term includes structures that have incurred “repetitive loss” or “substantial damage,” regardless of the actual repair work performed.

Swine farms. A tract of land devoted to raising fifty (50) or more animals of the porcine species.

Technical representative. South Carolina Registered Professional Civil Engineer, Registered Landscape Architect, or Tier B. Land Surveyor responsible for sealing SWPPPs.

Temporary use. A land use (or structure) that is needed or is in place for a limited duration.

Ten-year frequency rainfall. A rainfall of an intensity expected to be equaled or exceeded, on the average, once in ten (10) years.

Thoroughfare road. Interstates, other freeways, expressways or major roads that provide for the expeditious movement of high volumes of traffic within the county.

Top of bank. The elevation of the uppermost point on the rise of land which borders of a water resource such as a river, creek or lake.

Traffic management plan. An evaluation of the effect of traffic generated by a development on the operation and safety of the adjacent public roads. Such analysis shall include an identification of traffic impact mitigation measures needed to improve the safety, operation, and flow of vehicular and pedestrian movement into and out of the development.

Transformer station. A utility substation where the voltage of electrical energy is changed.

Transit route. The established route for public transportation services.

Twenty-five year frequency rainfall. A rainfall of an intensity expected to be equaled or exceeded, on the average, once in twenty-five (25) years.

Use, principal. The primary use of any lot.

Utility lines and related appurtenances. All lines and supporting apparatus or equipment related to the distribution, transmission or disposal of water, storm and sanitary sewage, natural gas, power, telephone and telecommunication cable.

Utility service area. An area within a development where equipment used for operations related to the provision, distribution, collection, transmission, or disposal of water, storm and sanitary sewage, oil, natural gas, power, information, telecommunication, telephone, and cable services is located.

Utility service facilities. Facilities principally used for servicing operations related to the provision, distribution, collection, transmission, or disposal of water, storm and sanitary sewage, oil, natural gas, power, information, telecommunication, telephone, and cable services.

Utility substation. A structure or facility for transforming or transmitting a service provided by a utility company. Such utility substation, may include private utility systems such as telephone, electric, etc., but shall not include telecommunication towers or other telecommunication devices.

Variance. A device that grants a property owner relief from the provisions of this chapter.

Vehicular display area. An area designed and used for the display and storage of vehicles for sale or lease.

Vehicular surface area. The unenclosed area within a development designed and used for the movement and storage (parking) of motor vehicles. This definition shall not include driveways used for ingress and egress to a development.

Vegetation. All plant growth, including trees, shrubs, grasses, and mosses.

Vending machine operator. A person that operates a vending machine.

Vision clearance. An area of unobstructed vision at road intersections or intersections between roads and driveways.

Wastewater. Any water or other liquid, other than uncontaminated stormwater, discharged from a facility.

Water quality. Those characteristics of stormwater runoff that relate to the physical, chemical, biological and radiological integrity of water.

Water resource yard. A setback running approximately parallel to the tops of the banks of designated water resources to be protected for, and defined by, the location of critical riparian vegetation and habitat.

Waters. For the purpose of identifying NPDES stormwater permit “point discharges”, waters means surface water, within Richland County’s jurisdictional boundaries as identified on USGS 1:24,000 scale quadrangle sheets.

Waters of the state. Refer to the State of South Carolina Department of Health and Environmental Control, Regulation R.61-9.122, Part A, Section 122.2 “Definitions.”

Watershed. The drainage area contributing stormwater runoff to a single point.

Wetlands. Those areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs, and similar areas.

Xeriscape. Quality landscapes that conserve water, protect the environment, are adaptable to local conditions, and which are drought tolerant. The principles of xeriscape include planning and design, appropriate choice of plants, soil analysis (which may include the use of solid waste compost), efficient irrigation, practical use of turf, appropriate use of mulches, and proper maintenance.

Yard. An open space between a building and the adjoining lot lines, unoccupied and unobstructed from the ground to the sky, except as otherwise provided herein, on the lot on which a building is located.

Yard sale. The sale or offering for sale to the general public of over five (5) items of personal property on any portion of a lot containing a residential use, whether within or outside any building.

Zero lot line, common, single-family dwelling. See “Dwelling, single-family, zero lot line, common.”

Zero lot line, parallel, single-family dwelling. See “Dwelling, single-family, zero lot line, parallel.”

Zoning administrator. The zoning administrator of Richland County.

Zoning district. Any zone shown on the Richland County zoning map for which there are uniform regulations governing the use of buildings and premises or the placement, size, spacing, etc. of such buildings or uses.

Zoning map. The series of maps adopted as an ordinance by the Richland County Council that delineates the extent of each zoning district established in the Richland County Land Development Code.

Secs. 26-23 - 26-30. Reserved.

ARTICLE III. ADMINISTRATION

Sec. 26-31. Richland County Council.

- (a) *Powers and duties pursuant to this chapter.* Without limiting any authority granted to the Richland County Council by law or regulations, the Richland County Council shall have the following powers and duties with respect to this chapter, to be carried out in accordance with the terms of this chapter:
- (1) To adopt new text for and amendments to the text of this chapter;
 - (2) To adopt new zoning maps and amendments to the zoning maps;
 - (3) To establish fees for permits and approvals related to the administration of this chapter; and
 - (4) Such additional powers and duties as may be set forth elsewhere in this chapter and in other related laws and regulations.
- (b) *Reserved.*

Sec. 26-32. Richland County Planning Commission.

See Section 2-326 of this Code of Ordinances.

Sec. 26-33. Board of Zoning Appeals of Richland County.

- (a) *Established; duties.* The Board of Zoning Appeals of Richland County is hereby established, which shall have the powers and duties as provided in Sections 6-29-780 through 6-29-860 of the South Carolina Code of Laws. In general, such powers and duties shall include the following:

- (1) *Administrative review.* The board of zoning appeals shall hear and decide appeals when it is alleged that there is error in any order, requirement, decision, or determination made by the zoning administrator or other authorized staff of the planning department in the enforcement of this chapter. Such appeals must be taken within thirty (30) days after the order, requirement, decision, or determination that is alleged to be in error is made, and must be made in accordance with the procedures and standards set forth in Section 26-58 of this chapter.
 - (2) *Variations.* The board of zoning appeals shall have the power to authorize upon appeal in specific cases such variance from the terms of this chapter as will not be contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions of this chapter would result in an unnecessary hardship. Such appeals shall be made in accordance with the procedures and standards set forth in Section 26-57 of this chapter.
 - (3) *Special exceptions.* The board of zoning appeals shall hear and decide applications for special exceptions as the board is specifically authorized to pass upon by the terms of this chapter. Such appeals shall be made in accordance with the procedures and standards set forth in Section 26-56 of this chapter.
 - (4) *Remand.* The board of zoning appeals may remand a matter to an administrative official, upon motion by a party or the board's own motion, if the board determines that the record is insufficient for review. A party's motion for remand may be denied if the board determines that the record is sufficient for review.
- (b) *Membership; terms; vacancies.*
- (1) The board of zoning appeals shall consist of seven (7) members appointed by the Richland County Council, a majority of which shall constitute a quorum. None of the members of the board of zoning appeals shall hold any other public office or position with the county.
 - (2) Members shall be appointed for staggered terms of three (3) years and until their respective successors are appointed and qualified. Members may be removed for cause by the Richland County Council.
 - (3) Vacancies shall be filled by the Richland County Council for the unexpired term of any member whose term becomes vacant.
- (c) *Organization; officers; rules; meetings; notice; records.*

- (1) The board of zoning appeals shall elect a chairperson, a vice-chairperson, and a secretary from its members who shall each serve for a one (1) year term or until re-elected or a successor is elected and qualified. The staff of the Richland County Planning and Development Services Department shall support the board in fulfilling its responsibilities by facilitating matters to be brought before the board.
- (2) The board shall adopt rules of procedure necessary to the conduct of its affairs in accordance with the provisions of this chapter.
- (3) Meetings of the board shall be held at the call of the chairperson and at other times as the board may determine. Public notice of all meetings of the board of zoning appeals shall be provided by publication in a newspaper of general circulation within the county. The chairperson, or in his/her absence, the acting chairperson, may administer oaths and compel the attendance of witnesses.
- (4) All meetings shall be open to the public. The board shall keep minutes of its proceedings, showing the vote of each member upon each question, or if absent or failing to vote, indicating such fact. The board shall keep records of its examinations and other official actions, all of which shall immediately be filed in the office of the zoning administrator, and shall be a public record.

Sec. 26-34. Development Review Team

- (a) *Established; duties.* A development review team is hereby established, which shall have the following duties:
 - (1) *Land development review.* The development review team shall review and comment on all major land development applications and minor land development applications as needed. Such review shall be made in accordance with the procedures set forth in Section 26-53 of this chapter.
 - (2) *Subdivision review.* The development review team shall review and comment on all major subdivision plat applications and shall comment on minor subdivision plats as needed. Such review shall be made in accordance with the procedures set forth in Section 26-54 of this chapter.
 - (3) *Planned development review.* The development review team shall review and comment on all applications for planned developments. Such review shall be made in accordance with the procedures set forth in Section 26-59 of this chapter.
 - (4) *Assistance to the planning department.* The development review team shall review and comment on other plans or applications as requested by

the planning department and shall assist the staff of the planning department with any studies or other land development matters as necessary.

- (5) *Other.* The development review team shall perform such additional powers and duties as may be set forth for the development review team of Richland County elsewhere in this chapter and other laws and regulations of the county.
- (b) *Membership; operating procedures.* The development review team shall be appointed by the planning director. It shall consist of representatives of various departments within the county. The membership and operating procedures shall be as determined by the planning director. The planning director shall be a member of and shall serve as chair of the development review team.

Sec. 26-35. Richland County Planning and Development Services Department.

- (a) *General powers and duties pursuant to this chapter.* The Richland County Planning and Development Services Department, under the direction of the Richland County Planning Director, shall have the following powers and duties, to be carried out in accordance with the terms of this chapter:
 - (1) To review all applications for land development, subdivision, and planned development approval for compliance with the terms of this chapter and to facilitate any necessary formal review of such applications;
 - (2) To review all applications for permitted uses with special requirements, special exceptions and variances for compliance with the terms of this chapter and to facilitate any necessary formal review of such applications;
 - (3) To review all applications for certificates of zoning compliance in accordance with the terms of this chapter;
 - (4) To provide the Richland County Council, the Richland County Planning Commission, and the Richland County Board of Zoning Appeals with reports and recommendations regarding matters before these bodies, either as required by this chapter, other laws and regulations, or upon the request of the body;
 - (5) To enforce compliance with the terms of this chapter in accordance with Article XII., unless such enforcement is specifically assigned to another county official; and
 - (6) Such additional powers and duties as may be set forth for the Richland County Planning and Development Services Department elsewhere in this Code of Ordinances and other laws and regulations of the county.

(b) *Specific powers and duties of certain planning department officers:*

- (1) *Planning director.* The Richland County Planning Director, in addition to having such additional powers and duties as may be assigned or as are set forth elsewhere in this Code of Ordinances, shall serve on and coordinate the activities of the Richland County Development Review Team as established in Section 26-34 of this chapter.
- (2) *Zoning administrator.* The Richland County Zoning Administrator, in addition to having such additional powers and duties as may be assigned or as are set forth elsewhere in this Code of Ordinances, shall interpret the terms and provisions of this chapter unless such interpretation is specifically assigned to another county official. In addition, the zoning administrator may, for good cause shown, administratively continue any matter before the Planning Commission, the Board of Zoning Appeals, or any matter scheduled to be heard by County Council at a zoning public hearing prior to publication of the respective agenda. Notice of the administrative continuance shall be made in writing to the chair of the Planning Commission, the Board of Zoning Appeals, or County Council, with a copy thereof served upon the parties of record. Matters that are administratively continued shall be rescheduled for hearing as soon as practical, consistent with the basis for the continuance.
- (3) *Land development administrator.* The Richland County Land Development Administrator, in addition to having such additional powers and duties as may be assigned or as are set forth elsewhere in this chapter, shall be responsible for final approval and signing of all subdivision plats to be recorded in the jurisdiction of Richland County.
- (4) *Flood coordinator.* The Richland County Flood Coordinator shall have the following powers and duties in administering and implementing Section 26-102 of this chapter and other relevant laws and regulations pertaining to floodplain management in Richland County:

a. To review all applications for zoning and grading permits within the FP Overlay District to assure that all applicable requirements of this chapter have been satisfied.

b. To advise any applicant for a zoning and/or grading permit within the FP Overlay District that additional federal or state permits may be required and require that copies of any permits or permit applications for activities on the proposed site be provided and maintained on file with the flood coordinator.

c. To notify adjacent communities and the State Coordinator for the National Flood Insurance Program of the South Carolina

Department of Natural Resources, Land Resources and Conservation Districts Division, prior to any alteration or relocation of a watercourse, and to submit evidence of such notification to FEMA.

- d. To prevent encroachments within floodways unless the certification and flood hazard reduction provisions of Section 26-102 of this chapter are met.
- e. Where interpretation is needed as to the exact location of the boundaries of special flood hazard areas (for example, where there appears to be a conflict between a mapped boundary and actual field conditions), to make the necessary interpretation.
- f. When base flood elevation data of floodway data have not been provided in accordance with Section 26-102 of this chapter, to obtain, review, and reasonably utilize the best available base flood elevation data and floodway data available from a federal, state or other source at his/her discretion, in order to administer the provisions of Section 26-102 of this chapter and other relevant laws and regulations pertaining to floodplain management in Richland County.
- g. When a regulatory floodway has not been designated, the flood coordinator must require that no encroachments, including fill, new construction, substantial improvements, or other development shall be permitted within Zones AE and A1-30 on the community's FIRM, unless it is demonstrated by an engineer registered with the state, that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood at any point within the community more than one (1) foot.
- h. Mail annually a notice, including a copy of the application of a development permit, to owners or occupants of structures within or touched by the regulatory floodplain areas, to provide information as to the status of the flood hazard for each property. This notice shall require that owners provide this notice and a copy of the development permit to subsequent purchasers of the property.
- i. To serve notices of violation, issue stop work orders, revoke or suspend permits and take corrective actions for violations of Section 26-102 of this chapter and other relevant laws and regulations pertaining to floodplain management in Richland County.

Sec. 26-36. Richland County Engineer/Stormwater Manager

- (a) *Powers and duties pursuant to this chapter.* The Richland County Engineer/Stormwater Manager, under the direction of the Richland County Public Works Director, shall have the following powers and duties in administering and implementing Article VIII. of this chapter and other relevant laws and regulations pertaining to stormwater management and erosion and sediment control in Richland County.
- (1) To review and approve/deny all plans for stormwater management to assure that all applicable requirements of this chapter have been satisfied.
 - (2) To enforce all provisions of the stormwater management and **erosion and sediment control provisions** of this chapter and other relevant laws and regulations relating to stormwater management. **(See Sections 26-64, 26-202 and 26-203 of this chapter).**
 - (3) To review and approve/deny all applications for grading permits to assure that all applicable requirements of this chapter have been satisfied.
 - (4) To interpret the terms and provisions of Article VIII. of this chapter.
- (b) *Reserved.*

Secs. 26-37 – 26-50. Reserved.

ARTICLE IV. AMENDMENTS AND PROCEDURES

Sec. 26-51. General.

This article contains the detailed procedures relevant to carrying out the purposes set forth throughout this chapter. The processes for revising this chapter and the official zoning map for the county are contained herein. Additionally, all review and permitting procedures required by this chapter are also outlined in this article.

- (a) *Permits/approval types.* Any development within the jurisdiction of Richland County may require one or more of the permits and approvals detailed in this article to ensure that the development is consistent with the goals and purposes of this chapter and with the public health, safety and general welfare. Permits and approvals include, but are not necessarily limited to, the following:

Land Development Permits (Land Development Compliance Review, Minor Land Development Review and Major Land Development Review). (Section 26-53).

Subdivision Review and Approval. (Section 26-54).

Permitted Uses with Special Requirements. (Section 26-55).

Special Exceptions. (Section 26-56).

Variances. (Section 26-57).

Appeals of Administrative Decisions. (Section 26-58).

Planned Development Review and Approval. (Section 26-59).

Certificates of Zoning Compliance. (Section 26-60).

Review in the FP Floodplain Overlay District. (Section 26-61).

Sign Permits. (Section 26-62).

Temporary Use Permits. (Section 26-63).

Grading Permit with approved **Stormwater Pollution Prevention Plans. (Section 26-64).**

Applications for all permits or approvals, unless otherwise specified, may be made at the Richland County Planning and Development Services Department. The review procedures described in this article are those required by Richland County. Other agencies and/or departments may have separate procedures that must be followed in order to obtain plan approval. Those agencies must be contacted to obtain information regarding the proper procedure for approval of plans and construction.

- (b) *Simultaneous processing of applications.* This article intends to accommodate, where possible, the simultaneous processing of applications for different permits and approvals that may be required for the same project in order to make the review process as short as possible. However, some forms of approval depend upon the applicant having previously received another form of approval. The applicant should note that each of the permits and approvals set forth in this section has its own review sequence, and this should be taken into consideration when planning the development.
- (c) *Application and review fees.* Requests for review of various permit and approval applications required by this article are subject to the payment of various fees in order to defray the county's administrative costs. The fees for different types of permits and approvals are kept on file in the Richland County Planning and Development Services Department and the Richland County Public Works Department. These fees are determined by the Richland County Council and are periodically revised by the council.

Sec. 26-52. Amendments.

- (a) *General.* The Richland County Council may from time to time amend any part of the text of this chapter or amend the zoning map of the county. Such amendments shall be made in accordance with the county's comprehensive plan.
- (b) *Initiation of proposals.*
 - (1) *Text amendments.* Amendments to the text of this chapter may be initiated by:
 - a. Adoption of a motion by the Richland County Planning Commission.
 - b. Adoption of a motion by the Richland County Council.
 - c. Initiation by the Richland County Planning Director or the Richland County Administrator.
 - (2) *Zoning map amendments.*
 - a. *Initiation.* Amendments to the zoning map of the county may be initiated by:
 - 1. Adoption of a motion by the Richland County Planning Commission.
 - 2. Adoption of a motion by the Richland County Council.
 - 3. Initiation by the Richland County Planning Director or the Richland County Administrator.
 - 4. The filing of an application by the property owner(s) or their authorized agent.
 - b. *Minimum area for zoning map amendment application.* No request from any individual, corporation or agency, other than the county council, the planning commission, the county administrator, or the planning director, for a change in zoning classification shall be considered that involves an area of less than two (2) acres, except that the following changes may be made to apply to areas of less than two (2) acres:
 - 1. An extension of an existing zoning district boundary.

2. An addition of RM-MD zoning contiguous to an existing RM-HD zoning district.
3. An addition of OI zoning contiguous to an existing commercial or industrial zoning district.
4. An addition of NC zoning contiguous to an existing commercial or industrial zoning district other than OI.
5. An addition of GC zoning contiguous to an existing industrial zoning district.
6. A zoning change where property is contiguous to a compatible zoning district lying within another county or jurisdiction.
7. A zoning change where property is contiguous to a compatible land use lying within another county or jurisdiction that does not provide zoning or similar regulations, provided that the area containing the similar uses is at least two (2) acres in size.
8. A zoning change for a nonconforming use created by this chapter that is contiguous to compatible land uses.

(c) *Petition submittal by property owners (map amendments only).*

- (1) *Application.* A petition for an amendment to the zoning map shall be filed on a form provided by the Richland County Planning and Development Services Department. Such application shall contain all the information required on the form. The filing of a petition is not needed for a proposal for a text amendment.
- (2) *Conference.* Every applicant for a zoning map amendment is required to meet with the planning director, in a pre-application conference, prior to or at the time of, the submittal of the petition for amendment. The purpose of this conference is to provide additional information regarding the review process and to provide assistance in the preparation of the application.
- (3) *Fees.* An application fee, established by the Richland County Council shall be submitted with the petition.

(d) *Staff review.* The planning department shall review any petition for a zoning map amendment and determine if it is complete within ten (10) days of its submittal. If the application is complete, the planning department shall schedule the matter for

consideration at the next available meeting of the Richland County Planning Commission. For text amendments, the department shall schedule the matter for consideration by the planning commission when the staff review of the proposal is complete. For all amendments, the planning department shall prepare a staff evaluation and recommendation. The schedule for meetings of the planning commission and application deadlines for such meetings shall be kept and maintained in the office of the Richland County Planning and Development Services Department.

(e) *Planning commission review and action.*

(1) *Review.* All proposed amendments shall be submitted to the planning commission for study and recommendation. The planning commission shall study each proposal to determine:

- a. The need and justification for the change.
 - b. When pertaining to a change in the district classification of the property, the effect of the change, if any, on the property and any surrounding properties.
 - c. When pertaining to a change in the district classification of the property, the amount of land in the general area having the same district classification as that being requested.
 - d. The relationship of the proposed amendment to the purposes of the general planning program, with appropriate consideration as to whether the proposed change will further the purposes of this chapter and the purposes of the comprehensive plan.

(2) *Action.* Within thirty (30) days from the date that any proposed zoning amendment is first considered by the planning commission at a scheduled meeting, unless a longer period of time has been mutually agreed upon between the county council and the planning commission in a particular case, the planning commission shall submit its report and recommendation to the county council. The recommendation of the planning commission is advisory only, and shall not be binding on county council. If the planning commission does not submit its report within the prescribed time, the county council may proceed to act on the amendment without further awaiting the recommendations of the planning commission.

(f) *Notification of public hearing.*

(1) *Publication.* Fifteen (15) days in advance of the first reading on any proposed map amendment, and fifteen (15) days in advance of the first or second reading of any proposed text amendment (whichever is applicable),

the county council (or its designee) shall publish notice of the time and place of the public hearing on the matter in a newspaper of general circulation within the county. Such notices shall contain the date, time, and place of the public hearing, and the nature and character of the proposed action. In addition, the hearing notice shall also identify any property affected, and whenever practical, identify the general location where affected property lines intersect the frontage road. The notice shall further inform the public where information may be examined and when and how written comment may be submitted on the proposed matter.

- (2) *Posting.* When a proposed amendment affects the district classification of a particular piece of property, the planning department shall cause to be conspicuously located on or adjacent to the property affected hearing notices that shall be posted as follows:
- a. Hearing notices shall indicate the nature of the change proposed, identification of the property affected, and the time, date, and place of the public hearing. Whenever practical, the hearing notices shall identify the general location where property lines intersect the frontage road.
 - b. Hearing notices shall be posted at least fifteen (15) days prior to the hearing.
 - c. Hearing notices shall be located as follows:
 1. For lots or parcels with road frontage of 100 feet or less, one (1) hearing notice shall be placed on each lot or parcel.
 2. For lots or parcels with road frontage greater than one hundred (100) feet but less than five hundred (500) feet, one (1) hearing notice shall be placed for every one hundred (100) feet of road frontage or portion thereof.
 3. For lots or parcels with road frontage greater than five hundred (500) feet but less than one thousand (1,000) feet, one (1) hearing notice shall be placed for every two hundred (200) feet of road frontage or portion thereof.
 4. For lots or parcels of land with road frontage of one thousand (1,000) feet or greater, one (1) hearing notice shall be placed for every three hundred (300) feet of road frontage or portion thereof.
 5. When multiple parcel rezonings are initiated by the county council, the planning commission, the planning director, or

the county administrator, posting of property is not required. However, written notice of the hearing shall be mailed to affected property owners in accordance with Section 26-52(f)(3) below.

(3) *Mailed notice.*

- a. *General.* Before holding a public hearing required by this chapter for a zoning map amendment, written notice of the hearing shall be mailed by the planning department, by first class mail, at least fifteen (15) days prior to the day of the hearing. Notice shall be mailed to all owners of property within, contiguous to, or directly across the road from the area proposed for rezoning. The notice shall be sent to the address of such owners appearing on the latest published tax listing. The failure to deliver notice as provided in this subsection shall not invalidate any such amendment nor delay the hearing. The notice shall contain the same information as required of notices published in newspapers (Section 26(f)(1) above).
- b. *Notice to groups.* Neighborhood associations and other groups as specified by the Richland County Council shall be provided notice also. Such notice shall be mailed at least fifteen (15) days before the day of the public hearing and shall contain the same information as required of notices published in newspapers (Section 26(f)(1) above). The failure to deliver notice as provided in this subsection shall not invalidate any such amendment, nor delay the hearing.

(g) *County Council review and action.*

- (1) *General.* Following receipt of a recommendation on a proposed amendment, the Richland County Council shall set a date for a public hearing on the proposed amendment. Notice shall be provided as set forth in Section 26-52(f) above. Public hearings on zoning map amendments shall be held prior to the first reading on the matter and public hearings for text amendments shall be held prior to first or second reading. In no event shall a public hearing on a specific question be held contemporaneously with the third reading of said question.
- (2) *Action.* Within one hundred eighty (180) days after the public hearing on a proposed zoning map or text amendment, the county council shall either adopt or deny the amendment. If no action is taken by the county council within one hundred eighty (180) days after the public hearing, the proposed amendment shall be considered denied.

- (h) *Withdrawal or reconsideration of proposed amendments.*
- (1) *Withdrawal.* An applicant may only withdraw an amendment application (which has been submitted to the Richland County Council with planning commission recommendation) prior to publication of the agenda. Once the agenda has been published, an application cannot be withdrawn without the approval of county council. A withdrawal shall be considered a termination of the application. Resubmission shall be processed as a new application and all applicable fees will be assessed.
 - (2) *Major change to a proposed map amendment shall be considered a withdrawal.* A major change to a proposed map amendment application is any change initiated by the applicant or property owner that would result in a different zoning district classification than initially requested, or would result in a significant alteration in the requested zoning district boundary, or would result in a major amendment to a Planned Development District. Any major change in a proposed map amendment application, prior to enactment of the map amendment at third reading by County Council, shall be considered a withdrawal. A new application shall be submitted and all applicable fees will be assessed.
 - (3) *Reconsideration after denial.*
 - a. *Waiting period.* When an application for a change in land use classification has been disapproved by the county council, reapplication for the same change, for the same parcel of land, in whole or in part, shall not be permitted until twelve (12) months from the date of final determination or action of the council.
 - b. *Waiting period waiver.* The waiting period required by this subsection shall be waived if the planning commission recommends to the county council that reconsideration be given, after the planning commission has found that either:
 1. There has been substantial change in the character of the area; or
 2. Evidence of factors or conditions exist (that were not considered by the planning commission or the county council in previous deliberations), which might substantially alter the basis upon which the previous determination was reached.

Sec. 26-53. Land development permits.

- (a) *General.* No building or other structure shall be erected, moved, added to, or structurally altered without a land development permit being issued by the county. In addition to building or structural change, a land development permit shall also be required for expansions of existing uses as well as for a change of use. A land development permit shall not be issued by the planning department except in conformity with the provisions of this chapter, unless the planning department receives a written order from the Richland County Board of Zoning Appeals in the form of an interpretation involving error (Section 26-58) or a special exception (Section 26-56) or variance (Section 26-57). If the permit is denied, reasons for the denial shall be stated.

- (b) *Processes.* There are three types of land development permit processes: land development compliance review, minor land development review, and major land development review. The type of process to be applied to a particular development application depends on the nature of the development proposed.
 - (1) *Land development compliance review.*
 - a. *Applicability.* Construction of detached single-family dwelling units and two-family dwellings on individual lots of record are subject only to land development compliance review in order to obtain a land development permit. In addition, changes of use not involving new construction are subject only to land development compliance review in order to obtain a land development permit.

 - b. *Pre-application procedure.* No pre-application conference is required prior to applying for a land development permit subject to land development compliance review. Applicants are encouraged to call or visit the planning department prior to requesting a land development permit to determine what information is required for the application.

 - c. *Plan submittal.*
 - 1. *Filing of application.* An application for a land development permit subject to land development compliance review may be filed by the owner of the property or by an authorized agent. The application for a land development permit shall be filed with the planning department on a form provided by the department.

 - 2. *Fees.* A permit fee, as established by the Richland County Council, shall be submitted with the application.

 - d. *Staff review.* The planning department shall review the application and determine if it is complete. If the application is incomplete, the

planning department shall notify the applicant of the deficiencies. Provided the application is complete, the planning department, for projects not involving some other form of review, shall approve, approve conditionally, or deny the approval of the application within ten (10) days of receipt. Failure to act on those applications not involving some other form of review within ten (10) days shall result in the reimbursement of any application fee submitted to the county. Failure to act within sixty (60) days, unless extended by mutual agreement, shall be considered to constitute approval. In most situations, land development compliance review and the issuance of a land development permit can be handled at the time of application submittal. A record of all actions will be maintained as a public record and the applicant must be notified in writing of any actions taken.

- e. *Public notification.* No public notification is required for land development permit issuance subject to land development compliance review.
- f. *Formal review.* No formal review is required for land development permit issuance subject to land development compliance review.
- g. *Variances.* Requests for variances, unless otherwise specified, shall be heard by the board of zoning appeals under the procedures set forth in Section 26-57 of this chapter.
- h. *Appeals.* Appeals of the decisions of the planning department regarding land development permit applications, which must be filed within thirty (30) days after actual notice of the decision, shall be heard by the planning commission under the procedures set forth at Section 26-58 of this chapter. Such appeals shall encompass all issues for appeal. An appeal from the decision of the planning commission by a person who may have a substantial interest in the decision must be taken to the circuit court within thirty (30) days after actual notice of the decision. In the alternative, also within thirty (30) days, a property owner whose land is the subject of a decision by the planning commission may appeal by filing a notice of appeal with the circuit court accompanied by a request for pre-litigation mediation in accordance with Section 6-29-1150 and Section 6-29-1155 of the South Carolina Code of Laws.
- i. *Permit validity.* Upon the issuance of a land development permit, the applicant shall have nine (9) months from the date of issuance to begin work as described on the permit. Failure to begin work

within this time shall render the permit void. The planning department may grant an extension of this time period of up to an additional six (6) months upon submittal by the applicant of sufficient justification for the extension. The land development permit shall remain valid so long as a valid building permit and/or business license exists for the project. Any change from the approved plans that has not been reviewed and approved shall render the permit invalid.

(2) *Minor land development review.*

- a. *Applicability.* Minor land developments are those developments (exclusive of residential or commercial subdivisions) that do not meet the standards for applicability for “land development compliance review” or “major land development” review. If a phased project would reach the thresholds for a major land development within a five (5) year period, then the project shall be treated as a major land development, regardless of the size of the individual phases. To be considered a minor land development, the subdividing of property or the dedication of land to the county for open space or other public purposes shall not be part of the development. Minor land developments are subject to the review process outlined in subparagraphs b. through f. below in order to obtain a land development permit.
- b. *Pre-application procedure.* No pre-application conference is required prior to applying for a land development permit subject to minor land development review. Applicants are encouraged to call or visit the planning department prior to requesting a land development permit to determine what information is required for the application.
- c. *Plan submittal.*
 1. *Filing of application.* An application for a land development permit subject to minor land development review may be filed by the owner of the property or by an authorized agent. The application for a land development permit shall be filed with the planning department on a form provided by the department and shall be accompanied by plans drawn to scale of the development. The application and plans shall include all information requested by the department.
 2. *Fees.* A permit fee, as established by the Richland County Council, shall be submitted with the application.

- d. *Staff review.* The planning department shall review the application and determine if it is complete. If the application is incomplete, the planning department shall notify the applicant of the deficiencies within thirty (30) days of the most recent submission date. Provided the application is complete, the following shall occur.
 1. *Planning staff review.* Plans for development requiring minor land development review shall be reviewed by the planning department for compliance with the requirements of this chapter.
 2. *Development review team.* As needed, plans for development requiring minor land development review shall be reviewed by members of the county's development review team for compliance with the requirements of this chapter and other applicable county codes. No formal team review shall be required.

The planning department shall approve, approve conditionally, or deny the approval of the application within sixty (60) days of receipt. Failure to act on an application with sixty (60) days shall be considered to constitute approval. A record of all actions will be maintained as a public record and the applicant must be notified of any actions taken.

- e. *Public notification.* No public notification is required for land development permit issuance subject to minor land development review.
- f. *Formal review.* No formal review is required for land development permit issuance subject to minor land development review.
- g. *Variances.* Requests for variances, unless otherwise specified, shall be heard by the board of zoning appeals under the procedures set forth in Section 26-57 of this chapter. However, requests for variances from the requirements set forth in Article IX. shall be heard by the planning commission.
- h. *Appeals.* Appeals of the decisions of the planning department regarding land development permit applications (subject to minor land development review), which must be filed within thirty (30) days after actual notice of the decision, shall be heard by the planning commission under the procedures set forth in Section 26-58 of this chapter. Such appeals shall encompass all issues for appeal. An appeal of the decision of the planning commission by a person who may have a substantial interest in the decision must be

taken to the circuit court within thirty (30) days after actual notice of the decision. In the alternative, also within thirty (30) days, a property owner whose land is the subject of a decision by the planning commission may appeal by filing a notice of appeal with the circuit court, accompanied by a request for pre-litigation mediation in accordance with Section 6-29-1150 and Section 6-29-1155 of the South Carolina Code of Laws.

- i. *Permit validity.* Upon the issuance of a land development permit, the applicant shall have nine (9) months from the date of issuance to begin work as described on the permit. Failure to begin work within this time shall render the permit void. The planning department may grant an extension of this time period of up to an additional six (6) months upon submittal by the applicant of sufficient justification for the extension. The land development permit shall remain valid so long as a valid building permit and/or business license exists for the project. Any change from the approved plans that has not been reviewed and approved shall render the permit invalid.

(3) *Major land development review.*

- a. *Applicability.* Major land developments are those developments, exclusive of residential or commercial subdivisions, which:
 1. Involve one hundred thousand (100,000) or more square feet of nonresidential floor space;
 2. Involve one hundred and fifty (150) or more multi-family residential dwelling units, lots or manufactured home spaces in a manufactured home district; and/or
 3. Involve the dedication of land to the county for open space or other public purposes.

Due to the size of these projects, a more formal review process is required. This review process is established to ensure the safety of the public and to assure that adequate services and facilities can be provided for these developments and to assure that they do not negatively impact the area in which they are proposed to be located or the county as a whole.

- b. *Pre-application procedure.* All applicants for a land development permit that is subject to major plan development approval are required to schedule a pre-application conference with the planning director prior to the preparation of development plans. This conference allows the applicant and planning staff an opportunity to discuss the review process, the requirements for completing the review schedule, contact persons for services and permits, and

information regarding site plan requirements. The staff can also determine if any special reviews will be required. It is also highly recommended that the developer, as appropriate, meet with representatives of the neighborhood in which the proposed project is located. This meeting, which can be held at the pre-application stage, will allow the developer an opportunity to explain the proposed project and to be informed of the concerns of the neighborhood.

c. *Plan submittal.*

1. *Filing of application.* Applications for land development permits subject to major land development review may be filed by the owner of the property or an authorized agent. The application shall be filed with the planning department on a form provide by the department and shall be accompanied by the required number of site plans. The application and plans shall include all information requested by the department. The schedule for submittal of applications in order to have them reviewed at established technical review team and planning commission meetings shall be maintained in the planning department.
2. *Preparation of plans.* Site plans for developments requiring major land development review shall be prepared by a registered architect, engineer, landscape architect, or licensed surveyor. Plans shall include a traffic management plan.
3. *Fees.* A permit fee, as established by the Richland County Council, shall be submitted with the application.

d. *Staff review.* The planning department shall review the application and determine if it is complete. If the application is incomplete, the planning department shall notify the applicant of the deficiencies within thirty (30) days of the most recent submission date. Provided the application is complete, the following shall occur:

1. *Planning staff review.* Plans for development requiring major land development review shall be reviewed by the planning department for compliance with the requirements of this chapter.
2. *Development review team.* The planning department shall present site plans for developments requiring major land development review to the development review team.

Within thirty (30) days of receipt of a site plan from the planning department, the development review team shall review the site plans for compliance with existing federal, state and local laws and regulations, as well as for compatibility with the county's comprehensive plan. The development review team shall take one of the following three (3) actions on the application within fifteen (15) days of reviewing the site plan.

[a] *Approval by development review team.* If the site plan is approved by the development review team, the planning department shall notify the applicant and transmit the site plan to the planning commission for their information.

[b] *Conditional approval by development review team.* If the site plan receives conditional approval, the applicant shall revise the plan based upon the conditions of the approval and resubmit it. The revised plan shall be reviewed by the planning department and if it meets all of the review team conditions, the site plan shall be transmitted to the Richland County Planning Commission for their information. Conditional approval may also be appealed to the Richland County Planning Commission, subject to the procedures for a public hearing set forth in subsections e. and f. below.

[c] *Denial by development review team.* If the site plan is denied, the reasons for denial shall be provided to the applicant. The site plan may be revised to address the reasons for denial and resubmitted in accordance with the provisions of this chapter. The denial may also be appealed to the Richland County Planning Commission, subject to the procedures for a public hearing set forth in subsections e. and f. below and the payment of any fees established by the Richland County Council.

Appeals must be filed within fifteen (15) days of the date the decision is received by the applicant for a land development permit.

e. *Public notification.* No public notification is required for land development permit issuance subject to major land development review where a report of approval is being made by the

development review team. However, when an appeal is made to the planning commission, notice of said appeal shall be published in a newspaper of general circulation in the county fifteen (15) days in advance of the hearing. Such notice shall contain the date, time, and place of the public hearing, and the nature and character of the proposed action. The notice shall also inform the public where information may be examined and when and how written comment may be submitted on the proposed matter.

f. *Formal review.*

1. *Public hearing or report before planning commission.* Following receipt of a report or appeal on a proposed major land development plan, the matter shall be scheduled for report or hearing by the Richland County Planning Commission. The planning commission shall consider this request at the next available meeting. There shall be no public hearing held in conjunction with a report on a development project approved by the development review team. In these cases, the commission shall receive a report on the decision of the development review team for their information. In case of an appeal, the planning commission shall conduct a public hearing on said appeal. Failure by the planning commission to act within sixty (60) days of the original complete submittal (minus any time taken for making changes as set forth by the development review team) shall constitute approval, unless this time period is extended by mutual agreement.

2. *Decision by planning commission.* Where an appeal has been made to them on a major land development, the Richland County Planning Commission, after conducting the public hearing, may: deny approval, table the application pending submittal of additional information, or approve the application for a land development permit. The decision on the land development permit application shall be by a majority vote of the commission as set forth in the bylaws of the commission.

g. *Variances.* Requests for variances, unless otherwise specified, shall be heard by the board of zoning appeals under the procedures set forth in Section 26-57 of this chapter.

h. *Appeals.* Appeals of the decisions of the planning commission by a person who may have a substantial interest in the decision must be taken to the circuit court within thirty (30) days after actual

notice of the decision and must encompass all issues for appeal. In the alternative, also within thirty (30) days, a property owner whose land is the subject of a decision by the planning commission may appeal by filing a notice of appeal with the circuit court accompanied by a request for pre-litigation mediation in accordance with Section 6-29-1150 and Section 6-29-1155 of the South Carolina Code of Laws.

- i. *Permit validity.* Upon the issuance of a land development permit, the applicant shall have nine (9) months from the date of issuance to begin work as described on the permit. Failure to begin work within this time shall render the permit void. The planning department may grant an extension of this time period of up to an additional six (6) months upon submittal by the applicant of sufficient justification for the extension. The land development permit shall remain valid so long as a valid building permit and/or business license exists for the project. Any change in the approved plans that has not been reviewed and approved shall render the permit invalid.

Sec. 26-54. Subdivision review and approval.

- (a) *General.* Pursuant to the requirements of Section 6-29-1110, et seq., of the South Carolina Code of Laws, as amended, no subdivision of land in Richland County may be recorded without review and approval in accordance with this section. No road, right-of-way, easement, or other land, shall be accepted, or maintained by the county, be extended or connected, nor shall any certificate of occupancy be issued by a department of the county for any building, or other improvements, until the subdivision, and/or other property division, complies with the requirements of this section. These review procedures are designed to ensure that the purposes of various regulations set forth in this section are carried out and that the objectives and policies of the comprehensive plan for the county are implemented.
- (b) *Processes.* There are three types of subdivision review processes: administrative review, minor subdivision review, and major subdivision review. The type of process to be applied to a particular development application depends on the nature of the development proposed.
 - (1) *Administrative review.*
 - a. *Applicability.* The following types of subdivisions are subject to administrative review in accordance with this section:
 1. The combination or recombination of portions of previously platted and recorded lots where the total number

of lots is not increased and the resultant lots are equal to the applicable site development standards set forth in this chapter.

2. The division of land into parcels of five (5) acres or more where it does not result in the creation of a new roadway or the widening of an existing roadway.
 3. The combination or recombination of entire lots of record where no new road or change in existing roads is involved.
 4. The division of a parcel into two (2) lots which do not result in the construction of a new road or the improvement (including, but not limited to, paving and/or widening) of an existing road; or the construction of new water facilities, other than private on-site wells; or the construction of new sewerage facilities, other than on-site septic tanks; or the construction of new storm drainage facilities, other than roadside swales and culverts; and is not in conflict with any provision or portion of the comprehensive plan, official map, or this chapter.
- b. *Pre-application procedure.* There is no pre-application procedure for administrative subdivision review. Applicants are encouraged to visit the planning department prior to requesting subdivision approval to determine what information is required for the application.
- c. *Plan submittal.*
1. *Filing of application.* Applications for administrative subdivision review shall be filed by the owner of the property or an authorized agent. The application shall be filed with the planning department and shall be accompanied by a final subdivision plat containing all information as required by the department.
 2. *Fees.* A permit fee, as established by the Richland County Council, shall be submitted with the application.
- d. *Staff review.* The planning department shall review the application and subdivision plat and provide a written decision regarding the request as soon as possible, but no later than thirty (30) days after the submission date of a completed application. If the department does not provide the applicant with written notice of the application's status in this time period, the application fee shall be

refunded. If the department does not provide the applicant with written notice of the application's status (approval, approval with conditions, or disapproval) within sixty (60) days after the submission date of a completed application, then the application shall be deemed approved.

- e. *Public notification.* No public notification is required for administrative subdivision review.
- f. *Formal review.* No formal review is required for administrative subdivision review.
- g. *Variations.* Requests for variations, unless otherwise specified, shall be heard by the board of zoning appeals under the procedures set forth in Section 26-57 of this chapter. However, variations from the requirements set forth in Article IX. must be approved by the planning commission.
- h. *Appeals.* A person who may have a substantial interest in the decision of the planning department regarding subdivision applications may appeal such decision to the Richland County Planning Commission. Such appeal must be made within thirty (30) days of receipt of the decision by the property owner. The appeal shall be in writing and delivered to the planning department. The appeal must include the specific section of this chapter (or the specific design detail) from which the appeal is taken and the basis or reason for the appeal. An appeal from the decision of the planning commission by a person who may have a substantial interest in the decision must be taken to the circuit court within thirty (30) days after actual notice of the decision. In the alternative, also within thirty (30) days, a property owner whose land is the subject of a decision by the planning commission may appeal by filing a notice of appeal with the circuit court accompanied by a request for pre-litigation mediation in accordance with Section 6-29-1150 and Section 6-29-1155 of the South Carolina Code of Laws.
- i. *Approval validity/final plat/recordation.* A final plat for an approved subdivision subject to administrative review shall be recorded by the applicant, within thirty (30) days of approval, with the Richland County Register of Deeds and a copy of the recorded plat shall be provided to the planning department by the applicant for the public record. Any hold-harmless agreement, if required, shall be attached to said recorded plat and any other subsequent property transfer instruments, and shall run with the land. No building permits or manufactured home setup permits shall be

issued until the department receives a copy of the recorded plat of the subject property.

(2) *Minor subdivision review.*

- a. *Applicability.* The minor subdivision review process is required for those divisions of land that do not qualify for administrative subdivision review (see above) but which consist of less than fifty (50) lots. To be considered a minor subdivision, the dedication of land to the county for open space or other public purposes shall not be part of the development. If a phased project, with fewer than fifty (50) lots in one or more phases, involves a total of fifty (50) or more lots within five (5) years of the recording of any prior phase, then the project shall be treated as a major subdivision, regardless of the size of the individual phases.
- b. *Pre-application procedure.* No pre-application conference is required prior to applying for minor subdivision review. Applicants are encouraged to call or visit the planning department prior to requesting subdivision plat approval to determine what information is required for the application.
- c. *Plan submittal.*
 1. *Filing of application.* An application for minor subdivision review shall be filed by the owner of the property or by an authorized agent. The application for minor subdivision approval shall be filed with the planning department on a form provided by the department. The application shall be accompanied by a sketch plan containing all information required on the application.
 2. *Fees.* A permit fee, as established by the Richland County Council, shall be submitted with the application.
- d. *Staff review.* The planning department shall review the application and determine if it is complete. If the application is incomplete, the planning department shall notify the applicant of the deficiencies within thirty (30) days after the most recent submission date. Provided that the application is complete, the following shall occur.
 1. *Planning staff review.* Sketch plans for development requiring minor subdivision review shall be reviewed by the planning department for compliance with the requirements of this chapter.

2. *Development review team.* As needed, plans for minor subdivisions shall be reviewed by members of the county's development review team for compliance with the requirements of this chapter and other applicable county codes. No formal team review shall be required.

The planning department shall approve, approve conditionally, or deny the approval of the sketch plan for a minor subdivision within sixty (60) days after the submission date of a completed application. If the department fails to act on the application within that time, the application shall be deemed approved. A record of all actions will be maintained as a public record and the applicant must be notified of any actions taken.

- e. *Public notification.* No public notification is required for minor subdivision review.
- f. *Formal review.* No formal review is required for minor subdivision plan approval.
- g. *Variances.* Requests for variances, unless otherwise specified, shall be heard by the board of zoning appeals under the procedures set forth in Section 26-57 of this chapter.
- h. *Appeals.* A person who may have a substantial interest in the decision of the planning department regarding subdivision applications may appeal such decision to the Richland County Planning Commission within thirty (30) days of receipt of the decision by the property owner. The appeal shall be in writing and delivered to the planning department. Such appeal must include the specific section of this chapter (or the specific design detail) from which the appeal is taken and the basis or reason for the appeal. In the alternative, also within thirty (30) days, a property owner whose land is the subject of a decision by the planning commission may appeal by filing a notice of appeal with the circuit court accompanied by a request for pre-litigation mediation in accordance with Section 6-29-1150 and Section 6-29-1155 of the South Carolina Code of Laws.
- i. *Approval validity/final plat/recordation.*
 1. *Final plat.* Following approval of a sketch plan for a minor subdivision and the installation and acceptance of required improvements, a final plat shall be prepared and submitted. The final plat application shall contain all information

required by the planning department. The planning department shall review the application and determine if it is complete. If the application is incomplete, the planning department shall notify the applicant of the deficiencies within thirty (30) days after the most recent submission date. No later than fifteen (15) days after receipt of a complete final plat package, the planning department shall approve, approve with conditions, or deny the final plat application based on written findings of fact. Appeals shall be taken to the Richland County Planning Commission. If approved, prior to recordation, the plat must be signed in the appropriate place by the land development administrator. The approval of a final plat for a minor subdivision does not automatically constitute or affect an acceptance by the county of the dedication of any road, easement, or other ground shown upon the plat. Public acceptance of the lands must be by action of the Richland County Council.

2. *Recordation.* A final plat for a minor subdivision must be recorded by the applicant within thirty (30) days of approval, with the Richland County Register of Deeds. Approval of the final plat shall constitute the final subdivision approval. The applicant shall provide the planning department with at least one (1) copy of the recorded plat. No building permits or manufactured home setup permits shall be issued until the department receives a copy of the recorded plat of the subject property.
3. *Approval validity.* Failure to record a final plat within thirty (30) days shall invalidate plat approval.

(3) *Major subdivision review.*

- a. *Applicability.* The major subdivision review process is required for all those subdivisions of land in Richland County that do not meet the requirements for exemption from the subdivision review process (See definition of “subdivision” in Section 26-22 above) and that do not qualify for administrative or minor subdivision review (Section 26-54(b)(1) and Section 26-54(b)(2)). Any subdivision that involves the dedication of land to the county for open space or other public purposes shall be considered a major subdivision.
- b. *Pre-application procedure.* It is required that every applicant for major subdivision review meet with the planning department in a

conference prior to the submittal of a subdivision plat. The purpose of this conference is to provide clarification and assistance in the preparation and submission of plans/plats for approval. It is also highly recommended that the developer, as appropriate, meet with representatives of the neighborhood in which the proposed project is located. This meeting, which can be held at the pre-application stage, will allow the developer to explain the proposed project and to be informed of the concerns of the neighborhood.

c. *Plan submittal.*

1. *Filing of application.* An application for major subdivision review may be filed by the owner of the property or by an authorized agent. The application for major subdivision approval shall be filed with the planning department on a form provided by the department. The application shall be accompanied by a sketch plan containing all information required on the application including a sketch of the entire proposed development even in cases where the development is occurring in phases. Sketch plans for developments requiring major land development review shall be prepared by a registered architect, engineer, landscape architect, or licensed surveyor. Plans shall include a traffic management plan.
2. *Fees.* A permit fee, as established by the Richland County Council, shall be submitted with the application.

d. *Sketch plan review and approval.*

1. *Staff review.* The planning department shall review the application and determine if it is complete. If the application is incomplete, the planning department shall notify the application of the deficiencies within fifteen (15) days of the most recent submission date. Provided that the application is complete, the following shall occur.
 - [a] *Planning staff review.* Sketch plans for development requiring major subdivision review shall be reviewed by the planning department for compliance with the requirements of this chapter.
 - [b] *Development review team.* The planning department shall present sketch plans for developments requiring major subdivision review to the development review team. Within thirty (30)

days of receipt from the planning department, the development review team shall review the sketch plans for compliance with existing federal, state, and local laws as well as compatibility with the county's comprehensive plan. The development review team shall take one of the following three (3) actions on the application within fifteen (15) days of reviewing the sketch plan:

- [1] *Approval by development review team.* If the sketch plan is approved by the development review team, the planning department shall notify the applicant and transmit the sketch plan to the planning commission for their information only.
- [2] *Conditional approval by development review team.* If the sketch plan receives conditional approval, the applicant shall revise the plan based upon the conditions of the approval and resubmit it. The revised plan shall be reviewed by the planning department, and if it meets all of the review team conditions, the sketch plan shall be transmitted to the Richland County Planning Commission for their information. Conditional approval may also be appealed to the planning commission subject to the procedures for a public hearing set forth in subsections 2. and 3. below.
- [3] *Denial by development review team.* If the sketch plan is denied, the reasons for denial shall be provided to the applicant. The sketch plan may be revised to address the reasons for denial and resubmitted in accordance with the provisions of this chapter. The denial may also be appealed to the Richland County Planning Commission, subject to the procedures for a public hearing set forth in subsections d.2. and d.3. below, and the payment of any fees established by the Richland County Council.

Appeals shall only be filed by the applicant, a contiguous landowner, or an adjacent landowner,

and must be filed within fifteen (15) days of the date the decision is received by the applicant for a land development permit.

2. *Public notification.* No public notification is required for major subdivision sketch plan review where a report of approval is being made by the development review team. However, when an appeal is made to the planning commission, notice of said appeal shall be published in a newspaper of general circulation in the county fifteen (15) days in advance of the hearing. Such notices shall contain the date, time, and place of the public hearing, and the nature and character of the proposed action. The notice shall also inform the public where information may be examined and when and how written comment may be submitted on the proposed matter.
3. *Formal review.*
 - [a] *Public hearing or report before planning commission.* Following receipt of a report or appeal on a proposed major subdivision sketch plan, the matter shall be scheduled by the Richland County Planning Commission. The planning commission shall consider this matter at the next available meeting. There shall be no public hearing held in conjunction with a report on a sketch plan approved by the development review team. In these cases, the commission shall receive a report on the decision of the development review team for their information. In case of an appeal, the planning commission shall conduct a public hearing on said appeal. Failure by the planning commission to act within sixty (60) days of complete submittal shall constitute approval unless this time period is extended by mutual agreement.
 - [b] *Decision by the planning commission.* Where an appeal has been made to them on a major subdivision sketch plan, the Richland County Planning Commission, after conducting the public hearing, may: deny approval, table the application pending submittal of additional information, or approve the application. The planning commission shall approve the sketch plan if it finds:

- [1] The proposed project complies with the policies and objectives of the county comprehensive plan.
- [2] The proposed project complies with the purpose, scope, and provisions of this chapter.
- [3] Traffic management plan findings and proposals are accepted by the county and needed improvements are included in the plan. This shall include all appropriate access management techniques to provide safe vehicular and pedestrian ingress and egress to and through the subject site.
- [4] The county address coordinator has approved the subdivision name and addresses, and the planning commission has approved the subdivision road names. (See Section 26-183 of this chapter).
- [5] The proposed project complies with the subdivision sketch plan checklist of the planning department.

The applicant shall be provided with a written statement of the planning commission's action (approval, approval with conditions, or denial). Such statement shall, at a minimum, include findings of fact based on the criteria described above and shall establish the general parameters for the development of the entire area subject to the sketch plan. The county shall not accept an application for a preliminary plan, or for roads, storm drainage or sediment/erosion control, until the sketch plan is approved.

- 4. *Variances.* Requests for variances, unless otherwise specified, shall be heard by the board of zoning appeals under the procedures set forth in Section 26-57 of this chapter.
- 5. *Appeals.* Pursuant to the requirements of Section 6-29-1150 (C) of the South Carolina Code of Laws, any person who may have a substantial interest in the decision may appeal such decision of the planning commission to the circuit court, provided that a proper petition is filed with

the Richland County Clerk of Court within thirty (30) days after receipt of the written notice of the decision by the applicant. An appeal shall cease all staff and review agency activity regarding the subject project. However, a reconsideration request may be heard at the same time an appeal is pending. Since an appeal to the circuit court must be based on the factual record generated during the subdivision review process, it is the applicant's responsibility to present whatever factual evidence is deemed necessary to support his/her position. In the alternative, also within thirty (30) days, a property owner whose land is the subject of a decision by the planning commission may appeal by filing a notice of appeal with the circuit court accompanied by a request for pre-litigation mediation in accordance with Section 6-29-1150 and Section 6-29-1155 of the South Carolina Code of Laws.

6. *Reconsideration of proposed subdivision.* The planning commission may reconsider any decision it made on a proposed major subdivision when an applicant has submitted new facts directly related to the proposed project that have been discovered subsequent to the planning commission's sketch plan decision. Simply seeking an opportunity to make a better argument shall not warrant planning commission reconsideration of a sketch plan decision. Such alleged new factual information shall be submitted to the planning department within fourteen (14) days of the planning commission sketch plan decision to be eligible for reconsideration. The planning commission shall consider whether the request for reconsideration meets the criteria for reconsideration at the next available planning commission meeting. A request for reconsideration shall toll the time limit requirement to file an appeal pursuant to the requirements of subparagraph 5. above.

7. *Approval validity.* Sketch plan approval shall automatically expire three hundred and sixty-five (365) days from the date of final planning commission action, unless an application for a preliminary subdivision plan, or a project development schedule/phasing plan, has been approved by the planning department. The planning commission may, upon a finding of good cause, grant one (1) extension of the sketch plan approval period; provided that such extension shall be for a period of time no longer than three hundred and sixty-five (365) days.

e. *Preliminary subdivision plan review and approval.*

1. *Purpose/submittal.* The purpose of the preliminary subdivision plan stage of major subdivision review is to ensure that the subdivision can be built in substantial compliance with the approved sketch plan. The preliminary plan shall be submitted to the planning department and contain all information required by the department.

2. *Staff review.* The planning department shall review the preliminary plan submittal and determine if it is complete. The applicant shall be notified within ten (10) days of submittal as to whether or not the application is complete. Provided that the application is complete, the following shall occur:

[a] *Planning staff review.* Preliminary plans for development requiring major subdivision review shall be reviewed by the planning department for compliance with the requirements of this chapter and conformity with the approved sketch plan.

[b] *Development review team.* Within three (3) days of mailing written notice to the applicant that the preliminary subdivision plan is complete, the department shall transmit the plan package to the appropriate development review team members for review and comment. These members shall review and get comments back to the planning department within fifteen (15) days.

No later than fifteen (15) days after receipt of all review team comments and/or permit approvals, the planning department shall transmit a report and recommendations to the applicant. Said report shall approve, approve with conditions, or deny the preliminary subdivision plan application based on written findings of fact. Approval of the preliminary subdivision plan shall not constitute final or bonded subdivision plat approval (see Sections 26-54(b)f. and g. below). Failure on the part of the planning department to act on the preliminary plat within sixty (60) days shall constitute approval.

3. *Public notification.* No public notification is required for major subdivision preliminary plan review and approval.

4. *Formal review.* No formal review is required for major subdivision preliminary plan review and approval.
 5. *Variances.* There shall be no variance requests at this stage of major subdivision review. All variance requests shall occur during sketch plan review.
 6. *Appeals.* The applicant, a contiguous landowner, or an adjacent landowner may appeal a planning department decision regarding the preliminary subdivision plan to the planning commission. Such appeal must be in writing and must include the specific section of this chapter (or the specific design detail) from which the appeal is taken and the basis or reason for the appeal. Such appeal shall be heard at the planning commission's next available meeting.
 7. *Approval validity.* Preliminary subdivision plan approval shall automatically expire seven hundred and thirty (730) days from the date of written notice of approval, unless a complete application for final plat approval has been received by the planning department. Upon a request by an applicant, the planning commission may grant an extension of the preliminary subdivision plan approval time if it finds that extraordinary circumstances exist in a specific case. Unless the time period for validity has expired, approval of preliminary subdivision plans for a major subdivision shall confer vested rights and the subject subdivision (or subdivision phase) shall not have to comply with future changes in the subdivision regulations and/or the subdivision application fees. If, however, the preliminary subdivision plan approval expires, the preliminary plans must be resubmitted in conformance with the regulations in effect at the time of the application. Preliminary subdivision plan approval allows the issuance of building permits or manufactured home setup permits in the name of the subdivision developer only, for one model dwelling unit per subdivision phase, as well as for a temporary construction office or storage structure or a temporary security office/quarters. However, approval must be obtained from DHEC for water supply and sewage disposal prior to building occupancy.
- f. *Bonded subdivision plan review and approval.*
1. *Purpose/submittal.* The purpose of the bonded subdivision plan stage of major subdivision review is, by mutual

consent of both the developer and the county, to record a bonded plat, enable the conveyance of lots to third parties, and allow the issuance of building permits and manufactured home setup permits to third parties before the construction, installation, and acceptance of all required infrastructure improvements. The county protects these third parties and assures the orderly completion of the subdivision infrastructure by choosing to accept, in accordance with the provisions in Section 26-223 of this chapter, a bond, in an amount and with surety and conditions satisfactory to it, providing for and securing to the county the actual construction and installation of all improvements and utilities within a specified time period. The bonded plan shall be submitted to the planning department and contain all information required by the department.

2. *Staff review.* The planning department shall review the bonded plan submittal and determine if it is complete. If the application is incomplete, the planning department shall notify the applicant of the deficiencies within thirty (30) days after the most recent submission date. Provided that the application is complete, the following shall occur.

[a] *Planning staff review.* Bonded plans for development requiring major subdivision review shall be reviewed by the planning department for compliance with the requirements of this chapter and conformity with the approved sketch plan and preliminary plan.

[b] *Development team review.* As needed, bonded plans for major subdivisions shall be reviewed by members of the county's development review team for compliance with the requirements of this chapter and other applicable county codes. No formal team review shall be required.

The planning department shall approve, approve with conditions, or deny the bonded subdivision plan application based on written findings of fact. Approval of the bonded subdivision plan shall not constitute final subdivision plan approval (see subparagraph g. below on final subdivision plan approval). Failure on the part of the planning department to act on the bonded plat within sixty (60) days

after receiving a complete application shall constitute approval.

3. *Public notification.* No public notification is required for major subdivision bonded plan review and approval.
4. *Formal review.* No formal review is required for major subdivision bonded plan review and approval.
5. *Variances.* There shall be no variance requests at this stage of major subdivision review. All variance requests shall occur during sketch plan review.
6. *Appeals.* An applicant, or other party of interest, may appeal a planning department decision regarding the bonded subdivision plan to the planning commission. Such appeal shall be heard at the planning commission's next available meeting.
7. *Approval validity/recordation.* If approved, prior to recordation, the bonded plat must be signed in the appropriate place by the land development administrator. The approval of a bonded plat for a major subdivision shall not automatically constitute or affect an acceptance by the county of the dedication of any road, easement, or other ground shown upon the plat. Public acceptance of the lands must be by action of the Richland County Council. A bonded plat for a major subdivision must be recorded by the applicant within thirty (30) days of approval with the Richland County Register of Deeds. The applicant shall provide the planning department with at least one (1) copy of the recorded plat. Except as allowed under Section 26-54(b)(3)e.7. of this chapter, no building permits or manufactured home setup permits shall be issued until the department receives a copy of the recorded plat of the subject property. If the developer fails to complete the bonded infrastructure improvements and submit a complete application for final subdivision plan approval within the specified time period, the county may proceed to collect the financial surety and assume responsibility for completing the required infrastructure improvements.

g. *Final subdivision plan review and approval.*

1. *Purpose/submittal.* The purpose of the final subdivision plan stage of major subdivision review is to document the satisfactory completion of required infrastructure improvements, enable the conveyance of lots to third parties, and allow the issuance of building permits and manufactured home setup permits to third parties. Following approval of a preliminary subdivision plan for a major subdivision, (and optionally, a bonded subdivision plan) and the installation and acceptance of required infrastructure improvements, a final plat shall be prepared and submitted. The final plat application shall contain all information required by the planning department, including written county and utility provider acceptance of all infrastructure.
2. *Staff review.* The planning department shall review the final plan submittal and determine if it is complete. If the application is incomplete, the planning department shall notify the applicant of the deficiencies within thirty (30) days after the most recent submission date. No later than fifteen (15) days after receipt of a complete final plat package, the department shall approve, approve with conditions, or deny the final plat application based on written findings of fact. Failure on the part of the planning department to act on the final plat within sixty (60) days after receiving a complete application shall constitute approval.
3. *Public notification.* No public notification is required for major subdivision final plan review and approval.
4. *Formal review.* No formal review is required for major subdivision final plan review and approval.
5. *Variances.* There shall be no variance requests at this stage of major subdivision review. All variance requests shall occur during sketch plan review.
6. *Appeals.* An applicant, or other party of interest, may appeal a planning department decision regarding the final subdivision plan to the planning commission. Such appeal shall be heard at the planning commission's next available meeting.
7. *Approval validity/recordation.* If approved, prior to recordation, the final plat must be signed in the appropriate

place by the land development administrator. The approval of a final plat for a major subdivision shall not automatically constitute or affect an acceptance by the county of the dedication of any road, easement, or other ground shown upon the plat. Public acceptance of the lands must be by action of the Richland County Council. A final plat for a major subdivision must be recorded by the applicant within thirty (30) days of approval with the Richland County Register of Deeds. The applicant shall provide the planning department with at least one (1) copy of the recorded plat. Except as allowed under Section 26-54(b)(3)e.7. or unless an optional bonded plat has already been approved and recorded, no building permits or manufactured home setup permits shall be issued until the department receives a copy of the recorded final plat of the subject property.

Sec. 26-55. Permitted uses with special requirements.

- (a) *Purpose.* Permitted uses with special requirements are uses permitted by right, provided that the special requirements set forth in Article VI. of this chapter are met. The special requirements are intended to ensure that the uses fit the intent of the zoning districts within which they are permitted, and that the uses are compatible with other developments permitted within the zoning district. Unless otherwise provided, review and approval of these uses are handled by the planning department. The department has no discretion to modify the special requirements.
- (b) *Pre-application procedure.* No pre-application conference is required prior to applying for a land development permit for a permitted use with special requirements unless required elsewhere in this article. Applicants are encouraged to call or visit the planning department prior to submitting an application to determine what information is required for the application.
- (c) *Plan submittal.*
 - (1) *Filing of application.* An application for a permitted use with special requirements shall be included on a land development permit application form. Such application shall contain completed information as required on the application form, and shall be accompanied by plans of the development drawn to scale. Other information necessary to show that the use or structure complies with the standards set forth in this chapter shall also be provided.
 - (2) *Fees.* A permit fee, as established by the Richland County Council, shall be submitted with the application.

- (3) *Coordination with land development permit review.* Review of a permitted use subject to special requirements takes place as part of the applicable land development permit review.
- (d) *Staff Review.* The planning department shall review the application and determine if it is complete within fifteen (15) days of its submittal. If the application is found to be incomplete, the planning department shall notify the applicant of any deficiencies. Provided the application is complete, the planning department, for projects not involving some other form of review, shall review the proposed use and determine if the special requirements for that use have been met. If the special requirements have been met, the application shall be approved. Failure to meet all the special requirements shall result in a denial of a permit for the proposed use. The planning department shall approve or deny the application for a permitted use with special requirements in accordance with the time frame set forth for the applicable land development permit review.
- (e) *Public notification.* No public notification is required for permitted uses with special requirements unless the approval of such a use is part of a project that requires review as a major development by the planning commission.
- (f) *Formal review.* Formal review of a permitted use with special requirements is required only when a project is reviewed for a land development permit as a major development.
- (g) *Variations.* Unless otherwise specified, variations from the special requirements are not permitted. Other variations shall be reviewed as set forth for the applicable land development permit process.
- (h) *Appeals.* Appeals of the decisions of the planning department regarding applications for permitted uses with special requirements shall be heard by the board of zoning appeals under the procedures established at Section 26-58 of this chapter.
- (i) *Permit validity.* Permit validity for permitted uses with special requirements shall be the same as those required for a land development permit (Section 26-53 of this chapter).

Sec. 26-56. Special exceptions.

- (a) *Purpose.* Special exceptions are established to provide for the location of those uses that are generally compatible with other land uses within a zoning district. However, because of their unique characteristics or potential impacts on the surrounding neighborhood and the county as a whole, these uses require individual consideration of their location, design, configuration, and/or operation at the particular location proposed. Such individual consideration may also call

for the imposition of individualized conditions in order to ensure that the use is appropriate at a particular location and to ensure protection of the public health, safety, and general welfare. Any use identified in this chapter as a special exception in a zoning district shall not be permitted without the approval of the Richland County Board of Zoning Appeals in accordance with the requirements and procedures set forth in this section.

(b) *Pre-application procedure.*

(1) *Conference.* Every applicant for a special exception is required to meet with the planning department in a pre-application conference prior to, or at the time of, the submittal of a request for approval of a special exception. The purposes of this conference are to provide additional information regarding the review process and to assist in the preparation of the application.

(2) *Neighborhood meeting.* Although not required, it is highly recommended that the applicant of the proposed special exception use meet with representatives of the neighborhood in which the proposed use will be located. This meeting will allow the applicant the opportunity to explain the proposed use and to be informed of the concerns of the neighborhood.

(c) *Plan submittal.*

(1) *Application.* An application for a special exception shall be filed by the owner of the property or an authorized agent on a form provided by the planning department. Other information necessary to show that the use or structure complies with the standards set forth in this chapter shall also be provided.

(2) *Fees:* An application fee, as established by the Richland County Council, shall be submitted with the application.

(3) *Coordination with land development permit review.* Completion of the applicable land development permit review will take place following review of the special exception by the board of zoning appeals. The ruling of the board of zoning appeals, including any conditions on approval added by the board of zoning appeals, shall be incorporated into the project approval by the staff and/or planning commission.

(d) *Staff review.* The planning department shall review the application and determine if it is complete within fifteen (15) days of its submittal. If the application is complete, the planning department shall schedule the matter for consideration at a public hearing by the board of zoning appeals. The planning department shall prepare a staff evaluation and recommendation regarding the submitted special exception application. The schedule for meetings of the board of zoning appeals

and application deadlines for such meetings shall be maintained in the office of the planning department.

- (e) *Public notification.* Notice of the public hearing shall be posted on the property for which a special exception is sought. Notice shall also be published in a newspaper of general circulation within the county no less than fifteen (15) days prior to the public hearing on the matter.
- (f) *Formal review.*
 - (1) *Action by the board of zoning appeals.* Upon receipt of the application for a special exception from the planning department, the board of zoning appeals shall hold a public meeting on the proposed special exception. Any party may appear in person, or be represented by an authorized agent. After conducting the public hearing, the board of zoning appeals may:
 - a. Approve the proposed special exception;
 - b. Continue the matter to a date certain for additional consideration;
or
 - c. Deny the proposed special exception.

Any approval or denial of the request must be by a concurring vote of a majority of those members of the board both present and voting. Such votes must be permanently filed in the planning department as a public record. The written decision of the board of zoning appeals must be delivered to the applicant.

- (2) *Standard of review.* The board of zoning appeals shall not approve a special exception unless it finds that the regulations of this chapter have been met. The conditions set forth in Article VI. of this chapter, which set forth specific standards for a special exception, shall be binding on the board of zoning appeals and may not be varied. In addition to the definitive standards set forth in this chapter, the board of zoning appeals shall consider the following in reviewing a special exception:
 - a. Traffic impact;
 - b. Vehicle and pedestrian safety;
 - c. Potential impact of noise, lights, fumes, or obstruction of air flow on adjoining properties;

- d. Adverse impact of the proposed use on the aesthetic character of the environs, to include the possible need for screening from view; and
 - e. Orientation and spacing of improvements or buildings.
- (3) *Conditions:* In granting a special exception, the board of zoning appeals may prescribe conditions and safeguards in addition to those spelled out in this chapter. The board of zoning appeals may also prescribe a time limit within which the special exception shall be begun or completed, or both. All conditions placed on the project by the board of zoning appeals shall be incorporated into such project.
- (g) *Variances.* Unless otherwise specified, variances from the specific standards for a special exception, set forth in Article VI. of this chapter, are not permitted. Other variances shall be reviewed as set forth for the applicable land development permit process.
- (h) *Appeals.* A person who may have a substantial interest in the decision of the board of zoning appeals regarding a special exception may appeal from a decision of the board of zoning appeals to the circuit court, by filing with the clerk of the court a petition in writing setting forth plainly, fully and distinctly why the decision is contrary to law. The appeal must be filed within thirty (30) days after the decision of the board of zoning appeals is mailed. In the alternative, also within thirty (30) days, a property owner whose land is the subject of a decision by the board of zoning appeals may appeal by filing a notice of appeal with the circuit court accompanied by a request for pre-litigation mediation in accordance with Section 6-29-1150 and Section 6-29-1155 of the South Carolina Code of Laws.
- All appeals must be taken in accordance with all applicable laws of the State of South Carolina.
- (i) *Permit validity.* Permit validity for special exceptions shall be the same as those required for the applicable land development permit unless otherwise stated in the special exception order.

Sec. 26-57. Variances.

- (a) *Purpose.* The variance process administered by the board of zoning appeals is intended to provide limited relief from the requirements of this chapter. The board of zoning appeals may not grant a variance, the effect of which would be to allow the establishment of a use not otherwise permitted in a zoning district, to extend physically a nonconforming use of land, to change the zoning district boundaries shown on the official zoning map, to permit a decrease in the minimum lot size, to decrease the minimum lot width, or in any other manner create a nonconforming

lot, or to grant a variance to permit an increase in density allowing more units on a lot than that permitted under minimum lot area requirements. The fact that property could be utilized more profitably, should a variance be granted, may not be considered grounds for a variance.

- (b) *Pre-application procedure.* Before filing an application for a variance, an applicant must meet with the planning department to discuss the proposed variance and to become more familiar with the applicable requirements and approval procedures of the county.
- (c) *Plan submittal.*
 - (1) *Application.* An application for a variance shall be filed by the owner of the property or an authorized agent on a form provided by the planning department. Such application shall contain the information required on the application form, and shall be accompanied by plans of the development drawn to scale. Other information necessary to show that the use or structure complies with the standards set forth in this chapter shall also be provided.
 - (2) *Fees.* An application fee, as established by the Richland County Council, shall be submitted with the application.
 - (3) *Schedule.* Once an application is accepted as complete by the planning department, the application will be scheduled for consideration at a public hearing by the board of zoning appeals. The schedule for meetings of the board of zoning appeals shall be maintained in the planning department.
- (d) *Staff review.* The planning department shall review the application and determine if it is complete within fifteen (15) days of its submittal. If the application is complete, the planning department shall prepare a staff evaluation and recommendation regarding the submitted variance request.
- (e) *Public notification.* Notice of the public hearing on a variance shall be posted on the property for which a variance is sought. Notice shall also be published in a newspaper of general circulation within the county no less than fifteen (15) days prior to the public hearing.
- (f) *Formal review.*
 - (1) *Action by the board of zoning appeals.* Upon receipt of the application for a variance request from the planning department, the board of zoning appeals shall hold a public meeting on the proposed variance request. Any party may appear in person or be represented by an authorized agent. In considering the application, the board of zoning appeals shall review the application materials, the staff comments and recommendations, the

general purpose and standards set forth in this chapter, and all testimony and evidence received at the public hearing. After conducting the public hearing, the board of zoning appeals may:

- a. Approve the request;
- b. Continue the matter for additional consideration; or
- c. Deny the request.

Any approval or denial of the request must be by a concurring vote of a majority of those members of the board of zoning appeals both present and voting. The decision of the board of zoning appeals shall be accompanied by written findings that the variance meets or does not meet each of the standards set forth in subparagraph (2) below. The decision and the written findings shall be permanently filed in the planning department as a public record. The written decision of the board of zoning appeals must be delivered to the applicant.

- (2) *Standard of review.* The board of zoning appeals shall not grant a variance unless and until it makes the following findings:
 - a. That there are extraordinary and exceptional conditions pertaining to the particular piece of property; and
 - b. That these conditions do not generally apply to other property in the vicinity; and
 - c. That because of these conditions, the application of this chapter to the particular piece of property would effectively prohibit or unreasonably restrict the utilization of the property; and
 - d. That the authorization of a variance will not be of substantial detriment to adjacent property or to the public good, and the granting of the variance will not harm the character of the district.
- (3) *Conditions.* In granting a variance, the board of zoning appeals may attach to it such conditions regarding the location, character, or other features of the proposed building, structure or use as the board of zoning appeals may consider advisable to protect established property values in the surrounding area, or to promote the public health, safety, or general welfare. The board of zoning appeals may also prescribe a time limit within which the action for which the variance was sought shall be begun or completed, or both.

- (g) *Appeals.* A person who may have a substantial interest in any decision by the board of zoning appeals regarding a variance may appeal from such decision to the circuit court, by filing with the clerk of the court a petition in writing setting forth plainly, fully, and distinctly why the decision is contrary to law. The appeal must be filed within thirty (30) days after the decision of the board of zoning appeals is mailed. In the alternative, a property owner whose land is the subject of a decision of the board of zoning appeals may file a notice of appeal, also within thirty (30) days, with the circuit court accompanied by a request for pre-litigation mediation in accordance with Section 6-29-1150 and Section 6-29-1155 of the South Carolina Code of Laws.

All appeals must be taken in accordance with all applicable laws of the State of South Carolina.

Sec. 26-58. Appeals of administrative decisions.

- (a) *Purpose.* The board of zoning appeals shall hear and decide appeals when it is alleged that there is any error in any order, requirement, decision, or determination made by an administrative official in the enforcement of this chapter. Provided, however, the planning commission shall hear and decide appeals from staff decisions on land development permit applications and subdivision applications.
- (b) *Appeal submittal.*
 - (1) *Application.* An appeal of an administrative decision may be taken by any person who may have a substantial interest in the decision; provided, however, appeals pursuant to Section 26-54(b)(3)d.1. or Section 26-54(b)(3)e.6. above may only be taken by the applicant, a contiguous landowner, or an adjacent landowner. All appeals must be filed with the planning department on a form provided by the department, and must contain all information and plans as required on the application form. Such appeal must include the specific section of this chapter (or the specific design detail) from which the appeal is taken and the basis or reason for the appeal. All appeals must be filed no later than thirty (30) days after the order, requirement, decision, or determination that is alleged to be in error is made.
 - (2) *Fees.* An application fee, as established by the Richland County Council, shall be submitted with the application.
 - (3) *Stay of proceedings pending appeal.* An appeal stays all proceedings in furtherance of the action appealed from, unless the officer from whom the appeal is taken, certifies to the board of zoning appeals or planning commission, as applicable, after notice of appeal is filed with them, that by reason of facts stated in the certificate, a stay would, in their opinion, cause imminent peril to life or property. In that case, proceedings may not

be stayed other than by a restraining order that may be granted by the board or commission or by a court of competent jurisdiction on application, on notice to the officer from whom the appeal is taken, and on due cause shown.

- (c) *Staff review.* Once an appeal is received by the planning department, the matter will be scheduled for consideration at a public hearing by the board of zoning appeals or planning commission, as applicable. The schedule for meetings of these boards shall be maintained in the planning department. Staff shall prepare a report detailing the regulations and interpretation behind the matter being appealed.
- (d) *Public notification.* Notice of the public hearing on the appeal shall be published at least fifteen (15) days prior to the public hearing in a newspaper of general circulation in the county, as well as due notice given to the parties in interest.
- (e) *Formal review.* Upon receiving the application, the board of zoning appeals or planning commission (as applicable) shall conduct a public hearing on the appeal. Any party may appear in person or be represented by an agent. After conducting the public hearing, the board of zoning appeals or planning commission (as applicable) shall adopt an order reversing or affirming, wholly or in part, or modifying the order requirements, decision, or determination in question. These boards shall have all the powers of the officer from whom the appeal is taken, and may issue or direct the issuance of a permit. These boards in the execution of the duties specified herein may subpoena witnesses and in case of contempt may certify this fact to the circuit court having jurisdiction. The decision of these boards must be in writing and permanently filed in the planning department as a public record. All findings of fact and conclusions of law must be separately stated in final decisions or orders of these boards, which must be delivered to parties of interest by certified mail.
- (f) *Appeals:* A person who may have a substantial interest in the decision of the board of zoning appeals or planning commission (as applicable) regarding an appeal of an administrative decision, may appeal from such decision of the board or commission to the circuit court, by filing with the clerk of the court a petition in writing setting forth plainly, fully, and distinctly why the decision is contrary to law. The appeal must be filed within thirty (30) days after the decision of the board or commission is mailed. In the alternative, also within thirty (30) days, a property owner whose land is the subject of a decision by the board or commission may appeal by filing a notice of appeal with the circuit court accompanied by a request for pre-litigation mediation in accordance with Section 6-29-1150 and Section 6-29-1155 of the South Carolina Code of Laws. All appeals must be taken in accordance with all applicable laws of the State of South Carolina.

Sec. 26-59. Planned development review/approval.

- (a) *Purpose.* In order to achieve the objectives of the comprehensive plan of Richland County, and to allow flexibility in development that will result in the improved design, character and quality of new mixed use developments, and to preserve natural and scenic features of open spaces, the county may approve planned development districts (PDDs) as amendments to the official zoning map. The PDD review process is a two-part procedure that involves the rezoning of the property to a PDD district (see Section 26-99 of this chapter) and the approval of a master plan for the site. It is the intent of this procedure that the public interest will be served not only by consideration of those specific criteria set forth in this chapter, but also by consideration of the total anticipated effect of the planned development upon the community at large. The provisions of the planned development district represent a relaxation of specific site design requirements as applied to other districts provided for in this chapter. In return for design flexibility, the applicant for amendment to a PDD district classification shall agree to furnish information about the proposed development and later abide by certain conditions and safeguards as may be imposed by the county council in establishing such districts.
- (b) *Pre-application procedure.*
 - (1) *Conference.* Prior to the submittal of a request for approval of a planned development district, a PDD applicant is required to meet with the planning department in a pre-application conference. The purpose of this conference is to provide clarification and assistance in the preparation and submission of the plans for approval.
 - (2) *Neighborhood meeting.* Although not required, it is highly recommended that the applicant (or his/her agent) of the proposed PDD meet with representatives of the neighborhood in which the proposed district will be located. This meeting will allow the applicant the opportunity to explain the proposed PDD and to be informed of the concerns of the neighborhood.
- (c) *Plan submittal.*
 - (1) *Filing of application.* Each application for a PDD shall consist of an application for a zoning map amendment (see Section 26-52 of this chapter) and an application for a land development permit (see Section 26-53 of this chapter) for the proposed development plan. All requirements for both types of applications must be met. Plans shall include a traffic management plan. Plans shall be submitted by the property owner or an authorized agent.
 - (2) *Fees.* An application fee, as established by the Richland County Council, shall be submitted with the application.

- (d) *Staff review.* The planning department shall review the application and determine if it is complete within fifteen (15) days of its submittal. If the application is found to be incomplete, the planning department shall notify the applicant of any deficiencies. Provided the application is complete, the planning department shall schedule the matter for consideration by the development review team. Within thirty (30) days of receipt from the planning department, the development review team shall review the proposed PDD. The development review team shall take action on the application within thirty (30) days of reviewing the proposed PDD. Following the action by the development review team, the matter shall be scheduled for consideration by the planning commission. The planning department shall prepare a staff recommendation on the PDD application and the zoning map amendment. The schedule for meetings of the planning commission and applications and deadlines for the meetings shall be maintained in the planning department.
- (e) *Public notification.* Public notification shall be made in conformance with the requirements set forth in Section 26-52 of this chapter for zoning map amendments.
- (f) *Formal Review:*
 - (1) *Action by the planning commission.*
 - a. *Review.* All applications for a planned development shall be submitted to the Richland County Planning Commission for study and recommendation.
 - b. *Recommendation.* Within thirty (30) days from the date that any PDD application is first considered by the planning commission at a scheduled meeting, unless a longer period of time has been mutually agreed upon between the county council and the planning commission in a particular case, the planning commission shall submit its report and recommendation to the Richland County Council. The recommendation of the planning commission shall be advisory only and shall not be binding on county council. If the planning commission does not submit its report within the prescribed time, the county council may proceed to act on the application without further awaiting the recommendation of the planning commission.
 - c. *Procedures.* The planning commission shall follow those procedures as set forth for a zoning map amendment in Section 26-52 of this chapter and as set forth for land development permit review in Section 26-53 of this chapter.

- (2) *Action by the county council.*
- a. *Public hearing.* Following the review and recommendation by the planning commission, the PDD application shall be presented for review and consideration by the Richland County Council. A public hearing shall be held in accordance with the procedures set forth in Section 26-52(f) of this chapter.
 - b. *Approval.* After conducting the public hearing, the county council may:
 - 1. Approve the application to and amend the zoning map; or
 - 2. Continue the matter for additional consideration; or
 - 3. Deny the application.

The regulations for PDD Districts (Section 26-99 of this chapter) are minimum requirements and the county council may impose conditions and safeguards in excess of, or in addition to, the specific requirements set forth therein. Ability to meet the minimum requirements does not per se create an indication that an applicant should be entitled to a map amendment and PDD approval.

- (g) *Appeals.* Any person who may have a substantial interest in a PDD decision made by the county council may appeal from a decision of the council to the circuit court of Richland County by filing with the clerk of court a petition in writing setting forth why the decision is contrary to law. The appeal must be filed within thirty (30) days after the decision of the council to deny the application or after the council has given third reading approval to amend the property to a PDD District.
- (h) *Issuance of land development and building permits.* The planning department shall not issue any land development permit, and the building official shall not issue any building permit for work to commence within any PDD District, until the property owner, or authorized agent, has:
 - (1) Recorded with the Register of Deeds of Richland County, plats showing all proposed features of the PDD as approved by the county council, and submitted a true copy of such plats to the planning department.
 - (2) Completed any necessary agreements with the county so that the county may become a party to deed restrictions and other such restrictive covenants related to the planned development (as deemed necessary by the county) and recorded such agreements with the register of deeds for the county and submitted a true copy of such agreements to the planning department.

- (3) Recorded with the Register of Deeds of Richland County all deed restrictions and/or restrictive covenants as required by the Richland County Council upon approval of the amendment establishing the PDD, and submitted true copies of such deed restrictions and/or restrictive covenants to the planning department.
 - (4) Recorded with the Register of Deeds of Richland County the descriptive statement, as approved by the Richland County Council, setting forth and committing the developer to certain design standards, development phasing schedules, and other pertinent matters, and submitted a true copy of such descriptive statement to the planning department.
 - (5) Completed the posting of a bond or the giving of other surety that adequate progress will be made in developing the project.
- (i) *District map.* The site development plan as approved by the Richland County Council in establishing the PDD District shall be the zoning district map for the PDD and this shall be the basis for issuance of land development permits and building permits for construction of buildings within the planned development.
 - (j) *Changes to plans.* Any change to the boundaries of an established PDD District shall be accomplished only by following procedures set forth above. Changes in the approved characteristics or agreements relating to a PDD, but not involving a change to the boundary thereof, shall be classified as either major changes or minor changes and shall be approved or disapproved as follows:
 - (1) *Major changes.* Major changes that materially affect the characteristics of the planned development, such as changes in location of land uses, increases in density, or changes in traffic flow, shall follow the same procedural requirements as for the amendment originally establishing the PDD, including review by the development review team, planning commission review, public hearing, and county council determination as set forth above.
 - (2) *Minor changes.* The revision of any minor characteristic of a planned development (such as relocation of driveways or revision of floor plans of specific structures) may be authorized by the planning director. However, the ability to make minor changes comes only when such authority is granted to the planning director within the approved and recorded descriptive statement concerning development of the PDD. If the planning director fails to approve the request for a minor change, the applicant or other party at interest may then seek a change by the regular amendment process as outlined for major changes.
 - (3) *Determination of requirements.* It shall be the duty of the planning director to determine whether any specific request shall be considered a

major change or a minor change. The applicant for any change shall have the right to have any request for change processed as a major change.

- (4) *Recording.* The planning department shall not issue a land development permit or certificate of zoning compliance, and the building official shall not issue a building permit in connection with any action related to such changes, until such changes have been duly recorded as for the original documents. The requirements for recordation are set forth in subsection (h) above.

- (k) *Permit/approval validity.* The descriptive statement as approved by Richland County Council and duly recorded shall set forth the development for the project, including phasing of development of nonresidential uses in relationship to residential use. The county council may require the posting of a bond with a corporate surety to guarantee that the schedule set forth in the descriptive statement will be materially adhered to in order to guarantee construction of roads, utilities, and other facilities and amenities. A bond may also be used to allow for rectification of improper development characteristics, such as failure to begin, or failure to complete, or failure to make adequate progress as agreed to in the descriptive statement. If performance differs from that set forth in the statement approved by county council, the council may:
 - (1) Enforce and collect upon such bonds or sureties as described in this subsection;
 - (2) Change the district classification of the planned development and thus terminate the right of the applicant to continue development;
 - (3) Initiate action to charge the developers with specific violation of this chapter subject to the penalties set forth in Article XI. of this chapter; or
 - (4) Take any appropriate combination of these actions.

If the planned development is not initiated within two (2) years of its establishment, the development approval shall automatically expire and the county council may initiate a rezoning to another zoning district classification.

Sec. 26-60. Certificates of zoning compliance.

- (a) *Purpose.* It shall be unlawful to use or occupy or permit the use or occupancy of any building or premises, or both, or part thereof, hereafter created, erected, changed, converted, or wholly or partially altered or enlarged in its use or structure until a certificate of zoning compliance shall have been issued by the planning department, or unless a temporary nonconforming use permit has been issued by the planning department. The certificate shall state that the building or

the proposed use of the building or land conforms to the requirements of this chapter.

- (b) *Application.* Application for a certificate of zoning compliance may be made by the owner of the property or by an authorized agent
- (c) *Staff review.* Upon receipt of the request for a certificate of zoning compliance, the planning department shall inspect the project building(s) and site for compliance with the approved site plan or permit. The certificate shall be issued only upon finding that the building(s) and site comply with all applicable requirements, including any additional conditions placed on the project under the provisions of this chapter.
- (d) *Public notification.* No public notification is required for requests for certificates of zoning compliance.
- (e) *Formal review.* No formal review is required.
- (f) *Appeals.* Appeals of the decisions of the planning department regarding certificates of zoning compliance shall be heard by the board of zoning appeals under the procedures established in Section 26-58 of this chapter.

Sec. 26-61. Review in FP Floodplain Overlay District.

- (a) *Purpose.* A floodplain development permit is required in conformance with the provisions of this chapter (particularly Section 26-103) prior to the commencement of any development activities in the FP Overlay District. The purpose of this permit is to ensure that compliance with all regulations concerning floodplain development is achieved.
- (b) *Pre-application procedure.* No pre-application conference is required prior to applying for a floodplain development permit. Applicants are encouraged to call or visit the county's flood coordinator prior to requesting a floodplain development permit to determine what information is required for the application.
- (c) *Plan submittal.* Application for a floodplain development permit shall be made to the flood coordinator on forms furnished by the county and shall include all items required on that application. An application may be submitted by a property owner or authorized agent. The information submitted for the permit shall be certified by a land surveyor, engineer, or architect authorized by law to certify the required information and plans.
- (d) *Staff review.* The county flood coordinator shall review all applications for a flood development permit and approve or deny such applications. Approval or denial of a flood development permit shall be based on all applicable provisions of this chapter and the following relevant factors:

- (1) The danger to life and property due to flooding or erosion damage;
 - (2) The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;
 - (3) The danger that material may be swept onto other lands to the injury of others;
 - (4) The compatibility of the proposed use with existing and anticipated development;
 - (5) The safety of access to the property in times of flood for ordinary and emergency vehicles;
 - (6) The costs of providing governmental services during and after flood conditions, including maintenance and repair of roads and bridges and public utilities and facilities such as sewer, gas, electrical and water systems;
 - (7) The availability of alternative locations, not subject to flooding, for the proposed use; and
 - (8) The relationship of the proposed use to any comprehensive planning document for that area.
- (e) *Public notification.* No public notification is required for floodplain development permit issuance.
- (f) *Formal review.* No formal review is required for floodplain development permit review.
- (g) *Variances.* No variances are permitted from the regulations on floodplain development (Section 26-103 of this chapter) pertinent to the issuance of a floodplain development permit.
- (h) *Appeals.* The Richland County Administrator shall hear and decide appeals from determinations made by the flood coordinator. Any owner who has received a decision from the coordinator may appeal this decision to the Richland County Administrator by giving notice of appeal in writing to the flood coordinator within twenty (20) days following issuance of the decision. In the absence of an appeal, the order of the flood coordinator shall be final. The Richland County Administrator shall hear an appeal within a reasonable time and may affirm, modify and affirm, or reverse the decision of the coordinator.

- (i) *Permit validity.* The effective date of a floodplain development permit shall be the date as stamped on the permit. Permits shall be valid only when signed by the flood coordinator. Any floodplain development permit issued shall become invalid if the authorized work is not commence within six (6) months after the issuance of the permit, or if the authorized work is suspended or abandoned for a period of six (6) months after the time of commencing the work, unless an extension has been granted in writing by the flood coordinator.

Sec. 26-62. Sign permits.

- (a) *Purpose.* In order to regulate the provision of sign standards and sign restrictions within the unincorporated areas of Richland County, it shall be unlawful to erect or maintain any sign or sign structure without first obtaining a sign permit unless exempted. (See regulations at Section 26-180 of this chapter).
- (b) *Pre-application procedure.* There is no pre-application procedure for sign permits.
- (c) *Application submittal.*
 - (1) *Application.* An application for a sign permit may be filed by the owner of the property or sign or by an authorized agent. Applications for sign permits shall be filed with the Richland County Planning and Development Services Department on a form provided by the department. An application shall contain all information requested by the department and other data as determined by the department to be necessary for review of the application.
 - (2) *Fees.* A permit fee, as established by the Richland County Council, shall be submitted with the application.
- (d) *Staff review.* The planning department shall review the application and determine if it is complete. Provided that the application is complete, the planning department shall approve, approve with conditions, or deny the application within fifteen (15) days of submittal. In most instances, the permit may be reviewed and issued upon submittal.
- (e) *Public notification.* No public notification is required for sign permit requests.
- (f) *Formal review.* No formal review of sign permit applications is required.
- (g) *Variances.* Requests for variances from sign regulations shall be heard by the board of zoning appeals under the procedures established at Section 26-57 of this chapter.

- (h) *Appeals.* Appeals of the decisions of the planning department on any sign application shall be heard by the board of zoning appeals under the procedures established at Section 26-58 of this chapter.
- (i) *Permit validity.* If actual work for the permitted sign on the site is not commenced within ninety (90) days from the date of the issuance of a sign permit, or if substantial work for a permitted sign is suspended for a period of sixty (60) consecutive days, the permit shall automatically become null and void. Provided, however, that for signs being erected in conjunction with new construction, the sign permit shall not become null and void until sixty (60) days after the certificate of zoning compliance has been issued for the development. In all cases, the planning department may grant up to a six (6) month extension of time within which work on a permitted sign must be started or resumed. All requests for such extensions and approval thereof shall be in writing.

Sec. 26-63. Temporary use permits.

- (a) *Purpose.* To ensure that proposed temporary uses comply with the requirements of this chapter, no use that is classified as a temporary use in the zoning district in which it is located shall be placed or established on the property without first receiving a temporary use permit from the planning department.
- (b) *Pre-application procedure.* No pre-application procedure is required prior to applying for a temporary use permit.
- (c) *Plan submittal.*
 - (1) *Filing of application.* An application for a temporary use permit may be filed by the owner of the property or by an authorized agent. An application for a temporary use permit shall be filed in the planning department on a form provided by the department. The application shall contain all information required on the form and any additional information deemed necessary by the department in reviewing the application for the permit.
 - (2) *Fees.* A permit fee, as established by the Richland County Council, shall be submitted with the application.
- (d) *Staff review.* The planning department shall review the application and determine if it is complete. Provided that the application is complete, the planning department shall approve, approve with conditions, or deny the application within fifteen (15) days of submittal. In most instances, the permit may be reviewed and issued upon submittal.
- (e) *Public notification.* No public notification is required for temporary use permit requests.

- (f) *Formal review.* No formal review of temporary use permit applications is required.
- (g) *Variations.* Requests for variances from the requirements for temporary uses shall be heard by the board of zoning appeals under the procedures established at Section 26-57 of this chapter.
- (h) *Appeals.* Appeals of the decisions of the planning department on any temporary use permit application shall be heard by the board of zoning appeals under the procedures established at Section 26-58 of this chapter.
- (i) *Permit validity.* The temporary use permit shall be valid only for the time period stated on the permit, which in no event shall exceed the time periods set forth in Section 26-185 of this chapter.

Sec. 26-64. Stormwater Pollution Prevention Plans.

- (a) *Purpose.* Unless otherwise provided in this chapter, the surface of land in Richland County shall not be disturbed or changed for any purpose except in accordance with a Stormwater Pollution Prevention Plan (SWPPP) that has been approved by the Richland County Public Works Department. In addition, prior to any grading, construction, or land disturbance of any nature, a grading permit shall be obtained from the Richland County Public Works Department. The SWPPP shall include a plan to control erosion and sedimentation and provide for stormwater management (See Section 26-202 of this chapter). The purpose of this requirement is to provide proper management of the quality and quantity of stormwater runoff in Richland County. The SWPPP must be approved prior to the issuance of a land development permit, floodplain development permit or building permit. No grading permit shall be issued until DHEC grants coverage under the NPDES General Permit for Large and Small Construction Activities, if applicable. No building permit shall be issued until the required drainage improvements, as set forth in an approved design plan, are installed or an acceptable bond is posted in lieu of completion of the improvements. The approved SWPPP must be maintained at the active construction site until a Notice of Termination is issued. In addition, a copy of the NOI, General NPDES General Permit for Large and Small Construction Activities, and letter from SCDHEC granting coverage under the NPDES General Permit for Large and Small Construction activities must be maintained at the site at all times until a Notice of Termination is issued.
- (b) *Exemptions.* The provisions of this chapter shall not apply to:
 - 1. Land disturbing activities on agricultural land for production of plants and animals useful to man, including but not limited to: forages and sod crops, grains and feed crops, poultry and poultry products; livestock, including beef

cattle, sheep, swine, horses, ponies, mules, or goats, including the breeding and grazing of these animals; bees; fur animals and aquaculture; except that the construction of an agricultural structure or structures which, singularly or collectively total one or more acres, such as broiler houses, machine sheds, repair shops and other major buildings and which require the issuance of a building permit shall require the submittal and approval of a SWPPP prior to the start of the land disturbing activity.

2. *Land disturbing activities undertaken on forest land for the production and harvesting of timber and timber products.*

(c) *Pre-application procedure.* No pre-application conference is required prior to the submittal of a SWPPP for a grading permit. Applicants are encouraged to call or visit the county engineer prior to submitting a SWPPP to determine what information is required for the application for the approval.

(d) *Plan submittal.*

(1) *Application.* Application for approval of a SWPPP shall be made to the county engineer on forms furnished by the county and shall include all items required on that application and shall be accompanied by a fee as established by the Richland County Council. Application may be made by the owner of the property or by an authorized agent. Richland County is a delegated Qualified Local Program (QLP). Town of Arcadia Lakes and City of Forest Acres are co-permittees of Richland County for this program. If any construction or land disturbance activities are to take place in any unincorporated Richland County (including City of Forest Acres and Town of Arcadia Lakes), the owner/operator must apply for a Land Disturbance Permit before land is disturbed. The SWPPP shall include such stream flow and stormwater runoff calculations and other information as may be reasonably required by the county engineer under the requirements of this chapter. The SWPPP shall be certified by the applicant and sealed by a South Carolina registered professional engineer, registered landscape architect, or Tier B land surveyor. The SWPPP must meet the objectives of Section 26-203. A landowner may develop and certify his/her own plan for a tract of land containing one (1) acre or less, provided:

- a. The property is not part of a larger common disturbance impacting more than one acre; and
- b. The areas to be disturbed will not allow water to flow in any one direction for over two hundred (200) feet; and
- c. The cuts and fills established will not exceed a height or depth of over five (5) feet; and
- d. There will be no concentrated off-site water to be controlled on the site.

(2) *Inclusion in other permit requirements.* The requirement for submittal of a SWPPP may be included under other permits as follows:

- a. The county may review industrial Storm Water Pollution Prevention Plan(s), as required under a facility's National Pollutant Discharge Elimination System (NPDES) storm water discharge permit, when outfall monitoring indicates a suspected violation.
- b. The county may review reclamation plan(s), as required under a mining and mineral resource extraction operation's operating permit, when outfall monitoring indicates a suspected violation.
- c. The county may review certificate(s) of environmental compatibility, as required by the South Carolina Public Service Commission, when outfall monitoring indicates a suspected violation of a utility.

(e) *Types of Stormwater Pollution Prevention Plans (SWPPP).* SWPPPs shall be divided into two land disturbance levels: Level I and Level II. The designs, presentations and submittals shall be the responsibility of the person responsible for the land disturbing activity.

(1) *Level I Stormwater Pollution Prevention Plans (SWPPPs)* shall be submitted for all land disturbing activities with disturbed area less than one (1) acre which are not part of a larger common plan of development or sale. A Level I Plan shall be prepared in accordance with the requirements of Section 26-64(f) of this chapter.

(2) *Level II Stormwater Pollution Prevention Plans (SWPPPs)* shall be submitted for all land disturbing activities with disturbed areas of one (1) acre or greater. However, the use of measures other than ponds to achieve water quality improvements is recommended on sites containing less than ten (10) disturbed acres. A Level II Plan shall be prepared in accordance with the requirements of Section 26-64(g) of this chapter.

(f) *Level I SWPPP Requirements.* A Level I SWPPP shall be submitted for all land disturbing activities with disturbed area less than one (1) acre which are not part of a larger common plan of development. The SWPPP shall contain the following information, as applicable:

- (1) An anticipated starting and completion date of the various stages of land disturbing activities and the expected date the final stabilization will be completed;
- (2) A narrative description of the SWPPP to be used during land disturbing activities;
- (3) General description of topographic and soil conditions of the tract;

- (4) A general description of adjacent property and a description of existing structures, buildings, and other fixed improvements located on surrounding properties;
 - a. The boundary lines of the site on which the work is to be performed;
 - b. A topographic map of the site if required by the County;
 - c. The location of temporary and permanent vegetative and structural stormwater management and sediment control measures; and
 - d. Riparian buffers and setbacks requirements to protect receiving water bodies shall be maintained as required.
- (5) SWPPPs shall contain certification by the person responsible for the land disturbing activity that the land disturbing activity will be accomplished pursuant to the plan.
- (6) All SWPPPs shall contain certification by the person responsible for the land disturbing activity of the right of the County or DHEC to conduct on-site inspections

The requirements contained above may be indicated on one plan sheet. More detailed hydrologic or soils information may be required on a case by case basis by the implementing agency. Storm water detention/retention may be required if excessive water problems are known to exist in the area.

(g) *Level II SWPPP Requirements.* A Level II Stormwater Pollution Prevention Plan (SWPPP) shall be submitted for all land disturbing activities with disturbed areas of one (1) acre or greater, and for all land disturbing activities with disturbed areas of less than one (1) acre if it is part of multiple construction in a subdivision development. The use of measures other than ponds to achieve water quality improvements is recommended on sites containing less than ten (10) disturbed acres. The SWPPP shall contain the following information, as applicable:

- (1) General submission requirements for all projects requiring Stormwater Pollution Prevention Plan (SWPPP) approval will include the following information as applicable:
 - a. A standard application form (Notice of Intent (NOI)) must be submitted to the County,
 - b. A vicinity map indicating north arrow, scale, and other information necessary to locate the property or tax parcel,
 - c. A plan at an appropriate scale accompanied by a design report and indicating at least:
 1. The location of the land disturbing activity shown on a USGS 7.5 minute topographic map or copy.

2. The existing and proposed topography, overlaid on a current plat showing existing and proposed contours as required by Richland County.
3. The proposed grading and earth disturbance including:
 - i. Surface area involved; and
 - ii. Limits of grading including limitation of mass clearing and grading whenever possible.
4. Stormwater management and stormwater drainage computations, including:
 - i. Pre- and post-development velocities, peak rates of discharge, and inflow and outflow hydrographs of stormwater runoff at all existing and proposed points of discharge from the site,
 - ii. Site conditions around points of all surface water discharge including vegetation and method of flow conveyance from the land disturbing activity, and
 - iii. Design details for structural controls.
5. Erosion and sediment control provisions, including:
 - i. Provisions to preserve top soil and limit disturbance;
 - ii. Details of site grading; and
 - iii. Design details for structural controls which includes diversions and swales.
- d. Federal Emergency Management Agency flood maps and federal and state wetland maps, where appropriate.
- e. Plans and design reports shall be sealed by a qualified design professional. The design professional shall certify that the plans have been designed in accordance with approved stormwater-related ordinances, programs, regulations, standards and criteria.
- f. Additional information necessary for a complete project review may be required by Richland County, as deemed appropriate. This

additional information may include items such as public sewers, water lines, septic fields, wells etc.

- g. All SWPPPs submitted for approval shall contain certification by the person responsible for the land disturbing activity that the land disturbing activity will be accomplished pursuant to the approved plan.
- h. All SWPPPs shall contain certification by the person responsible for the land disturbing activity of the right of the City or DHEC to conduct on-site inspections.
- i. All Level II SWPPPs submitted to the appropriate plan approval agency for approval shall be certified by the designer as stated in 26-64(c)(1).

(2) Specific requirements for the erosion and sediment control portion of the Stormwater Pollution Prevention Plan (SWPPP) approval process include, but are not limited to, the following items. Richland County may modify the following items for a specific project or type of project.

- a. All plans shall include details and descriptions of temporary and permanent erosion and sediment control measures and other protective measures shown on the Stormwater Pollution Prevention Plan (SWPPP). Procedures in a Stormwater Pollution Prevention Plan (SWPPP) shall provide that all sediment and erosion controls are inspected at least once every seven-calendar day and after any storm event of greater than 0.5 inches of precipitation during any 24-hour period.
- b. Specifications for a sequence of construction operations shall be contained on all plans describing the relationship between the implementation and maintenance of sediment controls, including permanent and temporary stabilization and the various stages or phases of earth disturbance and construction. The specifications for the sequence of construction shall, at a minimum, include the following activities:
 - 1. Clearing and grubbing for those areas necessary for installation of perimeter controls;
 - 2. Installation of sediment basins and traps;
 - 3. Construction of perimeter controls;
 - 4. Remaining clearing and grubbing;

5. Road grading;
6. Grading for the remainder of the site;
7. Utility installation and whether storm drains will be used or blocked until after completion of construction;
8. Final grading, landscaping, or stabilization; and
9. Removal of sediment controls.

The sequence of construction operations may be modified with prior approval by Richland County. In addition, if there is to be no construction activity for fourteen (14) or more days, the site must be temporarily stabilized.

- c. The plans shall contain a description of the predominant soil types on the site, as described in the USDA comprehensive soils classification system.
 - d. When work in a live waterway is performed such as utility or road crossing, the appropriate BMPs shall be utilized to minimize encroachment, protect the riparian buffer, control sediment transport and stabilize the work area to the greatest extent possible during construction.
 - e. Vehicle tracking of sediments from land disturbing activities onto paved public roads shall be minimized by utilizing the appropriate BMPs.
 - f. Locations of all waters of the US and State (including wetlands) shall be shown on the plan.
 - g. Locations of all preconstruction stormwater discharge points and post construction stormwater discharge points shall be shown on the plan.
- (3) Specific requirements for the permanent stormwater Management portion of the Stormwater Pollution Prevention Plan (SWPPP) approval process include, but are not limited to, the following items. Richland County may modify the following items for a specific project or type of project.
- a. Stormwater Management shall be addressed on a watershed basis to provide a cost-effective water quantity and water quality solution to the specific watershed problems. This Ordinance

provides general design requirements that must be adhered to in the absence of Designated Watershed specific criteria.

- b. All hydrologic computations shall be accomplished using a volume based hydrograph method acceptable to Richland County. The storm duration for computational purposes for this method shall be the 24-hour rainfall event, applicable NRCS distribution with a 0.1 hour burst duration time increment. The rational and/or modified rational methods are acceptable for sizing individual culverts or storm drains that are not part of a pipe network or system and do not have a contributing drainage area greater than 20 acres. The storm duration for computational purposes for this method shall be equal to the time of concentration of the contributing drainage area or a minimum of 0.1 hours, whichever is less.
- c. Stormwater Management requirements for a specific project shall be based on the entire area to be developed, or if phased, the initial submittal shall control that area proposed in the initial phase and establish a procedure for total site control, as shown the approved set of development plans.
- d. Water quantity control is an integral component of overall Stormwater Management. The following design criteria for flow control are established for water quantity control purposes:
 1. Post-development peak discharge rates shall not exceed pre-development discharge rates for the 2, 10 and 25-year frequency 24-hour duration storm event. The City may utilize a less frequent storm event (e.g. 50 or 100-year, 24-hour) to address existing or future stormwater quantity or quality problems.
 2. Discharge velocities shall be reduced to provide a non-erosive velocity flow from a structure, channel, or other control measure or the velocity of the 10-year, 24-hour storm runoff in the receiving waterway prior to the land disturbing activity, whichever is greater.
 3. Watersheds, including Designated Watersheds, which have well documented water quantity problems, may have more stringent or modified design criteria as determined by Richland County.
- e. Water quality control is also an integral component of stormwater management. The following design criteria are established for

water quality protection unless a waiver or variance is granted on a case-by-case basis.

1. When ponds are used for water quality protection, the ponds shall be designed as both quantity and quality control structures. Sediment storage volume shall be calculated considering the clean out and maintenance schedules specified by the designer during the land disturbing activity. Sediment storage volumes may be predicted by the Universal Soil Loss Equation or methods acceptable to the County.
2. Stormwater runoff that drains to a single outlet from land disturbing activities which disturb ten acres or more shall be controlled during the land disturbing activity by a sediment basin where sufficient space and other factors allow these controls to be used until the final inspection. The sediment basin shall be designed and constructed to accommodate the anticipated activity and meet a removal efficiency of 80 percent suspended solids or 0.5 ML/L peak settleable solids concentration, whichever is less. The outfall device or system design shall take into account the total drainage area flowing through the disturbed area to be served by the basin.
3. Other practices may be acceptable to Richland County if they achieve an equivalent removal efficiency of 80 percent for suspended solids or 0.5 ML/L peak settleable solids concentration, which ever is less. The efficiency shall be calculated for disturbed conditions for the 10-year 24-hour design event.
4. Permanent water quality ponds having permanent pool shall be designed to store and release the first ½ inch of runoff from the entire site or the first one inch of runoff from the impervious area, whichever is greater, over a 24-hour period.
5. Permanent water quality ponds, not having permanent pool, shall be designed to release the first inch of runoff from the site over a 24-hour period.
6. Permanent infiltration practices, when used, shall be designed to accept, at a minimum, the first inch of runoff from all impervious areas.

7. Riparian buffers and setbacks requirements to protect receiving water bodies shall be maintained as required by Richland County Zoning Ordinance.
8. Watersheds, including Designated Watersheds, which have been documented by Richland County or DHEC as impaired or have established Total Maximum Daily Loads (TMDLs), will have more stringent or modified design criteria as determined by Richland County.
9. For sites with storm water discharges to receiving water that is listed as impaired in South Carolina's 303(d) List of Impaired Waters the following requirements apply:
 - i. If a TMDL that is applicable to stormwater construction discharges has been established and is in effect, the requirements of the NPDES General Permit for Large and Small Construction Activities must be met.
 - ii. If a TMDL has not been established or is not in effect, the requirements outlined in Section 3.4 in NPDES Permit for Large and Small Construction Activities must be met.
- f. Where ponds are the proposed method of control, the person responsible for the land disturbing activity shall submit to Richland County, when required, an analysis of the impacts of stormwater flows downstream in the watershed for the 10 and 100-year frequency storm event. The analysis shall include hydrologic and hydraulic calculations necessary to determine the impact of hydrograph timing modifications of the proposed land disturbing activity, with and without the pond. The results of the analysis will determine the need to modify the pond design or to eliminate the pond requirement. Lacking a clearly defined downstream point of constriction, the downstream impacts shall be established, with the concurrence of the County.
- g. Where existing wetlands are intended as a component of an overall stormwater management system, the approved Stormwater Pollution Prevention Plan (SWPPP) shall not be implemented until all necessary federal and state permits have been obtained. Copies of the Federal and State permits shall be furnished to Richland County.
- h. Designs shall be in accordance with standards developed or approved by the County. The Richland County Public Works

Department maintains the Stormwater Design Manual and the Best Management Practices (BMP) Manual and these guidelines must be followed.

- i. Ease of maintenance must be considered as a site design component. Access to the stormwater management structure must be provided. A maintenance plan shall be included in the SWPPP.
- j. A clear statement of defined maintenance responsibility shall be established during the plan review and approval process. This statement ensures that structural BMPs will be maintained post-construction. If they are not being properly maintained, the County has the authority to require maintenance to be done at the expense of the person responsible for maintenance.
- k. Infiltration practices have certain limitations on their use on certain sites. These limitations include the following items:
 1. Areas draining to these practices must be stabilized and vegetative filters established prior to runoff entering the system. Infiltration practices shall not be used if a suspended solids filter system does not accompany the practice. If vegetation is the intended filter, there shall be, at least a 20-foot length of vegetative filter prior to stormwater runoff entering the infiltration practice;
 2. The bottom of the infiltration practice shall be at least 0.5 feet above the seasonal high water table, whether perched or regional, determined by direct piezometer measurements which can be demonstrated to be representative of the maximum height of the water table on an annual basis during years of normal precipitation, or by the depth in the soil at which mottling first occurs;
 3. The infiltration practice shall be designed to completely drain of water within 72 hours;
 4. Soils must have adequate permeability to allow water to infiltrate. Infiltration practices are limited to soils having an infiltration rate of at least 0.30 inches per hour. Initial consideration will be based on a review of the appropriate soil survey, and the survey may serve as a basis for rejection. On-site soil borings and textural classifications must be accomplished to verify the actual site and seasonal high water table conditions when infiltration is to be utilized;

5. Infiltration practices greater than three feet deep shall be located at least 10 feet from basement walls;
 6. Infiltration practices designed to handle runoff from impervious parking areas shall be a minimum of 150 feet from any public or private water supply well;
 7. The design of an infiltration practice shall provide an overflow system with measures to provide a non-erosive velocity of flow along its length and at the outfall;
 8. The slope of the bottom of the infiltration practice shall not exceed 5%. Also, the practice shall not be installed in fill material as piping along the fill/natural ground interface may cause slope failure;
 9. An infiltration practice shall not be installed on or atop a slope whose natural angle of incline exceeds 20 percent.
 10. Clean outs will be provided at a minimum, every 100 feet along the infiltration practice to allow for access and maintenance.
- I. A regional approach to Stormwater Management is an acceptable alternative to site-specific requirements and is encouraged.
- (4) All stormwater management and sediment control practices shall be designed, constructed and maintained with consideration for the proper control of mosquitoes and other vectors. Practices may include, but are not limited to:
- a. The bottom of retention and detention ponds should be graded and have a slope not less than 0.5 percent.
 - b. There should be no depressions in a normally dry detention facility where water might pocket when the water level is receding.
 - c. Normally dry detention systems and swales should be designed to drain within three (3) days.
 - d. An aquatic weed control program should be utilized in permanently wet structures to prevent an overgrowth of vegetation in the pond. Manual harvesting is preferred.

- e. Fish may be stocked in permanently wet retention and detention ponds.
 - f. Normally dry swales and detention pond bottoms should be constructed with a gravel blanket or other measure to minimize the creation of tire ruts during maintenance activities.
- (5) A Stormwater Pollution Prevention Plan (SWPPP) shall be filed for a residential development and the buildings constructed within, regardless of the phasing of construction.
- a. In applying the stormwater management and sediment control criteria, individual lots in a residential subdivision development shall not be considered to be separate land disturbing activities and shall not require individual permits. Instead, the residential subdivision development, as a whole, shall be considered to be a single land disturbing activity. Hydrologic parameters that reflect the ultimate subdivision development shall be used in all engineering calculations.
 - b. If individual lots or sections in a residential subdivision are being developed by different property owners, all land-disturbing activities related to the residential subdivision shall be covered by the approved Stormwater Pollution Prevention Plan (SWPPP) for the residential subdivision. Individual lot owners or developers must sign a certification of compliance that all activities on that lot will be carried out in accordance with the approved Stormwater Pollution Prevention Plan (SWPPP) for the residential subdivision. Failure to provide this certification will result in owners or developers of individual lots developing a Stormwater Pollution Prevention Plan (SWPPP) meeting the requirements of this chapter.
 - c. Residential subdivisions which were approved prior to the effective date of these regulations are exempt from these requirements. Development of new phases of existing subdivisions which were not previously approved shall comply with the provisions of these regulations.
- (6) Risk analysis may be used to justify a design storm event other than prescribed or to show that rate and volume control is detrimental to the hydrologic response of the basin and therefore, should not be required for a particular site.

a. A complete watershed hydrologic/hydraulic analysis must be done using a complete model/procedure acceptable to Richland County. The level of detail of data required is as follows:

1. Watershed designation on the 7.5 minute topo map exploded to a minimum of 1" = 400'.

i. Include design and performance data to evaluate the effects of any structures which affect discharge. Examples may be ponds or lakes, road crossings acting as attenuation structures, and others which must be taken into account.

ii. Land use data shall be taken from the most recent aerial photograph and field checked and updated.

iii. The water surface profile shall be plotted for the conditions of pre and post-development for the 10-, and 100-year 24-hour storm.

iv. Elevations of any structure potentially damaged by resultant flow shall also be shown.

b. Based on the results of this type of evaluation, Richland County shall review and evaluate the proposed regulation waive or change.

(7) The Level II SWPPP shall be prepared in accordance with *South Carolina NPDES General Permit for Storm Water Discharges from Large and Small Construction Activities* (SCR100000). The SWPPP must be prepared, amended when necessary, certified, and stamped by a qualified individual who is licensed as follows:

a. Registered profession engineers as described in Title 40, Chapter 22;

b. Registered landscape architects as described in Title 40, Chapter 28, Section 10, item (b);

c. Tier B land surveyors as described in Title 40, Chapter 22; or

d. Federal government employees as described by Title 40, Chapter 22, Section 280(A)(3).

(h) *Staff review.* The county engineer shall review all SWPPPs and approve or deny such plans. Approval or denial of a SWPPP shall be based on all applicable provisions of this chapter. SWPPPs shall be reviewed within thirty (30) days from

the date of submittal of the plan. If the county engineer determines that the size and scope of the proposed plan requires additional time for adequate review, the review period shall be extended as determined appropriate by the county engineer, but in no event shall the review period exceed forty-five (45) days. If at the end of the forty-five (45) day period a decision has not been reached, the plan shall be deemed approved; however, the applicant may waive this requirement and consent in writing to the extension of that period. In the absence of an appeal, the order of the county engineer shall be final. Approval of plans by the county engineer does not relieve the applicant's technical representative from his/her responsibility for the correctness of the plans or the accuracy of his/her calculations, nor does it relieve the owner or the applicant from his/her obligation to comply with any applicable laws. Upon review and approval by Richland County, the approval letter to issue a grading permit, the Notice of Intent and the \$125 fee will be sent to DHEC. DHEC then has seven (7) business days to review the completed application and issue a letter either granting or denying coverage under the *NPDES General Permit for Storm Water Discharges from Large and Small Construction Activities* (SCR100000), or requesting additional information. If DHEC does not send a letter within the designated time period, then coverage under the above permit may be deemed automatically granted.

(i) *Public notification.* No public notification is required for review of a SWPPP.

(j) *Formal review.* No formal review is required for SWPPP review.

(k) *Variations.*

(1) Richland County may grant a written variance from any requirement of these regulations if there are exceptional circumstances applicable to the site, such that strict adherence to the provisions of these regulations will not fulfill the intent of these regulations.

(2) A written request for variance shall be provided to Richland County, and it shall state the specific variance sought. The reasons and supporting data for its granting shall be included. Richland County will not consider a variance unless sufficient specific reasons justifying the variance are provided by the applicant.

(3) Richland County will conduct its review of the request for variance within ten (10) working days from the receipt of the request, after which time it will be approved or disapproved by the County.

(l) *Appeals.* Any owner who has received a decision from the county engineer may appeal this decision to a court of competent jurisdiction, which shall hear the same de novo. Such an appeal shall be filed within thirty (30) days after the county engineer has notified the owner/applicant of his/her decision.

(m) *Permit validity.* The effective date of a SWPPP shall be the date as stamped on the plan. Plans shall be valid only when signed by the county engineer. Any SWPPP approval issued shall become invalid if the authorized work is not commenced within six (6) months after the issuance of the approval, or if the authorized work is suspended or abandoned for a period of six (6) months after the time of commencing the work, unless an extension has been granted in writing by the county engineer. The applicant is responsible for requesting an extension and setting forth reasons for the requested extension. The applicant shall be responsible with carrying out the proposed work in accordance with the approved SWPPP. The applicant shall be responsible for notifying Richland County Public Works Department a maximum of twenty-four (24) hours after the start of construction.

(n) *Inspections.* The SWPPP shall specify the inspection frequency for the land disturbance activity which must be done in accordance with the NPDES General Permit for Large and Small Construction Activities. The county engineer or his/her designee shall periodically inspect the work done under an approved SWPPP. Any violations will be enforceable as established in this chapter. For each inspection, an inspection report must be completed. A record of each inspection and any actions taken must be retained as part of the SWPPP for at least three (3) years. Permittee Inspection Frequency after construction commences, inspections must be conducted by an inspector meeting at least one of the requirements in Section 26-64(g)(7), at a minimum of one of the two schedules defined below:

- i. At least once every 7 calendar days, or
- ii. At least once every 14 calendar days and within 24 hours of the end of a storm event of 0.5 inches or greater.

(o) *Preconstruction Conference.*

(1) For non-linear Projects that disturb 10 acres or more, the permittee must conduct a pre-construction conference with each co-permittee and contractor who is not a co-permittee in person at the Site prior to that co-permittee or contractor performing construction related work intended to disturb soils at the Site that may affect the implementation of the SWPPP unless it is justified in the SWPPP and approved by the County to conduct the conference off-site. This pre-construction conference can be with all contractors or the pre-conference may be conducted separately with one or more contractors present so that all contractors who perform land disturbing activity are aware of the requirements of the SWPPP before they start construction

(2) For linear construction of roads or utilities (such as roads built by SCDOT, utility construction including electrical power lines, gas lines, sewer lines, and water lines that are not part of a subdivision) neither of which is part of a subdivision or other type of development, the pre-construction conference

may be conducted off-site unless specifically required by the County to be conducted on site. The purpose of this conference is to explain the whole SWPPP to the co-permittees and contractors, and to specifically go over areas of the SWPPP that are related to the work to be performed by the co-permittees and the contractors.

- (p) *Monthly reporting requirements.* For land disturbance activities impacting 10 acres or more, there is a monthly reporting requirement in the NPDES General Permit for Large and Small Construction Activities which requires monthly reports to be submitted to DHEC. Richland County also requires these monthly reports be submitted to the Public Works Department for review. These reports may be submitted electronically.
- (q) *Notice of Termination (NOT).* The owner/operator of a site may apply for an NOT when 70% of the site is stabilized. The County has the authority to grant or deny the request for an NOT at its discretion. Any recurring fees will continue to be applicable until the NOT is submitted to Richland County and approved by SCDHEC. Richland County will forward the request for NOT to SCDHEC.
- (r) *Supplemental regulations.* All applicable provisions of the Standards for Stormwater Management and Sediment Reduction (Sections 72-301, 302, 305, 307, 308, 312, 313, 314, 315, 316) administered by the South Carolina Department of Health and Environmental Control pursuant to the South Carolina Stormwater Management and Sediment Reduction Act of 1991 are incorporated by reference herein.

Secs. 26-65 – 26-80. Reserved.

ARTICLE V. ZONING DISTRICTS AND DISTRICT STANDARDS

Sec. 26-81. Purpose.

For the purpose of guiding development in accordance with existing and future needs and promoting the public health, safety, morals, convenience, order, appearance, prosperity and general welfare of Richland County, Richland County is hereby divided into districts as enumerated in this article.

Sec. 26-82. Official zoning map.

- (a) *Official map.* The boundaries of the zoning districts established by this article shall be shown on a series of maps entitled, “Zoning Map of Unincorporated Richland County, South Carolina”.
- (b) *Maintenance of official copy of zoning map.* The official copy of the zoning map shall be maintained in the office of the Richland County Planning and Development Services Department and all amendments that reflect a change in the zoning map shall be recorded upon it. The official copy of the zoning map

shall be available for inspection by the general public at any time during the county's normal business operating hours.

- (c) *Zoning maps other than official copy.* The planning department may distribute copies of the zoning map to the general public for reference purposes. However, the official copy of the zoning map, maintained in the office of the Richland County Planning and Development Services Department, plus official records of the clerk of council regarding actions of the county council to amend district boundaries, shall constitute the only official description of the location of zoning district boundaries.
- (d) *Interpretation of zoning map.* See Section 26-21(a) of this chapter.

Sec. 26-83. Establishment of zoning districts.

- (a) *General.* Within the unincorporated areas of Richland County there are three (3) types of zoning districts: general use districts, planned development districts, and overlay districts. The regulations of this chapter shall apply uniformly to each class or kind of structure or land located within any of the enumerated district classifications. Within the districts as established by this chapter, the requirements as set forth in these sections shall be complied with in addition to any other general or specific requirements of this chapter.
- (b) *General use districts.* General use districts are those in which a variety of uses are permitted. For the purpose of this chapter, the zoning jurisdiction of Richland County, South Carolina, is hereby divided into the following general use zoning districts:

RU	Rural District
RR	Rural Residential District
RS-E	Residential, Single-Family – Estate District
RS-LD	Residential, Single-Family - Low Density District
RS-MD	Residential, Single-Family - Medium Density District
RS-HD	Residential, Single-Family - High Density District
MH	Manufactured Home District
RM-MD	Residential, Multi-Family - Medium Density District
RM-HD	Residential, Multi-Family - High Density District
OI	Office and Institutional District
NC	Neighborhood Commercial District
RC	Rural Commercial District
GC	General Commercial District
M-1	Light Industrial District
LI	Light Industrial District
HI	Heavy Industrial District

- (c) *Planned development districts.* A planned development district is a zoning designation of a lot or tract of land that permits development as is specifically depicted on plans approved in the process of zoning such lot or tract of land. For the purpose of this chapter, the following planned development districts are available for tracts meeting the specified requirements in the zoning jurisdiction of Richland County, South Carolina:

PDD	Planned Development District
TC	Town and Country District

- (d) *Overlay districts.* Overlay districts are zoning districts that overlap one or more general use districts. Overlay districts involve additional regulations on some or all of the property within the underlying general use districts. For the purpose of this chapter the following overlay districts are established in the zoning jurisdiction of Richland County, South Carolina:

AP	Airport Height Restrictive Overlay District
C	Conservation Overlay District
FP	Floodplain Overlay District
RD	Redevelopment Overlay District

Sec. 26-84. RU Rural District.

- (a) *Purpose.* The RU District is intended to provide areas for low intensity agricultural uses and very-low density single-family, detached residential home construction. RU zoning is intended to provide for the preservation of open space, farmland and rural areas, and to protect and encourage the integrity of existing rural communities.
- (b) *Permitted uses, permitted uses with special requirements and special exceptions.* See Article V., Section 26-141. Table of Permitted Uses, Permitted Uses with Special Requirements, and Special Exceptions.
- (c) *Development standards.* See also Article V., Section 26-131. Table of Area, Yard, and Height Requirements.
- (1) *Minimum lot area/maximum density:* Minimum lot area: 33,000 square feet (one acre), or as determined by the DHEC, but in no case shall it be less than 33,000 square feet. Maximum density standard: no more than one (1) principal dwelling unit may be placed on a lot except for permitted accessory dwellings.
 - (2) *Minimum lot width:* 120 feet.
 - (3) *Structure size standards:* None.

- (4) *Setback standards:* The following minimum setbacks shall be required for principal uses in the RU District:
- a. Front: 40 feet.
 - b. Side: 20 feet.
 - c. Rear: 50 feet.

The minimum side and rear setback requirement for accessory buildings/structures in the RU District is twenty (20) feet. See also Section 26-185(b) of this chapter.

The landscape and bufferyard standards of Section 26-176 may require additional setback distances; if so, the most restrictive requirements shall apply.

- (5) *Height standards:* The maximum height of structures in the RU District shall be 45 feet. Silos, barns, windmills, or other similar structures used for agricultural purposes are exempt from height requirements.
- (6) *Landscaping/bufferyard standards:* Landscaping and bufferyards shall be provided in accordance with Section 26-176 of this chapter.
- (7) *Parking/loading standards:* Parking and loading facilities shall be provided as required by Section 26-173 and Section 26-174 of this chapter. No parking lots shall be permitted within any required setback.
- (8) *Sidewalk and pedestrian amenities:* Sidewalks and other pedestrian amenities shall be provided as required by Section 26-179 of this chapter.
- (9) *Signs:* Signs shall be regulated by the requirements of Section 26-180 of this chapter.
- (10) *Recreation/open space standards:* Open space shall be provided for new developments and expansions of existing developments in accordance with the standards for parks and open space in Section 26-184 of this chapter. Design flexibility in the form of reductions in dimensional standards (lot area, minimum lot width, and setback) is available for open space reservation (see Section 26-184(c)).
- (11) *Design and operation standards:* None.

Sec. 26-85. RR Rural Residential District.

- (a) *Purpose.* The RR District is intended to be used for single-family detached dwelling units and limited, private agricultural endeavors. The requirements for this district are designed to provide suitable open space for very low-density residential development so as to retain an optimum amount of open space to maintain a rural setting, yet afford residential developments a minimal amount of urban character. This district is a transition zone between the RU Rural District and the more urban RS-E and RS-LD Residential, Single-Family Low Density Districts.
- (b) *Permitted uses, permitted uses with special requirements, and special exceptions.* See Article V., Section 26-141. Table of Permitted Uses, Permitted Uses with Special Requirements, and Special Exceptions.
- (c) *Development standards.* See also Article V., Section 26-131. Table of Area, Yard, and Height Requirements.
- (1) *Minimum lot area/maximum density:* Minimum lot area: 33,000 square feet, or as determined by DHEC, but in no case shall it be less than 33,000 square feet. Maximum density standard: no more than one (1) principal dwelling unit may be placed on a lot except for permitted accessory dwellings.
- (2) *Minimum lot width:* 120 feet.
- (3) *Structure size standards:* None.
- (4) *Setback standards:* The following minimum setbacks shall be required for principal uses in the RR District:
- a. Front: 40 feet.
 - b. Side: 20 feet.
 - c. Rear: 50 feet.
- The minimum side and rear setback requirement for accessory buildings or structures in the RR District is ten (10) feet.
- The landscape and bufferyard standards of Section 26-176 of this chapter may require additional setback distances; if so, the most restrictive requirements shall apply.
- (5) *Height standards:* The maximum height of structures in the RR District shall be 45 feet. Silos, barns, windmills or other similar structures used for agricultural purposes are exempt from height requirements.

- (6) *Landscaping/bufferyard standards:* Landscaping and bufferyards shall be provided in accordance with Section 26-176 of this chapter.
- (7) *Parking/loading standards:* Parking and loading facilities shall be provided as required by Section 26-173 and Section 26-174 of this chapter. No parking lots shall be permitted within any required setback.
- (8) *Sidewalk and pedestrian amenities:* Sidewalks and other pedestrian amenities shall be provided as required by Section 26-179 of this chapter.
- (9) *Signs:* Signs shall be regulated by the requirements of Section 26-180 of this chapter.
- (10) *Recreation/Open Space Standards:* Open space shall be provided for new developments and expansions of existing developments in accordance with the standards for parks and open space in Section 26-184 of this chapter. Design flexibility in the form of reductions in dimensional standards (lot area, minimum lot width, and setback) is available for open space reservation (see Section 26-184(c)).
- (11) *Design and operation standards:* None

Sec. 26-86 RS-E Residential, Single-Family – Estate District.

- a) *Purpose.* The RS-E District is intended to be used for single-family detached dwelling units on large “estate” lots. The requirements for this district are designed to provide for a low to medium density rural setting for residential development in areas that separate more urban communities from the truly rural portions of Richland County.
- (b) *Permitted uses, permitted uses with special requirements, and special exceptions.* See Article V., Section 26-141. Table of Permitted Uses, Permitted Uses with Special Requirements, and Special Exceptions.
- (c) *Development standards.* See also Article V., Section 26-131. Table of Area, Yard, and Height Requirements.
 - (1) *Minimum lot area/maximum density:* Minimum lot area: 20,000 square feet, or as determined by DHEC, but in no case shall it be less than 20,000 square feet. Maximum density standard: no more than one (1) principal dwelling unit may be placed on a lot, except for permitted accessory dwellings. However, see the provisions for single-family zero lot line dwellings at Section 26-151(c)(27) of this chapter.
 - (2) *Minimum lot width:* 100 feet.

- (3) *Structure size standards:* None.
- (4) *Setback standards:* The following minimum setbacks shall be required for principal uses in the RS-E District.
 - a. Front: 35 feet.
 - b. Side: 10 feet.
 - c. Rear: 30 feet.

Where zero lot line developments are permitted, the side setback shall meet the special requirements for such developments as set forth in Section 26-151 of this chapter.

The minimum side and rear setback requirement for accessory buildings/structures in the RS-E District is ten (10) feet.

The landscape and bufferyard standards of Section 26-176 of this chapter may require additional setback distances; if so, the most restrictive requirements shall apply.

- (5) *Height standards:* The maximum height of structures in the RS-E District shall be 45 feet. Silos, barns, windmills or other similar structures used for agricultural purposes are exempt from height requirements.
- (6) *Landscaping/bufferyard standards:* Landscaping and bufferyards shall be provided in accordance with Section 26-176 of this chapter.
- (7) *Parking/loading standards:* Parking and loading facilities shall be provided as required by Section 26-173 and Section 26-174 of this chapter. No parking lots shall be permitted within any required setback.
- (8) *Sidewalk and pedestrian amenities:* Sidewalks and other pedestrian amenities shall be provided as required by Section 26-179 of this chapter.
- (9) *Signs:* Signs shall be regulated by the requirements of Section 26-180 of this chapter.
- (10) *Recreation/Open Space Standards:* Open space shall be provided for new developments and expansions of existing developments in accordance with the standards for parks and open space in Section 26-184 of this chapter. Design flexibility in the form of reductions in dimensional standards (lot area, minimum lot width, and setback) is available for open space reservation (see Section 26-184(c)).
- (11) *Design and operation standards:* None.

Sec. 26-87 RS-LD Residential, Single-Family - Low Density District.

- (a) *Purpose.* The RS-LD District is intended as a single-family, detached residential district, and the requirements for this district are designed to maintain a suitable environment for single family living. Non-single family development normally required to provide the basic elements of a balanced and attractive residential area is also permitted.
- (b) *Permitted uses, permitted uses with special requirements, and special exceptions.* See Article V., Section 26-141. Table of Permitted Uses, Permitted Uses with Special Requirements, and Special Exceptions.
- (c) *Development standards.* See also Article V., Section 26-131. Table of Area, Yard, and Height Requirements.
 - (1) *Minimum lot area/maximum density:* Minimum lot area: 12,000 square feet or as determined by DHEC, but in no case shall it be less than 12, 000 square feet. Maximum density standard: no more than one (1) principal dwelling unit may be placed on a lot except for permitted accessory dwellings. However, see the provisions for single-family zero lot line dwellings at Section 26-151(c)(27) of this chapter.
 - (2) *Minimum lot width:* 75 feet.
 - (3) *Structure size standards:* None.
 - (4) *Setback standards:* The following minimum setbacks shall be required for principal uses in the RS-LD District:
 - a. Front: 25 feet.
 - b. Side: 16 feet total for side setbacks, with 5 feet minimum on any one side.
 - c. Rear: 20 feet.

Where zero lot line developments are permitted, the side setback shall meet the special requirements for such developments as set forth in Section 26-151 of this chapter.

The minimum side and rear setback requirement for accessory buildings/ structures in the RS-LD District is five (5) feet.

The landscape and bufferyard standards of Section 26-176 of this chapter may require additional setback distances; if so, the most restrictive requirements shall apply.

- (5) *Height standards:* The maximum height of structures in the RS-LD District shall be 45 feet.
- (6) *Landscaping/bufferyard standards:* Landscaping and bufferyards shall be provided in accordance with Section 26-176 of this chapter.
- (7) *Parking/loading standards:* Parking and loading facilities shall be provided as required by Section 26-173 and Section 26-174 of this chapter. No parking lots shall be permitted within any required setback.
- (8) *Sidewalk and pedestrian amenities:* Sidewalks and other pedestrian amenities shall be provided as required by Section 26-179 of this chapter.
- (9) *Signs:* Signs shall be regulated by the requirements of Section 26-180 of this chapter.
- (10) *Recreation/open space standards:* Open space shall be provided for new developments and expansions of existing developments in accordance with the standards for parks and open space in Section 26-184 of this chapter. Design flexibility in the form of reductions in dimensional standards (lot area, minimum lot width, and setback) is available for open space reservation (see Section 26-184(c))
- (11) *Design and operation standards:* None.

Sec. 26-88. RS-MD Residential, Single-Family - Medium Density District.

- (a) *Purpose.* The RS-MD District is intended as a single family, detached residential district of medium densities, and the requirements for this district are designed to maintain a suitable environment for single family living.
- (b) *Permitted uses, permitted uses with special requirements, and special exceptions.* See Article V., Section 26-141. Table of Permitted Uses, Permitted Uses with Special Requirements, and Special Exceptions.
- (c) *Development standards.* See also Article V., Section 26-131. Table of Area, Yard, and Height Requirements.
 - (1) *Minimum lot area/maximum density:* Minimum lot area: 8,500 square feet, or as determined by DHEC. Maximum density standard: no more than one (1) principal dwelling unit may be placed on a lot except for permitted accessory dwellings. However, see the provisions for single-

family zero lot line dwellings at Section 26-151(c)(27) and Section 26-152(d)(12) of this chapter.

- (2) *Minimum lot width:* 60 feet.
- (3) *Structure size standards:* None.
- (4) *Setback standards:* The following minimum setbacks shall be required for principal uses in the RS-MD District:
 - a. Front: 25 feet.
 - b. Side: 13 feet total for side setback, with 4 feet minimum for any one side.
 - c. Rear: 20 feet.

Where zero lot line developments are permitted, the side setback shall meet the special requirements for such developments as set forth in Section 26-151 and Section 152 of this chapter.

The minimum side and rear setback requirement for accessory buildings/structures in the RS-MD District is five (5) feet.

The landscape and bufferyard standards of Section 26-176 of this chapter may require additional setback distances; if so, the most restrictive requirements shall apply.

- (5) *Height standards:* The maximum height of structures in the RS-MD District shall be 45 feet.
- (6) *Landscaping/bufferyard standards:* Landscaping and bufferyards shall be provided in accordance with Section 26-176 of this chapter.
- (7) *Parking/loading standards:* Parking and loading facilities shall be provided as required by Section 26-173 and Section 26-174 of this chapter. No parking lots shall be permitted within any required setback.
- (8) *Sidewalk and pedestrian amenities:* Sidewalks and other pedestrian amenities shall be provided as required by Section 26-179 of this chapter.
- (9) *Signs:* Signs shall be regulated by the requirements of Section 26-180 of this chapter.
- (10) *Recreation/open space standards:* Open space shall be provided for new developments and expansions of existing developments in accordance

with the standards for parks and open space in Section 26-184 of this chapter. Design flexibility in the form of reductions in dimensional standards (lot area, minimum lot width, and setback) is available for open space reservation (see Section 26-184(c)).

(11) *Design and operation standards:* None.

Sec. 26-89. RS-HD Residential, Single-Family - High Density District.

- (a) *Purpose.* The RS-HD District is intended as a predominately single-family, detached residential district, and the requirements for this district that has higher densities and smaller permitted lot sizes are designed to maintain a suitable environment for single-family living. In addition to detached single-family development, the RS-HD District also permits attached single-family dwellings and nonresidential development typically found in residential areas.
- (b) *Permitted uses, permitted uses with special requirements, and special exceptions.* See Article V., Section 26-141. Table of Permitted Uses, Permitted Uses with Special Requirements, and Special Exceptions.
- (c) *Development standards.* See also Article V., Section 26-131. Table of Area, Yard, and Height Requirements.
 - (1) *Minimum lot area/maximum density:* Minimum lot area: 5,000 square feet, or as determined by DHEC. In no case shall the lot size be less than 5,000 square feet. Maximum density standard: no more than one (1) principal dwelling unit may be placed on a lot except for permitted accessory dwellings. However, see the provisions for single-family zero lot line dwellings at Section 26-151(c)(27) and Section 152(d)(12) of this chapter.
 - (2) *Minimum lot width:* 50 feet.
 - (3) *Structure size standards:* None.
 - (4) *Setback standards:* The following minimum setbacks shall be required for principal uses in the RS-HD District:
 - a. Front: 25 feet.
 - b. Side: 12 feet total for side setbacks, with 4 feet minimum setback for any one side.
- c. Rear: 20 feet.

The minimum side and rear setback requirement for accessory buildings or structures in the RS-HD District is five (5) feet.

Where zero lot line developments are permitted, the side setback shall meet the special requirements for such developments as set forth in Section 26-151 and Section 26-152 of this chapter.

The landscape and bufferyard standards of Section 26-176 of this chapter may require additional setback distances; if so, the most restrictive requirements shall apply.

- (5) *Height standards:* The maximum height of structures in the RS-HD District shall be 45 feet.
- (6) *Landscaping/bufferyard standards:* Landscaping and bufferyards shall be provided in accordance with Section 26-176 of this chapter.
- (7) *Parking/loading standards:* Parking and loading facilities shall be provided as required by Section 26-173 and Section 26-174 of this chapter. No parking lots shall be permitted within any required setback.
- (8) *Sidewalk and pedestrian amenities:* Sidewalks and other pedestrian amenities shall be provided as required by Section 26-179 of this chapter.
- (9) *Signs:* Signs shall be regulated by the requirements of Section 26-180 of this chapter.
- (10) *Recreation/open space standards:* Open space shall be provided for new developments and expansions of existing developments in accordance with the standards for parks and open space in Section 26-184 of this chapter. Design flexibility in the form of reductions in dimensional standards (lot area, minimum lot width, and setback) is available for open space reservation (see Section 26-184(c)).
- (11) *Design and operation standards:* None.

Sec. 26-90. MH Manufactured Home Residential District.

- (a) *Purpose.* The MH District is intended as a residential district allowing for single-family development, but also permitting the development of manufactured home parks subject to special requirements (see Section 26-151 of this chapter). This district will expand the range of housing opportunities available to the residents of Richland County while assuring that manufactured home parks are compatible with existing development in the area. Nonresidential uses normally required to

provide the basic elements of a balanced and attractive residential area are also permitted.

- (b) *Permitted uses, permitted uses with special requirements, and special exceptions.* See Article V., Section 26-141. Table of Permitted Uses, Permitted Uses with Special Requirements, and Special Exceptions.
- (c) *Development standards.* See also Section 26-131. Table of Area, Yard, and Height Requirements, and Section 26-151(c)(37), Manufactured Home Parks.
 - (1) *Minimum lot area/maximum density:* Minimum lot area: 7,260 square feet, or as determined by DHEC. In no case shall the lot size be less than 7,260 square feet. Maximum density standard: except in manufactured home parks, no more than one (1) principal dwelling unit may be placed on a lot. The minimum area required for the development of a manufactured home park shall be five (5) acres.
 - (2) *Minimum lot width:* 60 feet.
 - (3) *Structure size standards:* None.
 - (4) *Setback standards:* The following minimum setbacks shall be required for principal uses in the MH District:
 - a. Front: 25 feet.
 - b. Side: 8 feet.
 - c. Rear: 20 feet.The minimum side and rear setback requirement for accessory buildings/structures in the MH District is five (5) feet.

The landscape and bufferyard standards of Section 26-176 of this chapter may require additional setback distances; if so, the most restrictive requirements shall apply.
 - (5) *Height standards:* The maximum height of structures in the MH District shall be 35 feet.
 - (6) *Landscaping/bufferyard standards:* Landscaping and bufferyards shall be provided in accordance with Section 26-176 of this chapter.
 - (7) *Parking/loading standards:* Parking and loading facilities shall be provided as required by Section 26-173 and Section 26-174 of this chapter. No parking lots shall be permitted within any required setback.

- (8) *Sidewalks and pedestrian amenities:* Sidewalks and other pedestrian amenities shall be provided as required by Section 26-179 of this chapter.
- (9) *Signs:* Signs shall be regulated by the requirements of Section 26-180 of this chapter.
- (10) *Recreation/open space standards:* Open space shall be provided for new developments and expansions of existing developments in accordance with the standards for parks and open space in Section 26-184 of this chapter. Design flexibility in the form of reductions in dimensional standards (lot area, minimum lot width, and setback) is available for open space reservation (see Section 26-184(c)).
- (11) *Design and operation standards:* None.

Sec. 26-91. RM-MD Residential, Multi-Family - Medium Density District.

- (a) *Purpose.* The RM-MD District is intended to permit a full range of low to medium density multi-family housing types, along with single-family detached and zero lot line housing units. Non-residential development that is normally required to provide for the basic elements of a balanced and attractive residential area is also permitted. This district is intended to provide a transitional area between high-density areas and to permit medium density multi-family development in areas where existing conditions make higher density development inappropriate.
- (b) *Permitted uses, permitted uses with special requirements, and special exceptions.* See Article V., Section 26-141. Table of Permitted Uses, Permitted Uses with Special Requirements, and Special Exceptions.
- (c) *Development standards.* See also Article V., Section 26-131. Table of Area, Yard, and Height Requirements.
 - (1) *Minimum lot area/maximum density:* Minimum lot area: no minimum lot area requirement except as determined by DHEC. Maximum density standard: no more than eight (8) units per acre. See also the provisions for single-family zero lot line dwellings at Section 26-151(c)(27) of this chapter.
 - (2) *Minimum lot width:* 50 feet.
 - (3) *Structure size standards:* None.
 - (4) *Setback standards:* The following minimum setbacks shall be required for principal uses in the RM-MD District:

- a. Front: 25 feet.
- b. Side: 7 feet.
- c. Rear: 20 feet.

Where zero lot line developments are permitted, the side setback shall meet the special requirements for such developments as set forth in Section 26-151 of this chapter.

The minimum side and rear setback requirement for accessory buildings/structures in the RM-MD District is five (5) feet.

The landscape and bufferyard standards of Section 26-176 of this chapter may require additional setback distances; if so, the most restrictive requirements shall apply.

- (5) *Height standards:* The maximum height of structures in the RM-MD District shall be 45 feet.
- (6) *Landscaping/bufferyard standards:* Landscaping and bufferyards shall be provided in accordance with Section 26-176 of this chapter.
- (7) *Parking/loading standards:* Parking and loading facilities shall be provided as required by Section 26-173 and Section 26-174 of this chapter. No parking lots shall be permitted within any required setback.
- (8) *Sidewalk and pedestrian amenities:* Sidewalks and other pedestrian amenities shall be provided as required by Section 26-179 of this chapter.
- (9) *Signs:* Signs shall be regulated by the requirements of Section 26-180 of this chapter.
- (10) *Recreation/open space standards:* Open space shall be provided for new developments and expansions of existing developments in accordance with the standards for parks and open space in Section 26-184 of this chapter. Design flexibility in the form of reductions in dimensional standards (lot area, minimum lot width, and setback) is available for open space reservation (see Section 26-184(c)).
- (11) *Design and operation standards:* None.

Sec. 26-92. RM-HD Residential, Multi-Family - High Density District.

- (a) *Purpose.* The RM-HD District is established to provide for high-density residential development in Richland County, allowing compact development consisting of the full spectrum of residential unit types where adequate public facilities are available. This district is intended to allow a mix of residential unit types to provide a balance of housing opportunities while maintaining neighborhood compatibility. This district may serve as a transitional district between lower density residential and low intensity commercial uses.

- (b) *Permitted uses, permitted uses with special requirements, and special exceptions.* See Article V., Section 26-141. Table of Permitted Uses, Permitted Uses with Special Requirements, and Special Exceptions.

- (c) *Development standards.* See also Section 26-131. Table of Area, Yard, and Height Requirements and Section 26-151(c)(11) and Section 26-152(d)(4) for standards for high-rise buildings.
 - (1) *Minimum lot area/maximum density.* Minimum lot area: no minimum lot area requirement except as required by DHEC. Maximum density standard: no more than sixteen (16) units per acre. See also the provisions for single-family zero lot line dwellings at Section 26-151(c)(27) of this chapter.

 - (2) *Minimum lot width:* 50 feet.

 - (3) *Structure size standards:* None.

 - (4) *Setback standards:* The following minimum setbacks shall be required for principal uses in the RM-HD District:
 - a. Front: 25 feet.

 - b. Side: 7 feet.

 - c. Rear: 20 feet.

Where zero lot line developments are permitted, the side setback shall meet the special requirements for such developments as set forth in Section 26-151 of this chapter.

The minimum side and rear setback requirement for accessory buildings or structures in the RM-HD District is five (5) feet.

The landscape and bufferyard standards of Section 26-176 of this chapter may require additional setback distances; if so, the most restrictive requirements shall apply.

- (5) *Height standards:* The maximum height of structures in the RM-HD District shall be three (3) stories or forty-five (45) feet, whichever is taller. However, high rise structures may be permitted as a permitted use subject to special requirements (4-5 stories) or as a special exception (6 or more stories), as set forth in Section 26-151(c)(11) and Section 26-152(d)(4) of this chapter.
- (6) *Landscaping/bufferyard standards:* Landscaping and bufferyards shall be provided in accordance with Section 26-176 of this chapter.
- (7) *Parking/loading standards:* Parking and loading facilities shall be provided as required by Section 26-173 and Section 26-174 of this chapter. No parking lots shall be permitted within any required setback.
- (8) *Sidewalk and pedestrian amenities:* Sidewalks and other pedestrian amenities shall be provided as required by Section 26-179 of this chapter.
- (9) *Signs:* Signs shall be regulated by the requirements of Section 26-180 of this chapter.
- (10) *Recreation/open space standards:* Open space shall be provided for new developments and expansions of existing developments in accordance with the standards for parks and open space in Section 26-184 of this chapter. Design flexibility in the form of reductions in dimensional standards (lot area, minimum lot width, and setback) is available for open space reservation (see Section 26-184(c)).
- (11) *Design and operation standards:* None.

Sec. 26-93. OI Office and Institutional District

- (a) *Purpose.* The OI District is intended to accommodate office, institutional, and certain types of residential uses in an area whose characteristics are neither general commercial nor exclusively residential in nature. Certain related structures and uses required to serve the needs of the area are permitted outright or are permitted as special exceptions subject to restrictions and requirements intended to best fulfill the intent of this chapter.
- (b) *Permitted uses, permitted uses with special requirements, and special exceptions.* See Article V., Section 26-141. Table of Permitted Uses, Permitted Uses with Special Requirements, and Special Exceptions.
- (c) *Development standards.* See also Article V., Section 26-131. Table of Area, Yard, and Height Requirements, and Section 26-151(c)(11) and Section 26-152(d)(4) for standards for high-rise buildings.

- (1) *Minimum lot area/maximum density.* Minimum lot area: no minimum lot area requirement, except as determined by DHEC. Maximum density standard: for residential uses, no more than sixteen (16) dwelling units per acre. See also the provisions for single-family zero lot line dwellings at Section 26-151(c)(27) of this chapter.
- (2) *Minimum lot width:* 50 feet for residential uses. No minimum lot width required for nonresidential uses.
- (3) *Structure size standards:* None.
- (4) *Setback standards:* The following minimum setbacks shall be required for principal uses in the OI District:
 - a. Front: 25 feet.
 - b. Side: 7 feet.
 - c. Rear: 20 feet.

The minimum side and rear setback requirement for residential accessory buildings or structures in the OI District is five (5) feet. Other accessory structures must comply with the side and rear setback standards enumerated above.

The landscape and bufferyard standards of Section 26-176 of this chapter may require additional setback distances; if so, the most restrictive requirements shall apply.

- (5) *Height standards:* The maximum height of structures in the OI District shall be 35 feet. However, high rise structures may be permitted as a permitted use subject to special requirements (4-5 stories) or as a special exception (6 or more stories), as set forth in Section 26-151(c)(11) and Section 26-152(d)(4) of this chapter. In no case shall high rise structures be higher than seventy-five (75) feet.
- (6) *Landscaping/bufferyard standards:* Landscaping and bufferyards shall be provided in accordance with Section 26-176 of this chapter.
- (7) *Parking/loading standards:* Parking and loading facilities shall be provided as required by Section 26-173 and Section 26-174 of this chapter.
- (8) *Sidewalk and pedestrian amenities:* Sidewalks and other pedestrian amenities shall be provided as required by Section 26-179 of this chapter..

- (9) *Signs*: Signs shall be regulated by the requirements of Section 26-180 of this chapter.
- (10) *Recreation/open space standards*: Open space shall be provided for new developments and expansions of existing developments in accordance with the standards for parks and open space in Section 26-184 of this chapter. Design flexibility in the form of reductions in dimensional standards (lot area, minimum lot width, and setback) is available for open space reservation (see Section 26-184(c)).
- (11) *Design and operation standards*: None.

Sec. 26-94. NC Neighborhood Commercial District.

- (a) *Purpose*. The NC District is intended to accommodate commercial and service uses oriented primarily to serving the needs of persons who live or work in nearby areas. This district is designed to be located within or adjacent to residential neighborhoods where large commercial uses are inappropriate, but where small neighborhood oriented businesses are useful and desired.
- (b) *Permitted uses, permitted uses with special requirements, and special exceptions*. See Article V., Section 26-141. Table of Permitted Uses, Permitted Uses with Special Requirements, and Special Exceptions.
- (c) *Development standards*. See also Article V., Section 26-131. Table of Area, Yard, and Height Requirements.
 - (1) *Minimum lot area/maximum density*: Minimum lot area: no minimum lot area requirement except as required by DHEC. Maximum density: for residential uses, no more than eight (8) dwelling units per acre.
 - (2) *Minimum lot width*: None.
 - (3) *Structure size standards*: New structures in the NC District shall have a building footprint of not more than 6,000 square feet. The gross floor area of new structures shall not exceed 12,000 square feet. Existing structures shall not be expanded to exceed a footprint or gross floor area of 12,000 square feet.
 - (4) *Setback standards*: The following minimum setbacks shall be required for principal uses in the NC District:
 - a. Front: 25 feet.
 - b. Side: None.

c. Rear: 10 feet.

The minimum side and rear setback requirement for residential accessory buildings and structures in the NC District is five (5) feet. Other accessory structures must comply with the side and rear setback standards enumerated above.

The landscape and bufferyard standards of Section 26-176 of this chapter may require additional setback distances; if so, the most restrictive requirements shall apply.

- (5) *Height standards:* The maximum height of structures in the NC District shall be 35 feet. However, buildings between 35 and 50 feet may be allowed, provided that there is an increase in all required yards over the minimum of one (1) foot for each additional three (3) feet in height.
- (6) *Landscaping/bufferyard standards:* Landscaping and bufferyards shall be provided in accordance with Section 26-176 of this chapter.
- (7) *Parking/loading standards:* Parking and loading facilities shall be provided as required by Section 26-173 and Section 26-174 of this chapter.
- (8) *Sidewalk and pedestrian amenities:* Sidewalks and other pedestrian amenities shall be provided as required by Section 179 of this chapter.
- (9) *Signs:* Signs shall be regulated by the requirements of Section 26-180 of this chapter.
- (10) *Recreation/open space standards:* Open space shall be provided for new developments and expansions of existing developments in accordance with the standards for parks and open space in Section 26-184 of this chapter.
- (11) *Design and operation standards:*
 - a. *Outdoor operations.* Any business must be conducted wholly within an enclosed building. There shall be no curb service, drive-in trade, outdoor facilities, outdoor services, outside storage, or outdoor display of any kind, except as follows:
 1. Outdoor dining facilities associated with a restaurant;
 2. Produce display associated with a convenience store or farmer's market;

3. Vending machines; and/or
 4. Walk-up automated teller machines.
- b. *Hours of operation.*
1. *Deliveries.* All deliveries (including loading and unloading) and refuse collection shall be conducted between the hours of 7:00 a.m. and 10:00 p.m.
 2. *Equipment operation.* Nonresidential uses shall not include the operation of equipment that creates a nuisance situation due to noise (e.g. outside air compressors, speakers, etc.) between 10 p.m. and 7:00 a.m.

Sec. 26-95. RC Rural Commercial District.

- (a) *Purpose.* The RC District 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 certain 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 small neighborhood oriented businesses 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.
- (b) *Permitted uses, permitted uses with special requirements, and special exceptions.* See Article V., Section 26-141. Table of Permitted Uses, Permitted Uses with Special Requirements, and Special Exceptions.
- (c) *Development standards.* See also Article V., Section 26-131. Table of Area, Yard and Height Requirements.
- (1) *Minimum lot area/maximum density:* Minimum lot area: 22,000 square feet or as required by DHEC. Maximum density standard: there is no maximum density standard.
 - (2) *Minimum lot width:* 50 feet.
 - (3) *Structure size standards:* The maximum structure coverage in the RC District shall be fifty percent (50%). New structures in the RC District

shall have an aggregate building footprint of not more than twenty thousand (20,000) square feet. The aggregate gross floor area of new structures shall not exceed twenty thousand (20,000) square feet. Existing structures shall not be expanded to exceed an aggregate building footprint or aggregate gross floor area of twenty thousand (20,000) square feet.

- (4) *Setback standards:* The following minimum setbacks shall be required for principal uses in the RC District.:
- a. Front: 25 feet.
 - b. Side: None.
 - c. Rear: 20 feet.

The landscape and bufferyard standards of Section 26-176 of this chapter may require additional setback distances; if so, the most restrictive requirements shall apply.

- (5) *Height standards:* The maximum height of structures in the RC District shall be 45 feet.
- (6) *Landscaping/bufferyard standards:* Landscaping and bufferyards shall be provided in accordance with Section 26-176 of this chapter.
- (7) *Parking/loading standards:* Parking and loading facilities shall be provided as required by Section 26-173 and Section 26-174 of this chapter.
- (8) *Sidewalk and pedestrian amenities:* Sidewalks and other pedestrian amenities shall be provided as required by Section 26-179 of this chapter.
- (9) *Signs:* Signs shall be regulated by the requirements of Section 26-180 of this chapter.
- (10) *Recreation/open space standards:* Open space shall be provided for new developments and expansions of existing developments in accordance with the standards for parks and open space in Section 26-184 of this chapter.
- (11) *Design and operation standards:*
- a. *Outdoor operations.*
 - 1. *General.* To the extent possible, all business shall be conducted within an enclosed building. Any curb service,

drive-in trade, outdoor facilities, outdoor services, outside storage, or outdoor display of any kind shall not be conducted within any required yard, and must be located behind the principal building. Screening for outdoor facilities, services, storage, or display shall be provided in accordance with Section 26-176(h) of this chapter.

2. *Outdoor operations in front of principal building.* Notwithstanding the provisions required in subparagraph 1. above, the following uses shall be allowed in front of the principal structure provided that they are not located in the street protective yard as required in Section 26-176(e) of this chapter:

- [a] Outdoor dining facilities associated with a restaurant,
- [b] Produce and/or display associated with a convenience store, garden center, or farmer's market,
- [c] Vending machines, and/or
- [d] Gasoline or fuel pumps associated with convenience stores and automotive service stations.

3. *Hours of operation for nonresidential use.* All activities associated with nonresidential uses, including deliveries and refuse collection, shall be conducted between the hours of 6:00 a.m. and 10:00 p.m. Provided, the Richland County Board of Zoning Appeals may permit, as a special exception, hours of operation before 6:00 a.m. and/or after 10:00 p.m. in any case where the board makes the following findings:

- [a] The nonresidential use complies with all the standards set forth for the RC Rural Commercial District.
- [b] The nonresidential use does not include the operation of equipment during the extended hours that could create a nuisance situation due to noise (i.e. outside air compressors, speakers, etc.) between the hours of 10:00 p.m. and 6:00 a.m.

- [c] The nonresidential use does not include the loading or unloading of trucks or delivery vehicles during the extended hours.

Sec. 26-96. GC General Commercial District.

- (a) *Purpose.* The GC District is intended to accommodate a variety of general commercial and nonresidential uses characterized primarily by retail, office, and service establishments and oriented primarily to major traffic arteries or extensive areas of predominately commercial usage and characteristics.
- (b) *Permitted uses, permitted uses with special requirements, and special exceptions.* See Article V., Section 26-141. Table of Permitted Uses, Permitted Uses with Special Requirements, and Special Exceptions.
- (c) *Development standards.* See also Article V., Section 26-131. Table of Area, Yard, and Height Requirements, and Section 26-151(c)(11) and Section 26-152(d)(4) for standards for high-rise buildings.
 - (1) *Minimum lot area/maximum density:* Minimum lot area: no minimum lot area except as required by DHEC. Maximum density standard: for residential uses, no more than sixteen (16) dwelling units per acre. See also the provisions for single-family zero lot line dwellings at Section 26-151(c)(27) of this chapter.
 - (2) *Minimum lot width:* None.
 - (3) *Structure size standards:* None.
 - (4) *Setback standards:* The following minimum setbacks shall be required for principal uses in the GC District:
 - a. Front: 25 feet.
 - b. Side: None.
 - c. Rear: 10 feet.

The minimum side and rear setback requirement for residential accessory buildings and structures in the GC District is five (5) feet. Other accessory structures must comply with the side and rear setback standards enumerated above.

The landscape and bufferyard standards of Section 26-176 of this chapter may require additional setback distances; if so, the most restrictive requirements shall apply.

- (5) *Height standards:* The maximum height of structures in the GC District shall be three (3) stories or thirty-five (35) feet, whichever is taller. However, high rise structures may be permitted as a permitted use subject to special requirements (4-5 stories) or a special exception (6 or more stories), as set forth in Section 26-151(c)(11) and Section 26-152(d)(4) of this chapter.
- (6) *Landscaping/bufferyard standards:* Landscaping and bufferyards shall be provided in accordance with Section 26-176 of this chapter.
- (7) *Parking/loading standards:* Parking and loading facilities shall be provided as required by Section 26-173 and Section 26-174 of this chapter.
- (8) *Sidewalk and pedestrian amenities:* Sidewalks and other pedestrian amenities shall be provided as required by Section 26-179 of this chapter.
- (9) *Signs:* Signs shall be regulated by the requirements of Section 26-180 of this chapter.
- (10) *Recreation/open space standards:* Open space shall be provided for new developments and expansions of existing developments in accordance with the standards for parks and open space in Section 26-184 of this chapter. Design flexibility in the form of reductions in dimensional standards (lot area, minimum lot width, and setback) is available for open space reservation (see Section 26-184(c))
- (11) *Design and operation standards:* None.

Sec. 26-97. M-1 Light Industrial District.

- (a) *Purpose.* The M-1 District is intended to accommodate wholesaling, distribution, storage, processing, light manufacturing, and general commercial or agricultural uses. Certain related structures and uses required to serve the needs of such uses are permitted outright or are permitted with special requirements and/or special exceptions.
- (b) *Permitted uses, permitted uses with special requirements, and special exceptions.* See Article V., Section 26-141. Table of Permitted Uses, Permitted Uses with Special Requirements, and Special Exceptions.
- (c) *Development standards.* See also Article V., Section 26-131. Table of Area, Yard, and Height Requirements.

- (1) *Minimum lot area/maximum density:* Minimum lot area: no minimum lot area except as required by DHEC. Maximum density standard: no maximum density standard.
- (2) *Minimum lot width:* None.
- (3) *Structure size standards:* None.
- (4) *Setback standards:* The following minimum setbacks shall be required for principal uses in the M-1 District:
 - a. Front: 25 feet.
 - b. Side: None.
 - c. Rear: 10 feet.

Accessory structures must comply with the setback standards enumerated above.

The landscape and bufferyard standards of Section 26-176 of this chapter may require additional setback distances; if so, the most restrictive requirements shall apply.

- (5) *Height standards:* None.
- (6) *Landscaping/bufferyard standards:* Landscaping and bufferyards shall be provided in accordance with Section 26-176 of this chapter.
- (7) *Parking/loading standards:* Parking and loading facilities shall be provided as required by Section 26-173 and Section 26-174 of this chapter. No parking lots shall be permitted within any required setback.
- (8) *Sidewalk and pedestrian amenities:* Sidewalks and other pedestrian amenities shall be provided as required by Section 26-179 of this chapter.
- (9) *Signs:* Signs shall be regulated by the requirements of Section 26-180 of this chapter.
- (10) *Recreation/open space standards:* Open space shall be provided for new developments and expansions of existing developments in accordance with the standards for parks and open space in Section 26-184 of this chapter.
- (11) *Design and operation standards:* None.

Sec. 26-98. LI Light Industrial District.

- (a) *Purpose.* The LI District is intended to accommodate wholesaling, distribution, storage, processing, light manufacturing, and general commercial uses. Such uses are usually controlled operations, relatively clean, quiet, and free of objectionable or hazardous elements, such as smoke, noise, odor or dust. In addition, such uses usually operate and/or have storage within open or enclosed structures; and generating no nuisances.
- (b) *Permitted uses, permitted uses with special requirements, and special exceptions.* See Article V., Section 26-141. Table of Permitted Uses, Permitted Uses with Special Requirements, and Special Exceptions.
- (c) *Development standards.* See also Article V., Section 26-131. Table of Area, Yard, and Height Requirements.
 - (1) *Minimum lot area/maximum density:* Minimum lot area: no minimum lot area except as required by DHEC. Maximum density standard: no maximum density standard.
 - (2) *Minimum lot width:* None.
 - (3) *Structure size standards:* None.
 - (4) *Setback standards:* The following minimum setbacks shall be required for principal uses in the LI District:
 - a. Front: 25 feet.
 - b. Side: None.
 - c. Rear: 10 feet.

Accessory structures must comply with the setback standards enumerated above.

The landscape and bufferyard standards of Section 26-176 of this chapter may require additional setback distances; if so, the most restrictive requirements shall apply.
 - (5) *Height standards:* None.
 - (6) *Landscaping/bufferyard standards:* Landscaping and bufferyards shall be provided in accordance with Section 26-176 of this chapter.

- (7) *Parking/loading standards:* Parking and loading facilities shall be provided as required by Section 26-173 and Section 26-174 of this chapter. No parking lots shall be permitted within any required setback.
- (8) *Sidewalk and pedestrian amenities:* Sidewalks and other pedestrian amenities shall be provided as required by Section 26-179 of this chapter.
- (9) *Signs:* Signs shall be regulated by the requirements of Section 26-180 of this chapter.
- (10) *Recreation/open space standards:* Open space shall be provided for new developments and expansions of existing developments in accordance with the standards for parks and open space in Section 26-184 of this chapter.
- (11) *Design and operation standards:* None.

Sec. 26-99. HI Heavy Industrial District.

- (a) *Purpose.* The HI District is intended to accommodate primarily those uses of a manufacturing and industrial nature, and secondly, those 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.
- (b) *Permitted uses, permitted uses with special requirements, and special exceptions.* See Article V., Section 26-141. Table of Permitted Uses, Permitted Uses with Special Requirements, and Special Exceptions.
- (c) *Development standards.* See also Article V., Section 26-131. Table of Area, Yard, and Height Requirements.
 - (1) *Minimum lot area/maximum density:* Minimum lot area: no minimum lot area except as required by DHEC. Maximum density standard: no maximum density standard.
 - (2) *Minimum lot width:* None.
 - (3) *Structure size standards:* None.
 - (4) *Setback standards:* The following minimum setbacks shall be required for principal uses in the HI District:
 - a. Front: 25 feet.
 - b. Side: None.

c. Rear: 10 feet.

Accessory structures must comply with the setback standards enumerated above.

The landscape and bufferyard standards of Section 26-176 of this chapter may require additional setback distances; if so, the most restrictive requirements shall apply.

- (5) *Height standards:* None.
- (6) *Landscaping/bufferyard standards:* Landscaping and bufferyards shall be provided in accordance with Section 26-176 of this chapter.
- (7) *Parking/loading standards:* Parking and loading facilities shall be provided as required by Section 26-173 and Section 26-174 of this chapter. No parking lots shall be permitted within any required setback.
- (8) *Sidewalk and pedestrian amenities:* Sidewalks and other pedestrian amenities shall be provided as required by Section 26-179 of this chapter.
- (9) *Signs:* Signs shall be regulated by the requirements of Section 26-180 of this chapter.
- (10) *Recreation/open space standards:* Open space shall be provided for new developments and expansions of existing developments in accordance with the standards for parks and open space in Section 26-184 of this chapter.
- (11) *Design and operation standards:* None.

Sec. 26-100. PDD Planned Development District.

- (a) *Purpose.* The PDD District is intended to allow flexibility in development that will result in improved design, character, and quality of new mixed-use developments, and that will preserve natural and scenic features of open spaces. Planned development districts must involve innovation in site planning for residential, commercial, institutional, and/or industrial developments within the district. Such developments must be in accordance with the comprehensive plan for the county, and in doing so, may provide for variations from the regulations of the county's zoning districts concerning use, setbacks, lot size, density, bulk, and other such requirements.
- (b) *Applicability/establishment:* The PDD District shall only be established after a master plan for the planned development proposed for the site to be rezoned is

submitted and approved. The procedures for establishing a PDD district are set out in Section 26-59 of this chapter. Project planning and design for a PDD shall be performed by a licensed architect, landscape architect, or registered land surveyor, with site engineering performed by a registered engineer.

- (c) *Permitted uses, permitted uses with special requirements, and special exceptions.* The uses permitted in a PDD District shall be the permitted uses set forth in the approved site plan. However, manufactured home parks are not permitted as part of a PDD District. No special exception actions are required to establish any specific use in a PDD District. Provided, however, the planning commission and the county council shall ascertain that the effect and benefits that are usually derived from safeguards and conditions normally imposed upon special exception uses will substantially be met by the site plan and development controls of the proposed planned development.
- (d) *Development standards.*
- (1) *Minimum lot area/maximum density:* Minimum area: the minimum area for the entire Planned Development District shall be two (2) acres. The minimum lot size within the PDD shall be as established by the general development plan for the PDD District and any regulations of DHEC. Maximum density: no maximum density requirement for a Planned Development District. The density shall be as established by the general development plan for the PDD District and any regulations of DHEC.
 - (2) *Minimum lot width, setback and height standards:* Minimum lot width, setback requirements, and maximum height are not stipulated in this chapter for PDD Districts. However, the planning commission and county council, in approving a PDD, shall ascertain that the characteristics of building siting as shown on the development plan is appropriate as related to structures within the planned development and otherwise fulfill the intent of this chapter and the county's comprehensive plan.
 - (3) *Structure size standards:* Structure size standards are not stipulated in this chapter for PDD Districts. However, the planning commission and the county council, in approving a PDD, shall ascertain whether structure size proposals as shown on the planned development site plan are appropriate and whether such structures otherwise fulfill the intent of this chapter and the county's comprehensive plan.
 - (4) *Landscaping/bufferyard standards:* Landscaping and bufferyards shall be provided in accordance with Section 26-176 of this chapter.
 - (5) *Parking/loading standards:* Parking and loading facilities shall be provided as required by Section 26-173 and Section 26-174 of this

chapter. In areas devoted to residential uses, no parking lots shall be permitted within any required setback.

- (6) *Sidewalk and pedestrian amenities:* Sidewalks and other pedestrian amenities shall be provided as required by Section 26-179 of this chapter.
- (7) *Signs:* Signs shall be regulated by the requirements of Section 26-180 of this chapter.
- (8) *Recreation/open space standards:* Open space shall be provided for new developments and expansions of existing developments in accordance with the standards for parks and open space in Section 26-184 of this chapter, and as required by the planning commission and county council during the review and approval of the PDD District.
- (9) *Design and operation standards:* A PDD District shall be located only on a road capable of accommodating the projected traffic needs of the proposed development. A traffic management plan must accompany the application for a PDD District .

Sec. 26-101. TC Town and Country District.

- (a) *Purpose.* The Town and Country District is intended to promote the development of land in a manner consistent with the comprehensive plan for Richland County, in particular the Town and Country Planning Concept promoted therein. It is designed to promote, in various parts of the county, mixed-use development that has a distinct village edge, along with amenities that promote walkability and ties to transit throughout the community.
- (b) *Applicability/establishment:* The Town and Country District shall only be established after a master plan for the neighborhood development proposed for the site to be rezoned is submitted and approved. The procedures for establishing a TC district are the same as those set out for a Planned Development District at Section 26-59 of this chapter. Project planning and design for a TC District shall be performed by a licensed architect, landscape architect, or registered land surveyor, with site engineering performed by a registered engineer.
- (c) *Permitted uses, permitted uses with special requirements, and special exceptions.*
 - (1) *General.* Carefully blended land uses form the essence of Town and Country Development. Different land uses may abut at any point, subject to the provisions of this section. All residential, institutional, office, and commercial uses are allowed in this district, as are all uses permitted in the LI district.

- (2) *Permitted special exceptions.* No special exception actions are required to establish any specific use in a Town and Country District. Uses and structures permitted, permitted with special requirements, or allowed by special exception in the districts indicated in subsection (c)(1) above for any specific site are permitted outright. Provided, however, the planning commission and county council shall ascertain that the effect and benefits that are usually derived from safeguards and conditions normally imposed upon special exceptions will substantially be met by the site plan and development controls of the proposed town and country development.
- (d) *Development Standards.*
- (1) *Minimum lot area/maximum density:* Minimum lot area: there is no minimum lot area for the entire Town and Country District. However, the recommended minimum size shall be forty (40) acres. The minimum lot size within the Town and Country District shall be as established by the general development plan for the TC District and any regulations of the DHEC. Maximum density: no maximum density requirement for a Town and Country District. The density shall be as established by the general development plan for the TC District and any regulations of DHEC.
 - (2) *Subareas:* The TC District shall be divided into the following subareas:
 - a. *Town center.* The town center shall consist of a blend of civic, retail, office and multi-family uses. The size of the town center shall be a minimum of two percent (2%) of the entire site area.
 - b. *Neighborhoods.* A neighborhood or series of neighborhoods consisting of blended multi-family and single-family uses, small-scale retail and workshop uses, and public outdoor gathering places shall be a part of any town and country district. It is the intent of this section that all areas within a town and country neighborhood are within walking distance from edge to center.
 - c. *Greenways.* Greenway areas that provide a greenway system for the community, open space for community residents, and natural areas for stormwater management shall be a part of any town and country development. Greenways may border or traverse the district.
 - (3) *Minimum lot width, structure size, setback and height standards:* There are no minimum lot width, structure size, setback, or maximum height requirements for TC Districts. However, the planning commission and county council, in approving a TC District, shall ascertain that the characteristics of building siting, as shown on the development plan, shall be appropriate as related to structures within the town and country village,

and otherwise fulfill the intent of this chapter and the comprehensive plan for the county.

- (4) *Land allocation and location:*
- a. *Town center.* A minimum of two percent (2%) of the gross area of the T and C District shall be required for the town center.
 - b. *Open spaces.* Land designated for parks, greenways, or public squares shall constitute a minimum of ten percent (10%) of the gross area of the district.
- (5) *Landscaping/bufferyard standards:* Landscaping and bufferyards shall be provided in accordance with Section 26-176 of this chapter. However, in order to provide a continuous pedestrian transition for residential neighborhoods and commercial areas, retail land use categories shall not be separated from residential land use categories by berms or buffers. Adequate design measures shall be taken to minimize potential use conflicts. Limited fences and walls may be used when other design methods are ineffective.
- (6) *Parking/loading standards:* Except as otherwise provided in this section, parking and loading facilities shall be provided as required by Section 26-173 and Section 26-174 of this chapter. However, due to the pedestrian nature of the TC District, parking requirements for retail, business/service, and institutional uses may be reduced by twenty-five percent (25%) of any use related parking standards established in Section 26-173. Additionally, on-road parking shall count toward any minimum parking requirements.
- a. *On-street parking.* On-street parking is required when a particular land use will generate regular guest or customer parking use. Occasional on-street parking (such as within a single-family neighborhood) can be accommodated without additional pavement width or delineation. On-street parking shall be provided on roads abutting squares, small parks, or other urban spaces.
 - b. *Off-street parking.*
 - 1. *Location.* For interior commercial parcels, no less than seventy-five percent (75%) of the parking spaces shall be located to the rear of the building being served. Commercial parking fronting on non-pedestrian oriented major arterials may locate primary parking lots along this frontage. Where primary parking abuts roads within the interior of the TC District, screening, a minimum of four (4) feet in height, shall be erected on the frontage line,

where primary parking lots are located. This screening requirement may be met by the use of berms, walls or densely planted vegetation, providing for visual obstruction of the parking area from the abutting road(s). Primary parking lots (over 24 spaces) and parking garages shall not: [1] abut road intersections, [2] be located adjacent to squares or parks, or [3] occupy lots that terminate a road vista.

2. *Connections.* Adjacent parking lots shall have vehicular connections from an alley.
 3. *Small retail and service/business uses.* Uses involving a gross floor area of less than twenty-five hundred (2,500) square feet shall not require on-site parking, provided that the required parking is available within a six hundred (600) foot radius of the activity.
- c. *Loading.* Loading areas shall adjoin alleys or parking areas to the rear of the principal building unless otherwise approved in the TC District plan.
- (7) *Sidewalk and pedestrian amenities:* Sidewalks and other pedestrian amenities shall be provided as required by Section 26-179 of this chapter.
 - (8) *Signs:* Signs shall be regulated by the requirements of Section 26-180 of this chapter.
 - (9) *Recreation/open space standards:* Open space shall be provided in accordance with the standards for parks and open space in Section 26-184 of this chapter, and as required by the planning commission and county council during the review and approval of the TC District. (See also requirements at Section 26-100(d)(4) above).
 - (10) *Design and operation standards:*
 - a. *Lots and buildings.*
 1. *Frontage.* All lots shall include frontage abutting a road, square, or common open space.
 2. *Entryway.* The main entrance of all principal structures shall open to a road, square, or common open space of at least twenty (20) square feet in area. Front or side yard porches shall be encouraged on all single-family dwelling units.

3. *Scale.* The character of the town center is primarily aimed at small-scale retail, service, and office uses. However, larger anchor stores or uses may be included as part of an overall commercial package if approved at the time of TC plan review.
- b. *Roads/traffic impacts.*
1. *Roadway design.* The road standards for the TC District may be different from those set forth in Section 26-181 of this chapter, but must be approved by the county engineer during the TC plan review process. Reduced roadway widths are encouraged for traffic calming and also due to a comprehensive approach to travel in a TC District that includes roads and alleys.
 2. *Alleys.* There shall be a continuous network of alleys to the rear of building lots within the TC District, except when topography or physical feature makes such alleyways impractical. Dead end alleys are prohibited.
 3. *Street furnishings.* Street furnishings shall be included in a TC District. In commercial areas such furnishings shall include, but not be limited to: pedestrian scale decorative streetlights, decorative road signs, benches, trash receptacles, water fountains, etc. In residential areas, pedestrian scale decorative streetlights and decorative road signs shall be included.
 4. *Traffic management plan.* A traffic management plan, conducted by a registered engineer, must accompany the application for a TC District analyzing the traffic impact of the proposed development and include proposals for handling all impacts noted.
- c. *Utilities.* To the extent possible, underground utilities (and associated pedestals, cabinets, junction boxes, and transformers), including electric, cable, telephone, and natural gas service, shall be located within the alley right-of-way and not along the streetscape frontage. Domestic water service and sanitary sewer must be located in such a way to cause the least impact on the streetscape planting strip and required street trees. Unless otherwise approved by the planning commission and the county council, all utilities shall be placed underground.

- d. *Transit.* Land for an on-site transit stop shall be reserved within the district when the proposed TC District is within the service area of a public transit system.

Sec. 26-102. AP Airport Height Restrictive Overlay District.

- (a) *Purpose.* It is the intent of the AP Overlay District to restrain influences that are adverse to the property and safe conduct of aircraft operations in the vicinity of Columbia Owens Downtown Airport and McEntire Air National Guard Base. Furthermore, it is the intent of this overlay district to prevent creation of conditions hazardous to aircraft operation, to prevent conflict with land development that may result in loss of life and property, and to encourage development that is compatible with airport use characteristics.
- (b) *Applicability/Establishment.* The AP Overlay District shall function as an overlay district, providing additional requirements to the regulations of the underlying general use zoning classification(s).
- (c) *Permitted uses, permitted uses with special requirements, and special exceptions.* The AP Overlay District may contain several different underlying general use zoning classifications. All uses permitted in the respective underlying zoning districts shall be permitted in the AP Overlay District. Provided, however, when the provisions of this section impose higher standards than are required for that zoning classification, the provisions of this section shall apply. However, no use may be made of land or water within the AP Overlay District in such a manner as to cause or create electrical interference with navigational signals or radio communication between any airport and the aircraft, make it difficult for pilots to distinguish between airport lights and others, result in glare in the eyes of pilots using any airport, create bird strike hazards, or otherwise in any way endanger or interfere with the landing, take off, or maneuvering of aircraft using or intending to use any airport.
- (d) *Development standards.*
 - (1) *General.* Except as specifically provided for below, no material changes shall be made in the use of land, no structure shall be erected or otherwise established, and no tree shall be planted in any AP Overlay District unless a permit is applied for and granted. The following exceptions shall apply:
 - a. In the area lying within the limits of the AP horizontal zone (see subparagraph (2)e. below) and the AP conical zone (see subparagraph (2)f. below), no permit shall be required for any tree or structure less than seventy-five (75) feet in vertical height above the ground, except when, due to terrain, land contour, or topographic features, such tree or structure would extend above the height limits prescribed for such zones.

b. In areas lying within the limits of the AP approach zones (see subparagraph (2)b. below), but at a horizontal distance of not less than four thousand two hundred (4,200) feet from each end of the runway, no permit shall be required for any tree or structure less than seventy-five (75) feet in vertical height above the ground, except when, due to terrain, land contour, or topographic features, such tree or structure would extend above the height limits prescribed for such zones.

c. In the areas lying within the limits of the AP transition zones (see subparagraph (2) d. below), no permit shall be required for any tree or structure less than seventy-five (75) feet in vertical height above the ground, except when, due to terrain, land contour, or topographic features, such tree or structure would extend above the height limits prescribed for such zones.

(2) *Height standards:* Except as otherwise provided in this section, no structure shall be erected, altered, or maintained, and no trees shall be allowed to grow in any zone created by this section to a height in excess of the applicable height limitations established in this section for each zone in question, as follows:

a. *Primary zones:* APP.

1. *McEntire Air National Guard Base (APPM):* The primary zone is established at field elevation, two hundred fifty-one (251) feet, mean sea level, longitudinally centered on each runway with the same length as the runway. The width of the primary zone is two thousand (2,000) feet.
2. *Columbia Owens Downtown Airport (APPO):* None.

b. *Approach zones:* APA.

1. *McEntire Air National Guard Base (APAM):* The approach zone begins two hundred (200) feet beyond each end of the primary surface at the centerline elevation of the runway end and extends for fifty thousand (50,000) feet. The slope of the approach clearance zone is fifty (50) to one (1) along the runway centerline extended until it reaches an elevation of five hundred (500) feet above the established airport elevation (equal to 251 feet mean sea level). It then continues horizontally at this elevation to a point fifty thousand (50,000) feet from the point of beginning. The

width of this surface at the runway end is the same as the primary surface, flaring uniformly, with width at the fifty thousand (50,000) feet point being sixteen thousand (16,000).

2. *Columbia Owens Downtown Airport (APAO)*: The approach zone slopes twenty (20) feet outward for each one (1) foot upward beginning at the end of and at the same elevation as the primary surface and extending to a horizontal distance of five thousand (5,000) feet along the extended runway centerline.

c. *Clear zones: APCZ.*

1. *McEntire Air National Guard Base (APCZM)*: The clear zone is established at field elevation (251 feet mean sea level) and extends outward from the primary surface to the length of one thousand (1,000) feet. The width is equal to the width of the primary surface.
2. *Columbia Owens Downtown Airport (APZCO)*: None.

d. *Transitional zones: APT.*

1. *McEntire Air National Guard Base (APTM)*: The transitional zones connect the primary surface, the first two hundred (200) feet of the clear zone surface, and the approach clearance surface to the inner horizontal surfaces, conical surface, and outer horizontal surface. The slopes of the transitional surface are seven (7) to one (1) outward and upward at right angles to the runway centerline beginning at the sides of and at the same elevation as the primary surface (251 feet mean sea level).
2. *Columbia Owens Downtown Airport (APTO)*: The transitional zone slopes seven (7) feet outward for each one (1) foot upward beginning at the side of and at the same elevation as the primary surface and the approach surface, and extend to a height of one hundred fifty (150) feet above the airport elevation (194 feet mean sea level). In addition to the foregoing, there are established height limits sloping seven (7) feet outward for each one (1) foot upward beginning at the sides and at the same elevation as the approach surface, and extending to where they intersect the horizontal surface.

e. *Horizontal zones: APH.*

1. *McEntire Air National Guard Base (APHM):* The horizontal zones for McEntire National Guard Base are separated into the inner horizontal zone and the outer horizontal zone. Their dimensions are:

Inner: The inner horizontal zone is an oval shape at a height of one hundred fifty (150) feet above the established airfield (equal to 401 feet mean sea level).

Outer: The outer horizontal zone is a plane located five hundred (500) feet above the established airfield elevation (equal to 751 feet mean sea level), extending outward from the outer periphery of the conical surface for a horizontal distance of thirty thousand (30,000) feet.

2. *Columbia Owens Downtown Airport:* The horizontal zone is established at one hundred fifty (150) feet above the airport elevation (equal to 344 feet mean sea level).

f. *Conical zones: APC.*

1. *McEntire Air National Guard Base (APCM):* The conical zone is a surface extending from the periphery of the inner horizontal surface outward and upward at a slope of twenty (20) to one (1) for a horizontal distance of seven thousand (7,000) feet to a height of five hundred (500) feet above the established airfield elevation (equal to 751 feet mean sea level).

2. *Columbia Owens Downtown Airport:* The conical zone slopes twenty (20) feet outward for each one (1) foot upward beginning at the periphery of the horizontal zone and at one hundred fifty (150) feet above the airport elevation (equal to 344 feet mean sea level) and extending to an elevation of three hundred fifty (350) feet above the airport elevation (equal to 544 feet mean sea level) at a horizontal distance of four thousand (4,000) feet.

- (3) *Other dimensional and use regulations.* Permitted accessory structures, prohibited uses and structures, minimum lot area, minimum lot width, minimum yard requirements, maximum lot coverage, minimum off-street parking and loading requirements, regulation of signs, and provisions of sidewalks and open space shall be provided as regulated in the general

zoning district to which the AP Overlay District is appended, unless the AP Overlay District has a greater requirement upon such dimensions and characteristics of use, in which case the stricter shall prevail.

- (4) *Obstruction marking and lighting.* Any permit or variance granted may, if such action is deemed advisable to effectuate the purpose of this section and is reasonable in the circumstances, be so conditioned as to require the owner of the structure or tree in question to install, operate, and maintain, at the owner's expense, such markings and lighting as may be necessary. If deemed proper by the board of zoning of appeals and acceptable to the county, this condition may be modified to require the owner to permit the county, at the county's expense, to install, operate, and maintain the necessary markings and lights.

(e) *Variances.*

- (1) *General.* Any person desiring to erect or increase the height of any structure, or permit the growth of any tree, or use the property not in accordance with the regulations provided in this section, may apply to the board of zoning appeals for a variance from such regulations.
- (2) *FAA review.* The application for a variance shall be accompanied by a determination of the Federal Aviation Administration (FAA) as to the effect of the proposal on the operation of air navigation facilities and the safe, efficient use of navigable airspace. Such variances shall be allowed when it is duly found that a literal application or enforcement of the regulations will result in unnecessary hardship, and relief, if granted, will not be contrary to the public interest, will not create a hazard to air navigation, will do substantial justice, and will be in accordance with the spirit of this chapter.
- (3) *Airport management review.* No application for a variance of these regulations may be considered by the board of zoning appeals unless notification of the request and a copy of the application have been furnished to the airport manager for advice as to the aeronautical effects of the variance. If the airport manager does not respond to the notification within fifteen (15) days after receipt, the board of zoning appeals may act on its own to grant or deny the application.

(f) *Nonconforming uses.*

- (1) *General.* The regulations prescribed by this section shall not be construed to require the removal, lowering, or other change or alteration of any structure or tree not conforming to the regulations as of the effective date of this chapter, or otherwise interfere with the continuance of a nonconforming use. However, the owner of any existing nonconforming

structure or tree is hereby required to permit the installation, operation, and maintenance thereon of such markers or lighting as shall be deemed necessary by the county to indicate to the operators of aircraft in the vicinity of the airport the presence of such airport obstruction. Such markers shall be installed, operated, and maintained at the expense of the county.

(2) *Abandoned or destroyed.*

a. *Structure.* Whenever the zoning administrator determines that a nonconforming structure has been destroyed or torn down beyond seventy-five percent (75%) of its most recent appraised value, no permit shall be granted that would allow such structure to exceed the applicable height limit or otherwise deviate from the zoning regulations.

b. *Tree.* Whenever the zoning administrator determines that a nonconforming tree has been destroyed, torn down, decayed or deteriorated, below the applicable height limit, no permit shall be granted that would allow another tree to be planted which would exceed the applicable height limit or otherwise deviate from the regulations contained in this section.

Sec. 26-103. C Conservation Overlay District.

(a) *Purpose.* The C Overlay District is intended to provide for safe, suitable development along designated water resources throughout Richland County. It is intended to allow development that will assist in the preservation of views from the water and of the water resources, is consistent with the shoreline areas that surround these features, and will provide adequate measures of safety to property and life during periodic flooding.

(b) *Applicability/establishment.* The C Overlay District shall function as an overlay district providing additional requirements to the regulations of the underlying general use zoning classification(s), and shall only be applied to individual water resource areas after study and rezoning by the Richland County Council.

(c) *Permitted uses, permitted uses with special requirements, and special exceptions.* The C Overlay District may contain several different underlying general use zoning classifications. All uses permitted in the underlying zoning district shall be permitted in the C Overlay District. Provided, however, when the provisions of this section impose higher standards than are required for that zoning classification, the provisions of this section shall apply. Furthermore, additional overlay districts may be affixed to the general zoning district (e.g. the Floodplain Overlay District). Provisions of any or all overlay districts must be satisfied.

However, in the case of conflict between overlay district regulations, the stricter regulations shall apply.

(d) *Development standards.*

- (1) *Dimensional regulations.* Uses within the C Overlay District shall comply with the regulations of the underlying district, except uses on lots abutting a water resource. For uses on lots abutting the water, a water resource yard shall be provided as a setback within which no structures, except approved uncovered docks, shall be erected. A setback from the top of the bank of the water resource shall be required for a distance of twenty percent (20%) of the lot depth (measured at the time of site plan approval), with a maximum setback of fifty (50) feet and a minimum setback of twenty (20) feet. Existing continuous tree stands shall be preserved to stabilize the water resource banks. Walkways, trails, access areas, and similar activities may occur within the water resource yard.
- (2) *Landscaping/bufferyard standards.* Landscaping and bufferyards shall be provided in accordance with Section 26-176 of this chapter. Species suitable for a riparian environment shall be utilized for required landscaping and buffering in a C Overlay District.
- (3) *Parking/loading standards.* Parking and loading facilities shall be as required in Section 26-173 and Section 26-174 of this chapter. Shared parking arrangements and common parking areas are encouraged in the C Overlay District; however, in no instance are parking or loading areas permitted in the water resource yard.
- (4) *Sidewalk and pedestrian amenities.* Sidewalks and other pedestrian amenities shall be provided as required by Section 26-179 of this chapter. Public pedestrian trail/greenway easement segments designed and approved as part of the site approval process may be provided in lieu of sidewalks. The County shall not use its power of eminent domain to condemn private land within a C Overlay District for the purpose of creating a public pedestrian trail/greenway easement segment.
- (5) *Signs.* Signs shall be regulated by the requirements of Section 26-180 of this chapter.
- (6) *Recreational/open space standards:* Open space shall be provided for new developments and expansions of existing developments in accordance with the provisions established in Section 26-184 of this chapter.

Sec. 26-104. FP Floodplain Overlay District.

- (a) *Purpose.* Certain areas within Richland County are subject to periodic inundation by floodwater, which results or may be reasonably foreseen to result in loss of life or property, health and safety hazards, disruption of commerce and governmental services, and extraordinary public expenditures for flood protection and relief, all of which adversely affect the public health, safety, and general welfare of the citizens of Richland County. These hazards are caused or extended in part by the occupancy of flood hazard areas by uses that increase flood damage upon other lands, or uses that are vulnerable to floods because they are inadequately elevated or not otherwise protected from flood damages. In order for owners of property located within the county that is subject to periodic inundation to obtain flood damage insurance through the National Flood Insurance Program, the United States government, by statute and through regulations promulgated by the Federal Emergency Management Agency (FEMA) requires that the county enact floodplain regulations designed to reduce the amount of potential flood losses. It is, therefore, the intent of this section to lessen such hazards and losses and ensure insurance coverage by those affected property owners by restricting or prohibiting uses that are dangerous to health, safety, or property in times of flood or that cause excessive increases in flood heights or velocities. This shall be accomplished by requiring that uses vulnerable to floods be protected against flood hazards at the time of initial construction, and by controlling filling, grading, mineral extraction, placing of obstructions within the flood channels, and other activities, uses, or characteristics of use which may increase flood damage.
- (b) *Applicability/establishment.* The FP Overlay District shall function as an overlay district providing additional requirements to the regulations of the underlying general use zoning classification(s). It shall be applied to those areas designated on the Federal Emergency Management Agency's Flood Insurance Study, dated February 20, 2002, with accompanying Flood Insurance Rate Maps (FIRM), dated February 20, 2002, and any revisions thereto, as areas of special flood hazard. In addition to other required development approvals, development applicants subject to the FP Overlay District must also receive a floodplain development permit from the county's flood coordinator. Review of developments subject to these requirements shall be conducted as part of the review for a grading or land development permit, whichever is applicable.
- (c) *Permitted uses, permitted uses with special requirements, and special exceptions.*
- (1) *General:* Any use permitted outright, with special requirements, or permitted as an accessory use in the general use district(s) to which the FP Overlay District is affixed to, is permitted; provided that such use complies with all applicable regulations set forth below and in the other sections of this chapter. (See however, restrictions for development in the designated floodway as set forth in subsection (d)(2)i. below). All applications for land development permits for uses permitted in the FP Overlay District shall be reviewed by the flood coordinator in accordance with the requirements of subsection (d) below. Before the planning

department may issue a land development permit, a floodplain development permit must be issued. The findings and recommendations of the flood coordinator shall be binding upon the planning department unless otherwise appealed.

- (2) *Permitted special exceptions.* Any use listed as a special exception in the general use district(s) to which the FP Overlay District is affixed to may be permitted by the Richland County Board of Zoning Appeals as set forth in Section 26-56 of this chapter; provided that such uses comply with all applicable regulations set forth below and in the other sections of this chapter. (See, however, restrictions for development in the designated floodway as set forth in subsection (d)(2)i. below). All applications for special exceptions in the FP Overlay District shall be reviewed by the flood coordinator prior to review by the board of zoning appeals in accordance with the requirements of subsection (d) below. Before the board of zoning appeals may approve a special exception, a floodplain development permit must be issued. The findings and recommendations of the flood coordinator shall be binding upon the board of zoning appeals.

(d) *Standards in the floodplain.*

(1) *General standards.*

- a. *Alternative sites.* Where alternative locations exist, development shall not occur in the floodplain due to the inherent hazards and risks involved. Before a permit is issued, the applicant shall demonstrate that new structures cannot be located out of the floodplain and that encroachments onto the floodplain are minimized. New development, if permitted in the area of special flood hazard, shall minimize disruption to shorelines, stream channels, stream banks, and the regulatory floodway.
- b. *General reasons for disapproval of flood development permit application.* New construction, substantial improvements, or other development (including fill) shall not be approved in a special flood hazard area if it does any of the following:
 1. Adversely affects the capacity of channels or floodways of any watercourse in the floodplain area to convey the regulatory flood or any flood of more frequent occurrence.

2. Would measurably increase, based on FEMA-approved hydrologic models, flood flows or flood heights, or increase flood damage upon off-site properties during the occurrence of the regulatory flood or any flood of more frequent occurrence.
 3. Would individually or cumulatively, when combined with all other existing and anticipated development (assuming an equal degree of encroachment for a significant reach on both sides of the watercourse), increase flood levels or expose additional upstream, downstream, or adjacent properties to adverse flood effects due to flooding during the regulatory flood or any flood of more frequent occurrence.
 4. Increases velocities or volumes of floodwaters to the extent that significant erosion of floodplain soils would occur either on the subject property or on some other property upstream or downstream.
 5. Does not provide compensatory storage for any measurable loss of flood storage capacity.
- c. *Encroachments that result in increase in flood levels.* Any encroachment in special flood hazard areas, including fill, new construction, substantial improvements, and other development that would result in any increase in flood levels during the occurrence of the regulatory flood or any flood of more frequent occurrence shall be prohibited.
- d. *Anchoring.* All new construction and/or substantial improvements shall be designed and anchored to prevent flotation, collapse, or lateral movement of the structures.
- e. *Materials/methods to be used.* All new construction and/or substantial improvements shall be constructed with flood resistant materials and utility equipment resistant to flood damage. All new construction and/or substantial improvements shall be constructed by methods and practices that minimize flood damages.
- f. *Electric, ventilation, plumbing, heating, and air conditioning equipment.* Electric, ventilation, plumbing, heating, and air conditioning equipment (including ductwork), and other service facilities, shall be designed and elevated two (2) feet above the base flood elevation so as to prevent water from entering or

accumulating within the components during conditions of flooding as specifically provided for below:

1. *When not substantial improvement.* The replacement of existing electrical, ventilation, plumbing, heating, and air conditioning equipment (including ductwork) and other service facilities, that do not constitute a substantial improvement, are encouraged to be elevated at least two (2) feet above the base flood elevation, but they may be located at the original location and elevation.
 2. *New construction and substantial improvement.* All electrical, ventilation, plumbing, heating, and air conditioning equipment (including ductwork), and other service facilities, for new construction or substantial improvement must be elevated at least two (2) feet above the base flood elevation.
 3. *Outdoor faucets.* The requirements listed above do not preclude the installation of outdoor faucets for shower heads, sinks, hoses, etc. as long as cut off devices and back flow devices are installed to prevent contamination to the service components and thereby minimize any flood damages to the building.
- g. *Water and sanitary sewage systems.* All new and replacement water supply and sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the sanitary sewage systems into flood waters.
- h. *On-site waste disposal systems.* On-site waste disposal systems shall be located and constructed to avoid impairment to them or contamination from them during flooding.
- i. *Foundation systems.* Hydrodynamic pressure must be considered in the design of any foundation system when velocity waters or the potential for debris flow exists. If flood velocities are excessive (greater than five (5) feet per second), foundation systems other than solid foundation walls should be considered so that obstructions to damaging flood flows are minimized.
- j. *Non-conforming buildings or uses (see also Article X. of this chapter on nonconforming uses generally).* Non-conforming buildings or uses may not be enlarged, replaced, or rebuilt unless such enlargement or reconstruction is accomplished in conformance with the provisions of this section. Provided,

however, nothing in this section shall prevent the repair, reconstruction, or replacement of an existing building or structure located totally or partially within the floodway, if the bulk of the building or structure below base flood elevation in the floodway is not increased, and provided that such repair, reconstruction, or replacement meets all of the other requirements of this section. Reconstructions or replacements of existing buildings or structures shall be placed with their longitudinal axis parallel to the predicted direction of the flow of flood waters or be placed so that their longitudinal axis are on lines parallel to those of adjoining structures so as to offer the minimum resistance to the flow of floodwaters.

- k. *American with Disabilities Act (ADA)*. A building must meet the specific standards for floodplain construction as outlined in subsection (d)(2) below, as well as any applicable ADA requirements. The cost of improvements required to meet the ADA provisions shall be included in the costs of the improvements for calculating substantial improvement.

(2) *Specific standards*

- a. *Residential construction*. New construction or substantial improvement of any residential structure (including manufactured homes) shall have the lowest floor elevated no lower than two (2) feet above the base flood elevation. No basements are permitted. Should solid foundation perimeter walls be used to elevate a structure, openings sufficient to facilitate the unimpeded movements of floodwaters shall be provided in accordance with subsection f. below.
- b. *Nonresidential construction*. New construction or substantial improvement of any commercial industrial, or nonresidential structure shall have the lowest floor (including basement), or mechanical and utility equipment, elevated no lower than two (2) feet above the level of the base flood elevation or be flood-proofed to a level no lower than two (2) feet above the level of the base flood elevation, provided that all areas of the building (including mechanical and utility equipment) below the required elevation are watertight with walls substantially impermeable to the passage of water, and use structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effects of buoyancy. Should solid foundation perimeter walls be used to elevate a structure, openings sufficient to facilitate the unimpeded movements of floodwaters shall be provided in accordance with subsection f. below. A land surveyor, engineer, or architect

authorized by law to certify such information shall certify that the standards of this subsection are satisfied. Flood-proofed structures shall have an approved maintenance plan with an annual exercise as required by FEMA. The maintenance plan must be approved by the flood coordinator and notification of the annual exercise shall be provided to same.

- c. *Foundation protection.* A land surveyor, engineer, or architect authorized by law to certify such information shall develop or review the structural design, specifications, and plans for the foundation of all new buildings and shall certify that the design and methods of construction are in accordance with accepted practices to withstand flotation, collapse, lateral movement, erosion, scour, undermining, and the effects of water and wind acting simultaneously on all building components during the occurrence of the base flood.

- d. *Manufactured homes.*
 1. *Substantially damaged homes.* Manufactured homes that are on sites outside a manufactured home park or subdivision, in a new manufactured home park or subdivision, in an expansion to an existing manufactured home park or subdivision, or in an existing manufactured home park or subdivision, which have incurred “substantial damage,” must be subsequently elevated on a permanent foundation such that the lowest floor of the manufactured home is elevated no lower than two (2) feet above the base flood elevation and must be securely anchored to an adequately anchored foundation system to resist flotation, collapse, and lateral movement.

 2. *Existing manufactured homes.* Manufactured homes proposed to be placed or substantially improved on sites in an existing manufactured home park or subdivision that are not subject to the provisions of subsection d.1. above, must be elevated so that the lowest floor of the manufactured home is elevated no lower than two (2) feet above the base flood elevation, and must be securely anchored to an adequately anchored foundation to resist flotation, collapse, and lateral movement.

 3. *Anchoring.* Manufactured homes shall be anchored to prevent flotation, collapse, or lateral movement. For the purpose of this requirement, manufactured homes must be

anchored to resist flotation, collapse, or lateral movement in accordance with Section 19-425.42 of the *South Carolina Manufactured Housing Board Regulations*, effective date May 25, 1990, as amended. Additionally, when the elevation requirement would be met by an elevation of the chassis at thirty-six (36) inches or less above the grade at the site, the chassis shall be supported by reinforced piers or other foundation elements of at least equivalent strength. When the elevation of the chassis is above thirty-six (36) inches in height, an engineering certification is required.

4. *Evacuation plan for parks and subdivisions.* An evacuation plan indicating vehicular access and escape routes for residents of manufactured home parks and subdivisions located in or surrounded by an area of special flood hazard must be developed. The owner of the manufactured home park or subdivision shall be responsible for filing this plan with the flood coordinator and shall see that each tenant thereof has received an evacuation plan prior to the tenant's moving into the manufactured home park or subdivision. This plan shall be approved by the flood coordinator and the local emergency preparedness coordinator.
- e. *Recreational vehicles.* Recreational vehicles placed on sites within a floodplain shall either be on site for fewer than one hundred and eighty (180) consecutive days and be fully licensed and ready for highway use, or meet the general standards listed in subsection (d)(1) above, as well as the standards for manufactured housing in subsection (d)(2)d. above. A recreational vehicle is ready for highway use if it is on wheels or a jacking system, is attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached additions.
- f. *Elevated buildings.* New construction or substantial improvements of elevated buildings that include fully enclosed areas formed by foundation and other exterior walls and are used solely for the parking of vehicles, building access, or limited storage in an area other than a basement, and are subject to flooding, shall be designed to preclude finished space and be shall designed to automatically equalize flood forces on exterior walls by allowing for the entry and exit of floodwaters.
 1. *Designs for elevated buildings.* Designs for complying with this requirement must either be certified by a land

surveyor, engineer, or architect authorized by law to certify such information, or meet the following minimum criteria:

- [a] Provide a minimum of two (2) openings on different walls having a total net area of not less than one (1) square inch for every square foot of enclosed area subject to flooding;
 - [b] The bottom of all openings shall be no higher than one (1) foot above grade;
 - [c] Openings may be equipped with screens, louvers, valves, or other coverings or devices, provided they permit the automatic flow of floodwaters in both directions; and
 - [d] Fill placed around foundation walls shall be graded so that the grade inside the enclosed area is equal to or higher than the adjacent grade outside the building on at least one side of the building.
2. *Access to enclosed area.* Access to the enclosed area shall be the minimum necessary to allow for parking of vehicles (garage door) or limited storage of maintenance equipment used in connection with the premises (standards exterior door) or entry to the living area (stairway or elevator).
3. *Interior portion of enclosed area.* The interior portion of such enclosed area shall not be partitioned or finished into separate rooms, except to enclose a limited storage area. In addition, the interior portion must be void of utilities, except for essential lighting as required, and cannot be temperature controlled. One wet location switch and/or outlet connected to a ground fault interrupt breaker may be installed below the required lowest floor elevation as specified in subsections (d)(2) a., b., and d. above.
4. *Construction materials.* All construction materials below the required lowest floor elevation, as specified in subsections (d)(2) a., b., and d. above, shall be of flood resistant materials.
- g. *Temporary structures.* Certain types of temporary structures (e.g. fruit stands, construction site offices, portable toilets, etc.) may be situated temporarily on flood-prone property without having to comply with the elevation or flood-proofing criteria of subsections

(d)(2) a. and b. above, respectively, provided that the following criteria are met:

1. *Temporary development permit procedure.* All applicants must submit to the flood coordinator, prior to the issuance of a temporary development permit, a written plan for the removal of any temporary structures or development in the event of a hurricane or flash flood warning notification. The plan shall be reviewed and approved in writing, and must include the following information:
 - [a] A specified time period that the temporary use will be permitted;
 - [b] The name, address, and phone number of the individual responsible for the removal of temporary structures or development;
 - [c] The time frame for removal of any structures in the event of a flooding event, with a minimum of seventy-two (72) hours before landfall of a hurricane or immediately upon flood warning notification;
 - [d] Unless movable by the owner, a copy of the contract or other suitable instrument with a trucking company to ensure the availability of removal equipment when needed;
 - [e] Designation, accompanied by documentation, of a location outside the floodplain where any temporary structure will be moved; and
 - [f] A plan to restore the area to its natural condition once the temporary permit expires or the temporary use is terminated, whichever is first.
 2. *Structure mobility.* The structure is mobile, or can be made so, and is capable of being removed from the site with a maximum of four (4) hours warning.
 3. *Time on property.* The structure will not remain on the property for more than one hundred and eighty (180) days.
- h. *Accessory structures.* An accessory structure or garage, the cost of which is greater than \$1,000.00 must comply with the elevated

structure requirements of subsection (d)(2) a. and b. above. When accessory structures of \$1,000.00 or less are to be placed in the floodplain, the following criteria shall be met:

1. *Not for habitation.* Accessory structures shall not be used for human habitation (including work, sleeping, living, cooking, or restroom areas);
 2. *Flood damage potential.* Accessory structures shall be designed to have low flood damage potential;
 3. *Placement.* Accessory structures shall be constructed and placed on the building site so as to offer the minimum resistance to the flow of floodwaters;
 4. *Anchoring.* Accessory structures shall be firmly anchored to prevent flotation, collapse, or lateral movement of the structure;
 5. *Service facilities.* Service facilities, such as electrical and heating equipment, shall be installed in accordance with subsection (d)(1) f. above; and
 6. *Openings.* Openings to relieve hydrostatic pressure during a flood shall be provided below base flood elevation in conformance with subsection (d)(2) f. above.
- i. *Floodways.* The following provisions shall apply within the floodway areas:
1. *Permitted uses, excluding buildings.* The following uses shall be permitted in areas designated floodway areas, but only if such uses are permitted within the basic district to which the FP overlay is appended, and excluding buildings in connection with such uses:
 - [a] Agricultural and horticultural uses, and plant nurseries.
 - [b] Parking and loading areas.
 - [c] Open-air uses generally accessory to residential uses, such as lawns, gardens, play areas, and parking areas.
 - [d] Recreational uses which are primarily open-air uses and which do not offer a substantial impediment to water flow, such as swimming areas, fishing areas,

beaches, boat launching ramps, floating docks, life guard stations, parks, playgrounds, play fields, picnic grounds, wildlife or nature preserves, hiking trails, horseback riding trails, golf courses, driving ranges, archery ranges, and tennis courts.

[e] Airport runways and landing strips.

[f] Streets, bridges, overhead utility lines, storm drainage facilities, sewerage lines, waste treatment plant outlets, water supply intake structures, and electronic transmission structures; provided that the structure is demonstrated, by hydraulic and hydrologic analysis performed with standard engineering practice and reviewed and approved by the County Floodplain Coordinator, to cause no rise in the base flood elevation as established by the Flood Insurance Study and further provided that:

[1] All structures are designed and constructed to minimize infiltration by floodwaters; and

[2] The lowest horizontal member of bridges, excluding pilings or columns, is elevated at least one foot above the base flood elevation and the superstructure attached thereto is designed to resist flotation, collapse, and lateral movement due to the effects of wind and water loads acting simultaneously on all structural components.

2. *Permitted uses, other.* The following uses shall be permitted in areas designated floodway areas, but only if such uses are permitted within the basic district to which the FP overlay is appended:

[a] Any existing or future facility that is or will be a part of or used by any public or private school that was constructed and operated before January 1, 2001 on property subsequently classified as a regulatory floodway;

[b] Any existing or future facility that is or will be a part of or used by any publicly owned wastewater treatment facility that was constructed and operated before January 1, 2001 on property subsequently classified as a regulatory floodway.

- j. *Fill.* Fill is discouraged because its use removes storage capacity from floodplains. Elevating buildings by other methods must be considered. An applicant shall demonstrate, using a registered engineer, that fill is the only alternative to raising the building to at least two (2) feet above the base flood elevation, and that the amount of fill used will not affect the flood storage capacity or adversely affect adjacent properties. Any change to the flood flow within a regulatory floodplain through fill must be approved by FEMA in addition to review by the flood coordinator
1. *Floodway.* Filling of floodway areas, dumping of salvaged or scrap material, or the placing of material or obstruction within a floodway area in such a manner as to impede free flow of water during a time of flood or in such a manner that the elevation of flood waters will be increased is prohibited.
 2. *Nontidal wetlands or waters.* Fill activities may not take place in nontidal wetlands or waters without the required state and federal permits.
 3. *Dredged material.* Dredged material may be used as fill only upon certification of suitability by a land surveyor, engineer or architect authorized by law to certify such information. Landfills, rubble fills, dumps, and sanitary fills are not permitted in the floodplain.
 4. *Standards.* Fill used to support structures must comply with ASTM Standard D-698, and its suitability to support structures certified by a land surveyor, engineer, or architect authorized by law to certify such information.
 5. *Fill slopes.* Fill slopes shall be no greater than two (2) horizontal to one (1) vertical. Flatter slopes may be required where velocities may result in erosion.
 6. *Effect on neighboring properties.* The use of fill shall not increase flooding or cause drainage problems on neighboring properties.
 7. *Compensating excavations.* The volume of space occupied by any authorized fill below the base flood elevation shall be compensated for and balanced by a hydraulically equivalent volume of excavation taken from below the base flood elevation. All such excavations shall be constructed to drain freely to the watercourse. No area below the

waterline of a pond or other body of water can be credited as a compensating excavation.

- k. *Critical facilities.* Construction of critical facilities is prohibited in the five hundred (500) year floodplain (A, 1AE and X500 Zones on the FIRM).
- (e) *Standards for streams not having established base flood elevations and/or floodways.* Located within the areas of special flood hazard are small streams where no base flood elevation data have been provided or where no floodways have been identified. The following provisions apply to these areas:
- (1) *Activity within one hundred (100) feet of the stream bank.* No encroachments, including fill, new construction, substantial improvement, or other development shall be permitted within one hundred (100) feet of the stream bank unless certification (with supporting technical data by a land surveyor, engineer, or architect authorized by law to certify such information) is provided demonstrating that such encroachments shall not result in any increase in flood levels during the occurrence of the base flood discharge. Such data shall be submitted to the flood coordinator.
 - (2) *Elevation.* In special flood hazard areas without base flood elevation data, new construction or substantial improvements of structures shall be elevated so that the lowest floor is no less than three (3) feet above the highest adjacent grade at the building site.
- (f) *Standards for subdivision/ planned development community/large-scale development proposals.* The following standards pertain to subdivisions and planned development communities or other large-scale development proposals that equal or exceed the lesser of fifty (50) lots or five (5) acres:
- (1) *General.* All subdivisions, planned development communities, and large-scale development proposals shall be consistent with the need to minimize or eliminate flood damage. Base flood elevation data provided through hydrologic and hydraulic modeling performed in accordance with FEMA standards showing that there is no rise in the base flood elevation for the community and no risk to human health and welfare shall be provided. All such developments shall be designed so as not to create or increase the level of flooding existing at the time of development.
 - (2) *Public utilities.* All subdivisions, planned development communities, and large scale development proposals shall have public utilities and facilities, such as sewer, gas, electric and water systems, located and constructed to minimize or eliminate flood damage.

- (3) *Access.* An access road above the base flood elevation shall be provided for all subdivision, planned development community, or other large-scale development proposals to allow emergency access to flooded areas during flood conditions.
 - (4) *Drainage.* All subdivision, planned development community, or other large-scale development proposals shall have adequate drainage, in compliance with all other applicable code regulations provided to reduce or eliminate exposure to flood hazards.
- (g) *Standards for areas of shallow flooding (AO and AH Zones).* Located within the areas of special flood hazard are areas designated as shallow flooding. The following provisions shall apply within such areas:
- (1) *Residential structures.* All new construction and substantial improvements of residential structures shall have the lowest floor (including basement) elevated above the highest adjacent grade at least as high as the depth number specified in feet on the FIRM. If no depth number is specified, the lowest floor (including basement) shall be elevated at least three (3) feet above the highest adjacent grade.
 - (2) *Nonresidential structures.* The lowest floor (including the basement) for all new construction and substantial improvements of nonresidential structures shall meet one of the following standards:
 - a. *Elevation.* The nonresidential structures(s) shall be elevated above the highest adjacent grade at least as high as the depth number specified in feet on the FIRM. If no depth number is specified, the lowest floor (including basement) shall be elevated at least three (3) feet above the highest adjacent grade; or,
 - b. *Construction.* The nonresidential structure(s), together with attendant utility and sanitary facilities, must be designed so that below the base flood elevation the structure is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy. A land surveyor, engineer or architect authorized by law to certify such information shall submit a certification to the flood coordinator that the standards of this section are satisfied. There shall be adequate drainage paths around structures on slopes to guide floodwaters around and away from the proposed structures.
- (h) *Standards for levees.*

- (1) *General standards.* All levees protecting residential structures or nonresidential structures that are not flood-proofed shall be designed, constructed, and maintained to provide protection against the 500-year flood, plus three (3) feet of freeboard. Flood elevations shall be as shown on the latest Flood Insurance Rate Maps as determined by appropriate hydrologic methods. Any levee constructed or improved under this subsection shall also comply with the other applicable provisions of Section 26-202 of this chapter.
- (2) *Specific standards.*
 - a. *Design and construction.* Design and construction shall be in accordance with U.S. Army Corps of Engineers' Manual EM 1110-2-1913 (31 March 1978) *Design and Construction of Levees*. The design and construction of drainage systems within levees shall be in accordance with the U.S. Army Corps of Engineers' Manual EM 1110-2-1413 (15 Jan 1987) *Hydrologic Analysis of Interior Areas*. A South Carolina Registered Professional Engineer shall certify that he has been involved in the design, construction, and inspection phases and shall certify that the construction meets requirements of the Corps of Engineers.
 - b. *Records.* Owners of levees will perform the necessary and required maintenance and provide appropriate records to the county engineer. These records shall include:
 1. Signed agreements of perpetual operation and maintenance between the constructor and/or owner and Richland County;
 2. As-built construction plans sealed by a South Carolina Registered Professional Engineer;
 3. A description of the levee maintenance program in accordance with Levee Maintenance Standards and Procedures of Richland County (see subsection (h)(3) below); and
 4. Periodic maintenance reports as required by the county engineer.
- (3) *Maintenance standards and procedures.* Levees shall be maintained as necessary to ensure serviceability against flood at all times, as follows:
 - a. *Sod growth.* Maintenance of a sturdy sod growth on levee embankments is highly important, as sod is one of the most

effective means of protecting the levee against erosion from rain, water current, and wavewash. Periodic mowing with tractor-operated equipment is essential to maintaining a good sod growth, and shall be done at such intervals as necessary to keep down weeds and other noxious growth and to prevent the grass height from exceeding twelve (12) inches. However, the grass shall not be mowed to a height of less than two (2) inches. The number of mowings required each season will depend on local conditions. The last mowing of the season will be accomplished under conditions that allow the grass to obtain a height of approximately eight (8) inches to ten (10) inches entering the winter season. Mowing will be performed to a distance of at least five (5) feet beyond the toe of the levee or berm. Burning grass and weeds is not permitted in the levee maintenance program, except during appropriate seasons when it is not detrimental to sod growth. During the growing season, spraying with herbicides on an as-needed basis is permissible and desirable for weed and brush control on levees and berms. Reseeding and fertilizing shall be completed frequently enough to sustain sod growth on levee embankments for erosion control.

- b. *Earth embankments.* Levee embankments shall be maintained to not less than the grade and section, as designed, by replacing any material lost from the crown or slopes. Ruts, washes, slides, and subsidence should be promptly repaired and the entire embankment maintained sufficiently smooth for power mowing. Levee crowns shall be graded as necessary to drain freely and prevent impoundment of rainwater. All brush, trees, and other undesirable growth shall be removed from the levee embankment.
- c. *Animal burrows.* Levees and adjacent landward areas shall be maintained free of all types of animal burrows. Animal burrows, when found, shall be backfilled with compacted material and sodded. To prevent recurrence, effort shall be made to exterminate the burrowing animals.
- d. *Prevention of encroachment.* Care shall be taken to assure that levees are not encroached upon. Buildings, structures, and storage of materials or equipment are not permitted on the levee. Refuse dumps are not permitted. Following each high water, any debris deposited on the riverside slope of the levee shall be removed promptly.
- e. *Roads and ramps.* Access roads to and on the levees, including ramps, shall be bladed as necessary to keep the roadway shaped properly and free of ruts, pockets, and washes. Ramp

embankments shall be maintain the section and grade as designed. Maintenance shall be performed as necessary to correct any encroachment into the levee crown where roads cross levees. Road surfacing material shall be replaced as necessary to maintain the road surface in good condition.

f. *Miscellaneous levee facilities and appurtenances.* Levee facilities and appurtenances that are constructed on, over, or through the levee shall be maintained in a good state of repair and/or inspected at least annually. Facilities and appurtenances that operate only during high water must be checked carefully and repaired as necessary, immediately prior to high water season. Relief wells shall be checked during periods of high water. Wells that do not flow for an extended period of time may have to be tested by pumping to determine the extent of deterioration. Critically deteriorated wells shall be rehabilitated by cleaning, surging, and pumping. Check valves shall be inspected to ensure that they open freely and that the gaskets are in good condition. The most common of the facilities and appurtenances referred to herein are:

1. Drainage structures through the levee,
2. Toe drainage systems,
3. Relief wells,
4. Levee slope protection and protection on dike ends,
5. Gates, cattle guards, and fences, and
6. Siphons and pipe crossings.

(4) *Inspection.* Frequent inspections are essential to a good levee maintenance program. In addition to the formal inspections required by the county engineer, inspections will be made prior to the beginning of the flood season, during and immediately following each high water period, and at such intermediate times as necessary to ensure satisfactory care of the levee.

Sec. 26-105. RD Redevelopment Overlay District.

(a) *Purpose.* The RD Overlay District is intended to promote the revitalization of existing blighted commercial strips and residential areas while encouraging reinvestment in and reuse of areas in a manner consistent with the Comprehensive Plan for Richland County. Revitalization initiates housing and economic

opportunities, which promotes socially vibrant centers of community life through the coordinated efforts of public, private and community organizations.

- (b) *Applicability/establishment.* The RD Overlay District may be approved and designated by County Council if two or more of the following conditions or circumstances are evident:
- (1) Loss of retail, office, and/or industrial activity, use or employment;
 - (2) Forty percent (40%) or more of households are low-income households;
 - (3) A predominance of residential or nonresidential structures that are deteriorating or deteriorated;
 - (4) Abandonment of residential or nonresidential structures;
 - (5) Environmentally contaminated land;
 - (6) The existence of unsanitary or unsafe conditions that endanger life, health, or property;
 - (7) Deterioration in public improvements, such as streets, street lighting, curbs, gutters, sidewalks, related pedestrian amenities, and parks and recreational facilities;
 - (8) Recent occurrence of a disaster; or
 - (9) Any combination of factors that substantially impairs or arrests the sound growth and economic development of government, or adversely affects the public, health, safety, or general welfare due to the redevelopment area's present condition and use.
- (c) *Permitted uses, permitted uses with special requirements, and special exceptions.*
Reserved.
- (d) *Development standards.*
1. *Redevelopment Plan Requirement.* A Redevelopment Plan shall be submitted for approval prior to designating an RD Overlay District, and shall include, without limitation, a capital improvement plan that identifies the improvements required to achieve the objectives of the plan and its funding sources. The capital improvement plan shall demonstrate that adequate funding will be secured, including the commitment of County resources for implementation.
 2. Reserved.

- (e) *Consistency with the Comprehensive Plan.* The proposed Redevelopment Plan Area must be consistent with and compliment the Richland County Comprehensive Plan, the land use plan, and the capital improvement plan for the planning area in which it is located. In addition, it is recommended that the Redevelopment Plan be more clearly defined in the Comprehensive Plan update.

Secs. 26-106 - 26-130. Reserved.

Sec. 26-131. Table of Area, Yard, and Height Requirements.

- (a) *General.* The Table of Area, Yard, and Height Requirements, found in this section contains a listing of the principal development standards for the general use zoning districts. Standards are listed for minimum lot area, minimum lot width, structure size, setback, and height. Reference should be made to the specific use district regulations found in Sections 26-84 through 26-97 of this chapter for the complete listings of applicable development standards for each district. Standards for the PDD and TC districts are not listed in this table since developments in these districts are regulated primarily through the development review process. Development within overlay districts, unless otherwise specified, generally adheres to the requirements for the underlying general use zoning district.
- (b) *Table of area, yard, and height requirements.* The table (Table 20-V-1) below lists the general dimensional and area requirements for the zoning districts set forth in this article. See also the subsections for each district for additional detailed dimensional and area requirements.

TABLE 20-V-1

TABLE OF AREA, YARD, AND HEIGHT REQUIREMENTS

DISTRICT	MINIMUM LOT AREA (Square Feet Each)		MAXIMUM DENSITY	MINIMUM LOT WIDTH (Feet)	MAXIMUM LOT COVERAGE/ GFA	PRINCIPAL SETBACK STANDARDS (Feet)			MAXIMUM HEIGHT (Feet)
	First Unit	Add. Unit				Front	Side	Rear	
RU	33,000	NA	1/Lot	120	None	40	20	50	45
RR	33,000	NA	1/ Lot	120	None	40	20	50	45
RS-E	20,000	NA	1/Lot	100	None	35	10	30	45
RS-LD	12,000	NA	1/Lot	75	None	25	See Sec. 26-87	20	45
RS-MD	8,500	NA	1/Lot	60	None	25	See	20	45

							Sec. 26-88		
RS-HD	5,000	NA	1/Lot	50	None	25	See Sec. 26-89	20	45
MH	7,260	NA	6 Units/Acre	60	None	25	8	20	35
RM-MD	NA	NA	8 Units/Acre	50	None	25	7	20	45
RM-HD	NA	NA	16 Units/Acre	50	None	25	7	20	See Sec. 26-92.
OI	NA	NA	16 Units/Acre	See Sec. 26-92.	None	25	7	20	See Sec. 26-93.
NC	NA	NA	8 Units/Acre	None	See Sec. 26-94.	25	None	10	See Sec. 26-94.
RC	22,000	NA	NA	50	See Sec. 26-95.	25	None	20	45
GC	NA	NA	16 Units/Acre	None	None	25	None	10	See Sec. 26-96.
M-1	None	None	None	None	None	25	None	10	None
LI	None	None	None	None	None	25	None	10	None
HI	None	None	None	None	None	25	None	10	None

Secs. 26-132 – 26-140. Reserved.

Sec. 26-141. Table of Permitted Uses, Permitted Uses with Special Requirements, and Special Exceptions.

- (a) *General.* The Table of Permitted Uses, Permitted Uses with Special Requirements, and Special Exceptions that follows, contains a listing of uses that may be permitted in one or more of the various zoning districts established by this article. Uses are listed in alphabetical order in eleven functional categories. The categories in order of their listing are: agricultural uses; residential uses; accessory uses and structures; recreational uses; institutional, educational and civic uses; business, professional and personal services; retail trade and food services; wholesale trade; transportation, information, warehousing, waste management, and utilities; manufacturing, mining, and industrial uses; and, other uses.
- (b) *Symbols used.* The districts in which a particular use is permitted (with or without special requirements), are indicated by a “P”, “SR”, or “SE” in the district column(s) opposite the listed use. Blank spaces in the district column under any proposed use indicates that the use is NOT permitted in that particular zoning district.
- (c) *Meaning of symbols.* The meaning of the symbols in the Table of Permitted Uses, Permitted Uses with Special Requirements, and Special Exceptions are as follows:
 - (1) *P.* Means the indicated use is permitted in the indicated district.

- (2) *SR.* Means the indicated use is permitted provided special additional standards set forth in this chapter are met. These standards are contained in Article VI., Supplemental Use Standards.
- (3) *SE.* Means the indicated use is permitted in the indicated district, subject to approval of a special exception by the board of zoning appeals (Section 26-56 of this chapter). Minimum conditions that must be met in order for the board to grant a special exception are listed in Article VI., Supplemental Use Standards.
- (d) *North American Industry Classification System (NAICS).* The *North American Industry Classification System, United States Manual – 2002 Edition* (NAICS) was utilized in the preparation of the Table of Permitted Uses, Permitted Uses with Special Requirements, and Special Exceptions. The listing of the numerical references (in the NAICS) utilized is found in Appendix I. This listing and the 2002 NAICS manual shall be consulted as a guide for the purpose of interpretation by the zoning administrator when necessary. The NAICS number in the appendix refers to the corresponding NAICS classification for that particular use. Listings with a “000000” in the NAICS column do not correspond to any classification manual, but rather are identified uses of local significance.
- (e) *Relationship to other laws.* The listing of a use in the Table of Permitted Uses, Permitted Uses with Special Requirements, and Special Exceptions in no way relieves that use of having to meet all local, state, and federal laws pertaining to the establishment and operation of that use.
- (f) *Table of Permitted Uses, Permitted Uses with Special Requirements, and Special Exceptions.* See Table 20-V-2.

TABLE OF PERMITTED USES, PERMITTED USES WITH SPECIAL REQUIREMENTS, AND SPECIAL EXCEPTIONS
TABLE 26-V-2

USE TYPES	RU	RR	RS-E	RS-LD	RS-MD	RS-HD	MH	RM-MD	RM-HD	OI	NC	RC	GC	M-I	LI	HI
<u>Agricultural Uses</u>																
Animal Production	P													P		
Animal Production Support Services	P													P		
Crop Production	P													P		P
Crop Production Support Services	P													P		
Fish Hatcheries	P													P		
Forestry	P													P		
Forestry Support Services	P													P	P	P
Poultry Farms	SR													P		
Produce Stands	SR													P		
Swine Farms														P		
Veterinary Services (Livestock)	P													P		
<u>Residential Uses</u>																
Accessory Dwellings	SR	SR	SR	SR	SR	SR		P	P					SR		
Common Area Recreation and Service Facilities	P	P	P	P	P	P	P	P	P	P	P	P	P			
Continued Care Retirement Communities	SE	SE						SR	SR	SR		SR	SR			
Dormitories									P	SE			SE			
Dwellings, Conventional or Modular																
Multi-Family, Not Otherwise Listed								P	P	P			P			
Single-Family, Detached	P	P	P	P	P	P	P	P	P							
Single-Family, Zero Lot Line, Common				SE	SE	SE		SR	SR	SR			SR			
USE TYPES	RU	RR	SR-E	RS-LD	RS-MD	RS-HD	MH	RM-MD	RM-HD	OI	NC	RC	GC	M-I	LI	HI

Attachment number 2
Page 176 of 351

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

Attachment number 2
Page 185 of 351

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

Attachment number 2
Page 187 of 351

<u>Manufacturing, Mining, and Industrial Uses</u>	RU	RR	SR-E	RS-LD	RS-MD	RS-HD	MH	RM-MD	RM-HD	OI	NC	RC	GC	M-I	LI	HI
Animal Food																P
USE TYPES	RU	RR	SR-E	RS-LD	RS-MD	RS-HD	MH	RM-MD	RM-HD	OI	NC	RC	GC	M-I	LI	HI
Animal Slaughtering and Processing																P
Apparel														P	P	P
Bakeries, Manufacturing													P	P	P	P
Beverage, Other Than Soft Drink and Water, and Tobacco																P
Beverage, Soft Drink and Water														P	P	P
Borrow Pits	SE	SE												SE	SE	P
Cement and Concrete Products																P
Chemicals, Basic																P
Chemical Products, Not Otherwise Listed																P
Clay Products																P
Computer, Appliance, and Electronic Products													P	P	P	P
Dairy Products														P	P	P
Dolls, Toys, and Games														P	P	P
Fabricated Metal Products														P	SE	P
Food Manufacturing, Not Otherwise Listed														P	P	P
Furniture and Related Products														P	P	P
Glass and Glass Products														P	SE	P
Jewelry and Silverware														P	P	P
Leather and Allied Products (No Tanning)														P	P	P
Leather and Hide Tanning and Finishing																P
Lime and Gypsum Products																P
Machinery																P
Manufacturing, Not Otherwise Listed														P	SE	P
														P	SE	P

Attachment number 2
Page 191 of 351

Medical Equipment and Supplies USE TYPES	RU	RR	SR-E	RS-LD	RS-MD	RS-HD	MH	RM-MD	RM-HD	OI	NC	RC	GC	M-I	LI	HI
Mining/Extraction Industries																P
Office Supplies (Not Paper)														P	P	P
Paint, Coating, and Adhesives																P
Paper Products (Coating and Laminating)																P
Paper Products (No Coating and Laminating)														P	P	P
Petroleum and Coal Products Manufacturing																SR
Primary Metal Manufacturing																P
Printing and Publishing													P	P	P	P
Pulp, Paper, and Paperboard Mills																P
Rubber and Plastic Products																P
Seafood Product Preparation and Packaging																P
Signs													P	P	P	P
Soap, Cleaning Compounds, and Toilet Preparations														P	P	P
Sporting and Athletic Goods														P	P	P
Textile Mills																P
Textile Product Mills														P	SE	P
Transportation Equipment														P	SE	P
Wood Products, Chip Mills																P
Wood Products, Excluding Chip Mills														P	P	P
Other Uses																
Sexually Oriented Businesses													SR			
Buildings, High Rise, 4 or 5 Stories									SR	SR			SR			
Buildings, High Rise, 6 or More Stories									SE	SE			SE			

Attachment number 2
Page 192 of 351

Secs. 26-142 – 26-150. Reserved

ARTICLE VI. SUPPLEMENTAL USE STANDARDS

Sec. 26-151. Permitted uses with special requirements.

- (a) *Purpose.* Permitted uses with special requirements are uses permitted by right in a certain zoning district, provided that the specific standards set forth in this article are met. The specified standards are intended to ensure that these uses fit the intent of the districts within which they are permitted, and that these uses are compatible with other development within the district. All permitted uses with special requirements shall comply with the following:
- (1) All properties and structures containing permitted uses with special requirements shall conform to all applicable development standards.
 - (2) Permitted uses with special requirements shall comply with all applicable local, state, and federal regulations and standards, and shall be properly licensed and permitted.
- (b) *Permitted uses with special requirements listed by zoning district.*
- (1) Accessory Dwellings - (RU, RR, RS-E, RS-LD, RS-MD, RS-HD, M-1)
 - (2) Amusement or Water Parks, Fairgrounds - (GC, M-1, LI)
 - (3) Animal Shelters - (GC, M-1, LI)
 - (4) Antennas - (All Districts)
 - (5) Athletic Fields - (NC, RC)
 - (6) Banks, Finance, and Insurance Offices – (NC, RC)
 - (7) Barber Shops, Beauty Salons, and Related Services - (RU, RM-MD, RM-HD)
 - (8) Bars and other Drinking Places - (RC, GC, M-1, LI)
 - (9) Batting Cages - (GC, M-1, LI)
 - (10) Bed and Breakfast Homes/Inns - (RR, RM-MD, RM-HD, RC)
 - (11) Buildings, High-Rise, Four (4) or Five (5) Stories – (RM-HD, GC)
 - (12) Car and Light Truck Washes- (RC)

- (13) Cemeteries and Mausoleums - (OI, NC, RC, GC, M-1, LI, HI)
- (14) Clubs or Lodges – (RU)
- (15) Continued Care Retirement Communities - (RM-MD, RM-HD, OI, RC, GC)
- (16) Construction, Building, General Contracting, with Outside Storage - (M-1, LI)
- (17) Construction, Building, Heavy, with Outside Storage - (M-1, LI)
- (18) Construction, Special Trades, with Outside Storage - (M-1, LI)
- (19) Country Clubs with Golf Courses - (RU, GC, M-1, LI)
- (20) Day Care, Adult, Home Occupation (6 or Less) – (OI, NC, RC, GC)
- (21) Day Care Centers, Adult - (OI, NC, RC, GC)
- (22) Day Care, Child, Family Day Care, Home Occupation (5 or less) - (OI, NC, RC, GC)
- (23) Day Care, Child, Group Day Care, Home Occupation (6 to 12) – (OI, NC, RC, GC)
- (24) Day Care Centers, Child, Licensed Centers - (OI, NC, RC, GC, M-1, LI)
- (25) Dwellings, Manufactured Homes on Individual Lots - (RU, MH)
- (26) Dwellings, Manufactured Homes on Individual Lots - (RR, RS-E)
- (27) Dwellings, Single Family, Zero Lot Line, Common and Parallel - (Common: RM-MD, RM-HD, OI, GC, M-1; Parallel: RS-E, RS-LD, RS-MD, RS-HD, RM-MD, RM-HD, OI, M-1)
- (28) Fuel Oil Sales (Non-Automotive) - (M-1, HI)
- (29) Golf Courses - (GC, M-1, LI)
- (30) Golf Driving Ranges (Freestanding) - (RC, GC, M-1, LI)
- (31) Go-Cart, Motorcycle, and Similar Small Vehicle Tracks - (GC)

- (32) Group Homes (9 or Less) - (RU, RR, RS-E, RS-LD, RS-MD, RS-HD, MH, RM-MD, RM-HD)
- (33) Home Occupations - (RU, RR, RS-E, RS-LD, RS-MD, RS-HD, MH, RM-MD, RM-HD, OI, NC, RC, GC)
- (34) Kennels - (RU, OI, RC, GC, M-1, LI)
- (35) Libraries – (RU, RR, RS-E, RS-LD, RS-MD, RS-HD, MH, RM-MD, RM-HD)
- (36) Manufactured Home Sales – (GC, M-1)
- (37) Manufactured Home Parks – (MH, M-1)
- (38) Market Showrooms - (GC)
- (39) Pet Care Services – (NC, RC)
- (40) Petroleum and Coal Products Manufacturing - (HI)
- (41) Petroleum and Petroleum Products - (M-1, HI)
- (42) Places of Worship – (RU, RR, RM-MD, RM-HD, RC)
- (43) Poultry Farms – (RU)
- (44) Produce Stands – (RU)
- (45) Public or Private Parks- (All Districts)
- (46) Public Recreation Facilities- (All Districts)
- (47) Radio, Television, and Other Similar Transmitting Towers – (M-1)
- (48) Recreational Vehicle Parks and Recreation Camps – (RU)
- (49) Rental Centers, With Outside Storage – (GC)
- (50) Repair and Maintenance Service, Appliance and Electronics - (RC, GC, M-1, LI)
- (51) Research and Development Services – (OI)

- (52) Schools, Including Public and Private Schools, Having a Curriculum Similar to Those Given in Public Schools - (RU, RR, RS-E, RS-LD, RS-MD, RS-HD, MH, RM-MD, RM-HD)
 - (53) Sexually Oriented Businesses - (GC)
 - (54) Swimming Pools - (RU, RR, RS-E, RS-LD, RS-MD, RS-HD, MH, RM-MD, RM-HD, OI, NC, RC, GC)
 - (55) Utility Substations - (All Districts)
 - (56) Veterinary Services (Non-Livestock, May Include Totally Enclosed Kennels Operated in Connection with Veterinary Services) - (OI, NC)
 - (57) Warehouses (General Storage, Enclosed, Not Including Storage of Any Hazardous Materials or Waste as Determined by Any Agency of the Federal, State, or Local Government) - (OI, NC, RC, GC)
 - (58) Warehouses (Self Storage) - (RC, GC, M-1, LI)
 - (59) Yard Sales - (RU, RR, RS-E, RS-LD, RS-MD, RS-HD, MH, RM-MD, RM-HD, OI, NC, RC, GC)
 - (60) Zoos and Botanical Gardens – (GC, M-1)
- (c) *Standards.* The development standards listed herein are additional to other requirements of this chapter. These development standards are use-specific and apply to those uses designated with an “SR” in the Table of Permitted Uses, Permitted Uses with Special Requirements, and Special Exceptions (Table 26-V-2. Section 26-141).
- (1) *Accessory dwellings.*
 - a. Use districts: Rural; Rural Residential; Residential, Single-Family, Estate; Residential, Single-Family, Low Density; Residential, Single-Family, Medium Density; Residential, Single-Family, High Density, M-1 Light Industrial.
 - b. Accessory dwellings shall be located only on lots containing one single-family detached structure. (However, other conforming accessory structures may also be located on the lot).
 - c. Only one accessory dwelling shall be permitted per single-family dwelling.
 - d. If the accessory dwelling is located within the same structure as the principal dwelling, the principal dwelling shall not be altered in

any way so as to appear from a public or private road to be multi-family housing.

- e. A manufactured home may not be used as an accessory dwelling.
- f. The gross floor area of the accessory dwelling shall not exceed five hundred (500) square feet or contain more than one-fourth of the heated floor area of the principal single-family dwelling, whichever is greater.

(2) *Amusement or waterparks, fairgrounds.*

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

(3) *Animal shelters.*

- a. Use districts: General Commercial; M-1 and LI Light Industrial.
- b. Any building (which is part of an animal shelter) housing animals shall be located a minimum of one hundred and fifty (150) feet from any residentially zoned or developed property.
- c. Fenced outdoor runs are allowed for use during the hours of 6:00 am to 10:00 p.m.; however, no animal may be kept in the run for boarding purposes, and pens for the animals must be located indoors. Feeding of animals must be conducted indoors and is prohibited in the runs.
- d. All animal refuse and food must be kept in airtight containers and disposed of on a regular basis. Animal wastes shall not be stored any closer than fifty (50) feet from any property line or surface water.

(4) *Antennas.*

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

(5) *Athletic fields.*

- a. Use districts: Neighborhood Commercial; Rural Commercial.
- b. All athletic fields shall have primary access to collector or thoroughfare roads.
- c. Lights shall be positioned and shielded so as not to shine onto adjacent properties.
- d. Loud speaker systems shall not be operated before 8:00 a.m. or after 10:00 p.m.

(6) *Banks, finance, and insurance offices.*

- a. Use districts: Neighborhood Commercial; Rural Commercial.
- b. No drive-thru service permitted.

(7) *Barber shops, beauty salons, and related services.*

- a. Use districts: Rural; Residential, Multi-Family, Medium Density; Residential, Multi-Family, High Density.
- b. No more than four (4) workstations are permitted.
- c. Signage shall be limited to a single sign, not to exceed three (3) square feet and not containing internal lighting. Such signage shall be attached to the building.

(8) *Bars and other drinking places.*

- a. Use districts: Rural Commercial; General Commercial; M-1 and LI Light Industrial.
- b. Lots used for drinking places shall be located no closer than four hundred (400) feet from any other lot used as a drinking place, and shall be no closer than six hundred (600) feet to any lot which contains a school (public or private) or a place of worship.
- c. Bars and other drinking places shall provide adequate off-street parking at a rate of twelve (12) spaces for each one thousand (1,000) square feet of gross floor area.
- d. Parking areas related to the establishment of a bar or other drinking place shall be located no closer than thirty (30) feet to the property line of residentially zoned or used property.
- e. A minimum six (6) foot high opaque fence shall be erected adjacent to the property line of abutting residentially zoned or used property.

(9) *Batting cages.*

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

- e. Loud speaker systems shall not be operated before 8:00 a.m. or after 10:00 p.m.

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

- a. Use districts: Rural Residential; Residential, Multi-Family, Medium Density; Residential, Multi-Family, High Density; Rural Commercial.
- b. Bed and breakfast homes/inns shall be located a minimum of one thousand five hundred (1,500) feet from any other bed and breakfast home/inn
- c. The owner or manager of the home/inn shall reside on the property.
 - d. The maximum number of guest rooms provided by the bed and breakfast home/inn shall be five (5).
 - e. Activities and functions designed to accommodate the guests shall take place within the principal structure.
 - f. Off-street parking for bed and breakfast homes/inns shall be provided as required in Section 26-173 of this chapter. Parking shall be provided on the same lot on which the bed and breakfast inn is located, at the rear of the lot, and screened (with vegetation) from adjacent properties and from the road.
 - g. In the residential districts, signage shall be limited to a single sign, not to exceed three (3) square feet and not containing internal lighting. Such signage shall be attached to the building.
 - h. Exterior lighting shall be residential in nature and shall not be directed toward adjacent properties.
 - i. No meals may be served to anyone other than staff and guests registered at the inn.
 - j. No exterior alterations, other than those necessary to ensure the safety and accessibility of the structure, shall be made to any building for the purpose of providing a bed and breakfast home/inn.

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

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

- b. The minimum lot size to establish a high-rise building shall be one (1) acre.
- c. The minimum lot width to establish a high-rise building shall be one hundred and fifty (150) feet.
- d. A high-rise structure shall be set back a minimum of twenty-five (25) feet from all property lines.
- e. In the RM-HD District, the maximum lot coverage for a high-rise building shall be thirty-five percent (35%). In the GC and OI Districts, the maximum lot coverage for a high-rise building shall be forty-five percent (45%).
- f. Increase of allowable lot coverage:
 - 1. Additional lot coverage may be allowed on a foot for foot basis equal to the number of square feet provided on the structure above the first level in the form of landscaped roof gardens, solariums, recreational spaces and the like made available generally to tenants. In no case shall such an increase in coverage exceed an amount equal to ten percent (10%) of the total lot area upon which the high-rise structure is located.
 - 2. Parking lots or structures to accommodate required parking may be erected to cover not more than thirty percent (30%) of the total lot area in addition to the coverage listed in paragraph e. of this subsection.
- g. No portion of any high-rise building shall project through imaginary planes leaning inward over the lot from the exterior lot lines of the parcel at angles representing two (2) feet in height for each one (1) foot of horizontal distance from such lot line.
- h. Parking and loading facilities shall be provided as required by Section 26-173 and Section 26-174 of this chapter. No parking lots shall be permitted within any required setback.

(12) *Car and light truck washes.*

- a. Use districts: Rural Commercial.
- b. Buildings shall not be less than seventy-five (75) feet from any interior side or rear property line that adjoins a residentially zoned or used property.

- c. The hours of operation shall be limited to the hours between 7:00 a.m. and 10:00 p.m.
- d. Adequate provisions shall be made for the safe and efficient disposal of waste products.

(13) *Cemeteries and mausoleums.*

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

(14) *Clubs or lodges.*

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

(15) *Continued care retirement communities.*

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

- (16) *Construction, building, general contracting, with outside storage.*
- a. Use districts: M-1 and LI Light Industrial.
 - b. All outside storage shall be completely screened from adjacent roads and residentially zoned or used properties.
- (17) *Construction, building, heavy, with outside storage.*
- a. Use districts: M-1 and LI Light Industrial.
 - b. All outside storage shall be completely screened from adjacent roads and residentially zoned or used properties.
- (18) *Construction, special trades, with outside storage.*
- a. Use districts: M-1 and LI Light Industrial.
 - b. All outside storage shall be completely screened from adjacent roads and residentially zoned or used properties.
- (19) *Country clubs with golf courses.*
- a. Use districts: Rural; General Commercial; M-1 and LI Light Industrial.
 - b. There shall be a minimum fifty (50) foot setback between clubhouses, swimming pools, lighted tennis courts, or athletic fields and adjacent residentially zoned or used property.
 - c. In the Rural District, club facilities may not be used between 12:00 midnight and 7:00 a.m., Sunday through Thursday and between 1:00 a.m. and 7:00 a.m. on Friday and Saturday nights.
- (20) *Day care, adult, home occupation (six or less).*
- a. Use districts: Office and Institutional; Neighborhood Commercial; Rural Commercial; General Commercial.
 - b. An adult day care, home occupation, with six (6) or fewer attendees must be operated in an occupied residence.
 - c. Client pick-up and drop-off shall not obstruct traffic flow on adjacent public roads.
 - d. Parking shall not be located in the front yard.
 - e. All other state and federal regulations shall be met.

(21) *Day care centers, adult.*

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

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

- a. Use districts: Office and Institutional; Neighborhood Commercial; Rural Commercial; General Commercial.
- b. Any outdoor play area shall be fenced or otherwise enclosed on all sides and shall not include driveways, parking areas, or land otherwise unsuited for children's play space.
- c. Client pick-up and drop-off shall not obstruct traffic flow on adjacent public roads.
- d. Parking shall not be located in the required front yard.
- e. All other state and federal regulations shall be met.

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

- a. Use districts: Office and Institutional; Neighborhood Commercial; Rural Commercial; General Commercial.
- b. A child group day care home occupation, must be operated in an occupied residence.
- c. Any outdoor play area shall be fenced or otherwise enclosed on all sides and shall not include driveways, parking areas, or land otherwise unsuited for children's play space.
- d. Client pick-up and drop-off shall not obstruct traffic flow on adjacent public roads.
- e. Parking shall not be located in the required front yard.
- f. All other state and federal regulations shall be met.

(24) *Day care centers, child, licensed centers.*

a. Use districts: Office and Institutional; Neighborhood Commercial; Rural Commercial; General Commercial; M-1 and LI Light Industrial.

b. Any outdoor play area shall be fenced or otherwise enclosed on all sides and shall not include driveways, parking areas, or land otherwise unsuited for children's play space.

c. Client pick-up and drop-off shall not obstruct traffic flow on adjacent public roads.

d. All other state and federal regulations shall be met.

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

a. Use districts: Rural, Manufactured Home Park.

b. Manufactured homes must meet the standards set by the Federal Manufactured Housing Construction and Safety Standards Act of 1974 (which became effective June 15, 1976), as revised and in effect on the date the application is made for a land development permit.

c. The tongue, axles, transporting lights, and removable towing apparatus must be removed subsequent to final placement.

d. Manufactured home skirting or a continuous, permanent masonry foundation, unpierced except for openings required by the building code for ventilation, utilities and access, shall be installed under the manufactured home.

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

a. Use districts: Rural Residential; Residential, Single-Family, Estate.

b. Manufactured homes must meet the standards set by the Federal Manufactured Housing Construction and Safety Standards Act of 1974 (which became effective June 15, 1976), as revised and in effect on the date the application is made for a land development permit.

c. The tongue, axles, transporting lights, and removable towing apparatus must be removed subsequent to final placement.

d. The manufactured home shall be oriented so that the side containing the front entrance door shall be no more than twenty (20) degrees from parallel to the front property line, except on corner lots. The front of the manufactured home is that side which has an entrance door leading to a living room, foyer, or hall.

- e. The exterior siding shall consist predominately of vinyl or aluminum horizontal lap siding (that does not exceed the reflectivity of gloss white paint), wood, or hardboard, comparable in composition, appearance, and durability to the exterior siding commonly used in standard residential construction.
- f. A continuous, permanent masonry foundation, unpierced except for openings required by the building code for ventilation, utilities and access, shall be installed under the manufactured home. The foundation shall be excavated and shall be exposed no more than twelve (12) inches above grade.
- g. The pitch of the manufactured home's roof shall have a minimum vertical rise of three feet for each twelve feet of horizontal run (3:12) and the roof shall be finished with a type of roof that is commonly used in standard residential construction.
- h. The manufactured home shall have a length not exceeding four (4) times its width, excluding additions.
- i. There shall be a porch, at the main entrance to the manufactured home, which is a minimum of six (6) feet by six (6) feet in size.

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

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

Use districts: Parallel: Residential, Single-Family, Estate; Residential, Single-Family, Low Density; Residential, Single-Family, Medium Density; Residential, Single-Family, High Density; Residential, Multi-Family, Medium Density; Residential, Multi-Family, High Density; Office and Institutional.

b The lot proposed for zero lot line development must be under the same ownership as the adjacent lot at the time of initial construction, or the owner of adjacent properties must record an agreement or deed restriction, in writing, consenting to the development of zero setback. The maintenance and drainage easement required in subsection e. below must be provided as part of this agreement and deed restriction.

- c. For common lot line dwellings, the dwelling unit shall be placed on one interior side property line with a zero setback, and the dwelling unit setback on the other interior side property line shall be a minimum of twelve (12) feet. Patios, pools, garden features, and other similar elements shall be permitted within the twelve

(12) foot setback area; provided, however, no structure shall be placed within easements required by subsection e. below.

- d. The wall of a dwelling located on the lot line shall have no windows, doors, air conditioning units, or any other type of openings. An atrium or court shall be permitted on the zero lot line side when such court or atrium is enclosed by two (2) walls of the dwelling unit, and a solid wall of at least six (6) feet in height is provided on the zero lot line extending to the front and/or rear of the dwelling unit. Said wall shall be constructed of the same materials as exterior walls of the unit.
- e. A perpetual five (5) foot maintenance easement shall be provided on the lot adjacent to the zero lot line property, which shall be kept clear of structures. This easement shall be shown on the plat and incorporated into each deed transferring title to the property. Roof overhangs and footings may penetrate the easement on the adjacent lot a maximum of twenty-four (24) inches, but the roof shall be so designed that water runoff from the dwelling placed on the lot line is controlled by gutters or other approved methods.

(28) *Fuel oil sales, non-automotive.*

- a. Use districts: M-1 Light Industrial; Heavy Industrial.
- b. Gravel or paved roadways shall be provided to all storage tanks.
- c. Security fencing, a minimum of six (6) feet in height, shall be provided along the entire boundary of such facilities.
- d. Storage tanks protected by either an attached extinguishing system approved by the fire marshal, or an approved floating roof, shall not be located closer to an exterior property line than a distance of either the diameter or the height of the tank, whichever is greater. However, regardless of the diameter or height of the tank, in no event shall the required distance be greater than one hundred twenty (120) feet. Storage tanks not equipped as indicated above shall not be located closer to an exterior property line than a distance equal to one and one half (1½) times of either the diameter or the height of the tank, whichever is greater. However, regardless of the diameter or height of the tank, in no event shall the required distance be greater than one hundred seventy-five (175) feet. Storage tanks and loading facilities shall be located a minimum of five hundred (500) feet from any existing residence or residentially zoned property.
- e. All storage facilities shall comply with the latest regulations of the National Fire Protection Association.
- f. All other federal, state, and local laws shall be met.

(29) *Golf courses.*

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

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

- a. Use districts: Rural Commercial; General Commercial; M-1 and LI Light Industrial.
- b. Fencing, netting, or other control measures shall be provided around the perimeter of the driving area to prevent balls from leaving the property.
- c. No equipment, machinery, or mechanical device of any kind shall be operated within two hundred (200) feet of any residentially zoned or used property.

d. Operations shall not begin before 9:00 a.m. nor continue after 10:00 p.m.

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

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

(32) *Group homes (nine persons or less).*

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

b. Location approval is subject to Section 6-29-770 of the South Carolina Code of Laws, as amended.

(33) *Home occupations.*

- a. Use districts: Rural; Rural Residential; Residential, Single-Family, Estate; Residential, Single-Family, Low Density; Residential, Single-Family, Medium Density; Residential, Single-Family, High Density; Manufactured Home Park; Residential, Multi-Family, Medium Density; Residential, Multi-Family, High Density; Office and Institutional; Neighborhood Commercial; Rural Commercial; General Commercial.
- b. Home occupations shall be conducted entirely within the principal dwelling or an accessory structure, if such accessory structure meets all setback requirements for a principal structure in the district in which it is located. Home occupations shall be clearly incidental and secondary to the use of the dwelling unit for residential purposes, and shall not change the outward appearance of the structure.
- c. An area equal to not more than twenty-five percent (25%) of the floor area of the principal dwelling may be utilized for the home occupation. If the home occupation is housed in an accessory structure, the accessory structure can be no larger than twenty-five percent (25%) the gross floor area of the principal dwelling.
- d. Only persons residing on the premises may be employed by the home occupation.
- e. The home occupation shall not involve the retail sale of merchandise manufactured off the premises. No display of goods, products, services, merchandise, or any form of advertising shall be visible from outside the dwelling.
- f. No outside storage shall be allowed in connection with any home occupation.
- g. Instruction in music, dance, art or similar subjects shall be limited to four (4) students at a time.
- h. No traffic shall be generated by the home occupation in greater volumes than would normally be expected in a residential neighborhood, and any parking need generated by the home occupation shall be provided for off street and other than in the front yard.

- i. Signage for the home occupation shall be regulated in accordance with Section 26-180 of this chapter.

(34) *Kennels.*

a. Use districts: Rural; Office and Institutional; Rural Commercial; General Commercial, M-1 and LI Light Industrial.

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

(35) *Libraries.*

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

b. No parking shall be allowed in the required front yard.

(36) *Manufactured home sales.*

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

b. Sales and storage areas shall be screened from adjacent residentially zoned or used properties.

(37) *Manufactured home parks.*

a. Use districts: Manufactured Home; M-1 Light Industrial.

- b. All manufactured home park development plans must be approved by DHEC.
- c. Uses permitted within any manufactured home park shall be regulated in accordance with the underlying zoning district. See Article V. of this chapter. Unless otherwise, specified, all minimum development standards for the underlying zoning district apply.
- d. All manufactured home parks must provide water and sanitary sewer to each manufactured home site, subject to DHEC requirements. All manufactured homes within the site are required to connect to water, sanitary sewers, and electricity.
- e. The minimum area required for the development of a manufactured home park shall be five (5) acres.
- f. The maximum density of a manufactured home park shall not exceed six (6) units per acre.
- g. A minimum of seven thousand two hundred sixty (7,260) square feet is required for each manufactured home site within the manufactured home park development.
- h. A minimum width of sixty (60) feet is required for each manufactured home site within the manufactured home park development.
- i. All manufactured homes shall be set back from exterior road rights-of-way a minimum of thirty-five (35) feet, and shall be set back a minimum of fifteen (15) feet from all other exterior property lines.

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

- j. All manufactured homes shall be set back from interior road rights-of-way a minimum of fifteen (15) feet. Additionally, the following minimum spacing between manufactured home structures shall apply:
 - 1. Front to front: 35 feet.
 - 2. Front to side: 25 feet.
 - 3. Front to rear: 35 feet.

4. Rear to rear: 25 feet.
 5. Rear to side: 25 feet.
 6. Side to side: 25 feet.
- k. Common area open space (meeting the requirements set forth in Sections 26-184(b)(2)&(3) of this chapter) shall be provided for each manufactured home park. A minimum of twenty percent (20%) of the total development area shall be reserved for open space. However, in no event shall the required open space within a manufactured home development be less than three hundred (300) square feet. In order to expand an existing manufactured home park development, the minimum open space requirements must be met.

(38) *Market showrooms.*

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

(39) *Pet Care Services.*

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

(40) *Petroleum and coal products manufacturing.*

- a. Use districts: Heavy Industrial.
- b. Gravel or paved roadways shall be provided to all storage tanks.
- c. Security fencing, a minimum of six (6) feet in height, shall be provided along the entire boundary of such facilities.
- d. Storage tanks protected by either an attached extinguishing system approved by the fire marshal, or an approved floating roof, shall not be located closer to an exterior property line than a distance of either the diameter or the height of the tank, whichever is greater. However, regardless of the diameter or height of the tank, in no event shall the required distance be greater than one hundred twenty (120) feet. Storage tanks not equipped as indicated above shall not be located closer to an exterior property line than a distance equal to one and one half (1½) times the greater

dimension of either the diameter or the height of the tank. However, regardless of the diameter or height of the tank, in no event shall the required distance be greater than one hundred seventy-five (175) feet. Storage tanks and loading facilities shall be located a minimum of five hundred (500) feet from any existing residence or residentially zoned property.

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

(41) *Petroleum and petroleum products.*

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

d. Storage tanks protected by either an attached extinguishing system approved by the fire marshal, or an approved floating roof, shall not be located closer to an exterior property line than a distance of either the diameter or the height of the tank, whichever is greater. However, regardless of the diameter or height of the tank, in no event shall the required distance be greater than one hundred twenty (120) feet. Storage tanks not equipped as indicated above shall not be located closer to an exterior property line than a distance equal to one and one half (1½) times the greater dimension of either the diameter or the height of the tank. However, regardless of the diameter or height of the tank, in no event shall the required distance be greater than one hundred seventy-five (175) feet. Storage tanks and loading facilities shall be located a minimum of five hundred (500) feet from any existing residence or residentially zoned property.

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

(42) *Places of worship.*

- a. Use districts: Rural; Rural Residential; Residential, Multi-Family, Medium Density; Residential, Multi-Family, High Density; Rural Commercial.
- b. Facilities for a place of worship located on a site of three (3) acres or more shall have primary access to the facility from a collector of thoroughfare road.

- c. No parking space or drive shall be located closer than twenty (20) feet to a residence not associated with the place of worship. No parking area may be located in the front setback.
- d. The front setback shall be the same as permitted in the respective district, but shall not be less than the lesser setback of any existing homes on adjacent lots. The side and rear setbacks shall be thirty (30) feet.

(43) *Poultry farms*

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

(44) *Produce stands.*

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

(45) *Public or private parks.*

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

(46) *Public recreation facilities.*

- a. Use districts: All Districts.

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

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

- a. Use districts: M-1 Light Industrial.
- b. Communication towers shall have a maximum height of three hundred (300) feet. For towers on buildings, the maximum height shall be twenty (20) feet above the roofline of buildings forty (40) feet or four stories in height or less. For buildings greater than four stories or forty-one (41) feet in height, the maximum height of communication towers shall be forty feet above the roofline.
- c. The minimum setbacks for communication towers from certain uses shall be as follows:
 - 1. In no case shall a communication tower be located within fifty (50) feet of a residential zoning district or an inhabited residential dwelling.
 - 2. For towers in excess of fifty (50) feet, the setback shall increase one (1) foot for each foot of height of the tower as measured from the base of the tower. The maximum required separation being two hundred and fifty (250) feet.
- d. The proposed user must show proof of an attempt to collocate on existing communication towers, and must be willing to allow other users to collocate on the proposed tower in the future subject to engineering capabilities of the structure. Evidence of an attempt to collocate must show that alternative towers, buildings, or other structures are not available for use within the applicant's tower site search area that are structurally capable of supporting the intended antenna or meeting the applicant's necessary height criteria, or provide a location free of interference from other communication towers.

- e. Towers shall be illuminated as required by the Federal Communications Commission, Federal Aviation Administration, or other regulatory agencies. However, no nighttime strobe lighting shall be incorporated unless required by the Federal Communications Commission, the Federal Aviation Administration, or other regulatory agency.
- f. Each communication tower and associated buildings shall be enclosed within a fence at least seven (7) feet in height.
- g. Each communication tower site shall be landscaped in accordance with the requirements of Section 26-176 of this chapter.
- h. No signage may be attached to any portion of a communications tower. Signs for the purpose of identification, warning, emergency function or contact or other as required by applicable state or federal rule, law, or regulation may be placed as required by standard industry practice.
- i. A communications tower which is no longer used for communications purposes must be dismantled and removed within one hundred twenty (120) days of the date the tower is taken out of service.

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

- a. Use districts: Rural.
- b. Uses permitted within a recreational vehicle park and recreation camp shall include: recreational vehicle sites, camp sites, recreation facilities, common buildings and facilities (laundry, dining, etc.), and management offices (which may include living quarters for the operator or manager of the park/camp).
- c. A minimum of five (5) acres is required for a recreational vehicle park or recreation camp.
- d. For recreational vehicle parks, there shall be a minimum net space of six hundred ninety (690) square feet for each RV space. A distance of at least ten (10) feet shall be maintained between trailers and/or structures. Any accessory structures or attachments shall, for the purpose of this requirement, be considered a part of the trailer or recreational vehicle.
- e. For recreational vehicle parks, each travel trailer or recreational vehicle area shall be connected to an approved water supply

system that provides an accessible, adequate, safe, and potable supply of water. An adequate and safe sewer system, approved by DHEC, shall be provided in all travel trailer/recreational vehicle parking areas.

- f. In recreational vehicle parks, neither any person nor any travel trailer/recreational vehicle shall occupy a trailer space or travel trailer parking space for a period in excess of thirty (30) days. A registry of all occupants, the space occupied, the time of arrival, and time of departure shall be maintained by the owner or operator of the travel trailer/recreational vehicle parking facility.
- g. Adequate off-street parking and maneuvering space shall be provided on site. The use of any public road, sidewalk, or right-of-way for the purpose of parking or maneuvering vehicles is prohibited.

(49) *Rental centers, with outside storage.*

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

(50) *Repair and maintenance service, appliance and electronics.*

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

(51) *Research and development services.*

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

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

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

(53) *Sexually oriented businesses.*

- a. Use districts: General Commercial.
- b. It is the purpose of this subsection to regulate sexually oriented businesses to promote the health, safety, morals, and general welfare of the citizens of Richland County. Furthermore, the purpose of these regulations is to establish reasonable and uniform regulations to prevent the continued deleterious location and concentration of sexually oriented businesses within the county. The provisions of this subsection have neither the purpose nor the effect of imposing a limitation or restriction on the content of any communicative materials, including sexually oriented materials. Similarly, it is not the intent or effect of these regulations to restrict or deny access by adults to sexually oriented materials protected by the First Amendment, or to deny access by the distributors and exhibitors of sexually oriented entertainment to their intended market. Neither is it the intent or effect of this subsection to condone or legitimize the distribution of obscene material.
- c. *Classification.* Sexually oriented businesses are classified as follows:
 - 1. Adult arcades;
 - 2. Adult bookstores or adult video stores;
 - 3. Adult cabarets;
 - 4. Adult motels;
 - 5. Adult motion picture theaters;

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

greater interest in the corporation must sign the application for a permit and/or license as applicant.

5. The fact that a person possesses other types of state or county permits and/or licenses does not exempt him or her from the requirement of obtaining a sexually oriented business permit and/or license.
- e. *Issuance of permit and/or license.* The zoning administrator shall approve the issuance of a permit and/or license to an applicant within thirty (30) days after receipt of an application unless he or she finds one or more of the following to be true:
1. An applicant is under eighteen (18) years of age.
 2. An applicant or applicant's spouse is overdue in his payment to the county of taxes, fees fines, or penalties assessed against him or imposed upon him in relation to a sexually oriented business.
 3. An applicant has failed to provide information reasonably necessary for issuance of the permit and/or license or has falsely answered a question or request for information on the applicant form.
 4. An applicant is residing with a person who has been denied a permit and/or license by the county to operate a sexually oriented business within the preceding twelve (12) months, or residing with a person whose license to operate a sexually oriented business has been revoked within the preceding twelve (12) months.
 5. The premises to be used for the sexually oriented business have not been approved by the health department, fire department, and the building official as being in compliance with applicable laws and ordinances.
 6. The permit and/or license fee required by this ordinance has not been paid.
 7. An applicant of the proposed establishment is in violation of or is not in compliance with any of the provisions of this section.
 8. The permit and/or license, if granted, shall state on its face the name of the person or persons to whom it is granted, the

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

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

g. *Inspection.*

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

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

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

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

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

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

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

j. *Revocation.*

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

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

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

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

a permit and/or license is submitted after a permit and/or license has expired or has been revoked.

m. *Additional regulations for adult motels.*

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

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

1. A person who operates or causes to be operated a sexually oriented business, other than an adult motel, which exhibits on the premises in a viewing room of less than one hundred fifty (150) square feet of floor space, a film, video cassette, or other video reproduction that depicts specified sexual activities or specified anatomical areas, shall comply with the following requirements:
 - (a) Upon application for a sexually oriented permit and/or license, the application shall be accompanied by a diagram of the premises showing a plan thereof specifying the location of one or more manager’s stations and the location of all overhead lighting fixtures and designating any portion of the premises in which patrons will not be permitted. A manager’s station may not exceed thirty-two (32) square feet of floor area. The diagram shall also designate the place at which the permit will be conspicuously posted, if granted. A professionally prepared

diagram in the nature of an engineer's or architect's blueprint shall not be required; however, each diagram should be oriented to the north or to some designated street or object and should be drawn to a designated scale or with marked dimensions sufficient to show the various internal dimensions of all areas of the interior of the premises to an accuracy of plus or minus six (6) inches. The zoning administrator may waive the foregoing diagram for renewal applications if the applicant adopts a diagram that was previously submitted and certifies that the configuration of the premises has not been altered since it was prepared.

- (b) The application shall be sworn to be true and correct by the applicant.
- (c) No alteration in the configuration or location of a manager's station may be made without the prior approval of the zoning administrator.
- (d) It is the duty of the owner(s) and operator(s) of the premises to ensure that at least one (1) employee is on duty and situated in each manager's station at all times that any patron is present inside the premises.
- (e) The interior of the premises shall be configured in such a manner that there is an unobstructed view from a manager's station of every area of the premises to which any patron is permitted access for any purpose, excluding restrooms. Restrooms may not contain video reproduction equipment. If the premises has two (2) or more manager's stations designated, then the interior of the premises shall be configured in such a manner that there is an unobstructed view of each area of the premises to which any patron is permitted access for any purpose from at least one (1) of the manager's stations. The view required in this subsection must be by direct line of sight from the manager's station.
- (f) It shall be the duty of the owner(s) and operator(s), and it shall also be the duty of any agents and employees present in the premises, to ensure that the view area specified in subsection (e) above remains unobstructed by any doors, walls,

merchandise, display racks or other materials at all times and to ensure that no patron is permitted access to any area of the premises that has been designated as an area in which patrons will not be permitted in the application filed pursuant to subsection (a) above.

- (g) No viewing room may be occupied by more than one (1) person at any time.
- (h) The premises shall be equipped with overhead lighting fixtures of sufficient intensity to illuminate every place to which patrons are permitted access at an illumination of not less than one (1) foot-candle as measured at the floor level.
- (i) It shall be the duty of the owner(s) and operator(s), and it shall also be the duty of any agents and employees present in the premises, to ensure that the illuminations described above, is maintained at all times that any patron is present in the premises.

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

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

- 1. By a proprietary school licensed by the State of South Carolina; or by a college, junior college, or university supported entirely or partly by taxation; or
- 2. By a private college or university that maintains and operates educational programs in which credits are transferable to a college, junior college, or university supported entirely or partly by taxation; or
- 3. In a structure:
 - (a) Which has no sign visible from the exterior of the structure and no other advertising that indicates a nude person is available for viewing; and

- (b) Where, in order to participate in a class a student must enroll at least three (3) days in advance of the class; and
- (c) Where no more than one (1) nude model is present at any one (1) time.

(54) *Swimming pools.*

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

(55) *Utility substations.*

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

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

- a. Use districts: Office and Institutional; Neighborhood Commercial.
- b. Veterinary services shall not include provisions for kennels or boarding of animals not undergoing treatment.
- c. All buildings used in the operation shall be soundproofed and air-conditioned.
- d. Outside activity shall be limited to six (6) hours per day or fewer.
- e. Where the lot is adjacent to a residential zoning district or residential use, a side yard of not less than ten (10) feet shall be maintained.
- f. All animal refuse and food must be kept in airtight containers and disposed of on a regular basis.

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

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

(58) *Warehouses (self-storage.)*

- a. Use districts: Rural Commercial, General Commercial, M-1 and LI Light Industrial.
- b. Fencing or walls shall be required around the perimeter of the development. The fence or wall shall be a minimum of six (6) feet in height.

- c. Any side of the building providing doorways to storage areas shall be set back from the property line not less than an additional twenty-five (25) feet of the required setback.
- d. Off-street parking shall be as follows:
 - 1. One space for each ten (10) storage cubicles. This parking requirement may be satisfied with parking lanes as established below.
 - 2. Two parking spaces for any manager's quarters.
 - 3. In addition to subsection 1. above, one (1) space for every fifty (50) storage cubicles, to be located adjacent to the project office for the use of prospective clients.
- e. On-site driveway widths shall be required as follows:
 - 1. All one-way driveways shall provide for one ten (10) feet parking lane and one fifteen (15) feet travel lane. Traffic direction and parking shall be designated by signage or painting.
 - 2. All two-way driveways shall provide for one ten (10) feet parking lane and two twelve (12) feet travel lanes.
 - 3. The parking lanes may be eliminated when the driveway does not directly serve any storage cubicles.
- f. Retail and wholesale uses, and the storage of hazardous materials, shall be prohibited in self storage warehouses. Notice of such prohibition shall be given to customers by a conspicuous sign posted at the entrance to the property, or by provisions in the lease agreement, or both.
- g. Any outside storage area for vehicles, trailers, campers, boats, or the like shall be separate from any structures and located to one side or to the rear of the development. Spaces shall be located a minimum of twenty-five (25) feet from any adjacent property line, and in no case shall these spaces be counted towards meeting the parking requirements of this subsection d. above.
- h. All lights shall be shielded so as to direct light onto the uses established, and away from adjacent property; but lighting may be of sufficient intensity to discourage vandalism and theft.

(59) *Yard Sales.*

- a. Use districts: Rural; Rural Residential; Residential, Single-Family, Estate; Residential, Single-Family, Low Density; Residential, Single-Family, Medium Density; Residential, Single-Family, High Density; Manufactured Home Park; Residential, Multi-Family, Medium Density; Residential, Multi-Family, High Density; Office and Institutional; Neighborhood Commercial; Rural Commercial; General Commercial.
- b. Yard sales shall be limited to two (2) occurrences within a twelve (12) month period.
 - c. Each occurrence shall be no longer than two (2) days and only during the daylight hours.

(60) *Zoos and Botanical Gardens.*

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

Sec. 26-152. Special exceptions.

- (a) *Purpose.* Special exceptions are uses that are generally compatible with the land uses permitted in a particular zoning district. However, because of their unique characteristics or their potential impacts on the surrounding neighborhood and/or the county as a whole, they require individual consideration of their location, design, configuration, and/or operation at the particular location being proposed. Such individual consideration may also call for the imposition of individualized conditions in order to ensure that the use is appropriate at a particular location and to ensure protection of the public health, safety, and welfare.
- (b) *Conditions.* All special exceptions shall, at a minimum, meet the conditions set forth in this section. The Board of Zoning Appeals shall approve or deny an application for a special exception (see also Section 26-56 of this chapter) based on the following:
 - 1) A determination that all standards for the particular use, as defined in this article and in other relevant sections of this chapter, have been met.
 - 2) A finding that the special exception is in harmony with the intent and purpose of this chapter. In making this determination, the board shall consider the following:

- a. Traffic impacts.
- b. Vehicle and pedestrian safety.
- c. Potential impact of noise, lights, fumes, or obstruction of airflow on adjoining properties.
- d. Adverse impact of the proposed use on the aesthetic character of the environs, to include the possible need for screening from view.
- e. Orientation and spacing of improvements or buildings.

In granting a special exception, the board may impose such additional restrictions and requirements as it may deem necessary in order that the purpose and intent of this chapter are served.

(c) *Special exceptions listed by zoning district.*

- (1) Athletic Fields – (RU, RR, RS-E, RS-LD, RS-MD, RS-HD, MH, RM-MD, RM-HD)
- (2) Bars and Other Drinking Places - (OI, NC)
- (3) Borrow Pits – (RU, RR, M-1, LI)
- (4) Buildings, High-Rise, Six (6) or More Stories – (RM-HD, GC).
- (5) Continued Care Retirement Communities – (RU, RR)
- (6) Correctional Institutions – (RU, LI, HI)
- (7) Country Clubs with Golf Courses – (RR, RS-E, RS-LD, RS-MD, RS-HD, MH, RM-MD, RM-HD)
- (8) Day Care, Adult, Home Occupation (6 or less) – (RU, RR, RS-E, RS-LD, RS-MD, RS-HD, MH, RM-MD, RM-HD)
- (9) Day Care, Child, Family Day Care, Home Occupation (5 or less) – (RU, RR, RS-E, RS-LD, RS-MD, RS-HD, MH, RM-MD, RM-HD)
- (10) Day Care, Child, Group Day Care, Home Occupation (6 to 12) – (RU, RR, RS-E, RS-LD, RS-MD, RS-HD, MH, RM-MD, RM-HD)
- (11) Dormitories- (OI, GC)
- (12) Dwellings, Single-Family, Zero Lot Line, Common – (RS-MD, RS-HD)

- (13) Dwellings, Manufactured Homes on Individual Lots – (M-1)
- (14) Fabricated Metal Products – (LI)
- (15) Glass and Glass Products – (LI)
- (16) Group Homes (10 or more) - (RM-HD, OI, NC, RC, GC)
- (17) Landfills, Sanitary and Inert Dump Sites – (RU, HI)
- (18) Machinery – (LI)
- (19) Manufacturing, Not Otherwise Listed – (LI)
- (20) Nursing and Convalescent Homes - (RU, RR)
- (21) Orphanages – (RU, RR, RM-MD, RM-HD)
- (22) Places of Worship – (RS-E, RS-LD, RS-MD, RS-HD, MH)
- (23) Race Tracks and Drag Strips– (HI)
- (24) Radio, Television, and Telecommunications and other Transmitting Towers- (RU, OI, NC, RC, GC, LI, HI)
- (25) Rooming and Boarding Houses – (RM-HD, OI, NC, RC)
- (26) Scrap and Recyclable Materials – (M-1, LI, HI)
- (27) Shooting Ranges, Outdoor – (RU, HI)
- (28) Special Congregate Facilities – (OI, GC)
- (29) Swim and Tennis Clubs – (RU, RR, RS-E, RS-LD, RS-MD, RS-HD, MH, RM-MD, RM-HD, OI, NC, RC, LI)
- (30) Textile Product Mills – (LI)
- (31) Theaters, Motion Picture, Drive-Ins – (RC, GC, LI)
- (32) Theaters, Motion Picture, Other Than Drive-Ins - (NC)
- (33) Transportation Equipment – (LI)
- (34) Waste Collection, Hazardous – (HI)

(35) Waste Treatment and Disposal, Hazardous – (HI)

(36) Zoos and Botanical Gardens – (RU, OI, RC)

(d) *Standards.*

1) *Athletic fields.*

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

b. Parking lots for athletic fields shall have primary access to collector or thoroughfare roads.

c. Lights shall be positioned so as not to shine onto adjacent properties.

d. Loud speaker systems shall not be operated before 8:00 a.m. or after 10:00 p.m.

(2) *Bars and other drinking places.*

a. Use districts: Office Institutional; Neighborhood Commercial.

b. Lots used for bars or drinking places shall be located no closer than four hundred (400) feet from any other lot used as a bar or drinking place, and shall be no closer than six hundred (600) feet to any lot which contains a school (public or private) or a place of worship.

c. A minimum six (6) foot high opaque fence or wall shall be erected adjacent to the property line of any abutting residences.

d. Parking areas related to the establishment shall be located no closer than thirty (30) feet to the property lines of any abutting residences.

(3) *Borrow pits.*

a. Use districts: Rural; Rural Residential; M-1 and LI Light Industrial.

b. Proposals for borrow pits will only be permitted where:

1. There are overriding environmental or other planning benefits compared to obtaining materials from alternative sources;
 2. Alternative materials of the required specification are unavailable in sufficient quantities;
 3. They are contiguous with or close to the projects they are intended to serve;
 4. They are time-limited to the life of the project and material is to be used only for the specified project;
 5. Proposals include appropriate reclamation measures that make full use of surplus spoil from the project;
 6. The site can be restored to its original levels or an alternative acceptable landform only utilizing materials from the construction project;
 7. Any impacts on the environment or local communities can be controlled to acceptable levels; and
 8. The project area is less than ten (10) acres.
- c. All borrow pits subject to this subsection shall comply with the following requirements:
1. The average slope of any cut bank measured from a point located ten (10) feet from the boundary of any abutting property to the bottom of the cut bank in the pit shall not exceed a horizontal to vertical ratio of 2:1. The owner of the borrow pit is responsible for maintaining this condition;
 2. The top of the cut bank of the borrow pit shall, at no time, be closer than ten (10) feet from the property boundary of any abutting landowner;
 3. The depth of the borrow pit is limited to a maximum of twelve feet below the average seasonal high water table or three feet above a confining or semi-confining unit, whichever is shallower;
 4. No excavation shall occur within two hundred (200) feet of a wetland or other surface water;

5. Best management practices shall be used to control erosion and sediment transport during and after the excavation activities;
6. The borrow pit slopes shall be stabilized with native vegetation within six months following completion of the excavation;
7. Upon completion of the excavation area, side slopes shall be no steeper than 4 (horizontal):1 (vertical) out to a depth of two feet below the average water elevation;
8. No on-site grading or sorting of materials shall occur; and
9. The active excavation, processing, and transportation of fill material shall only occur between 8:00 a.m. and 8:00 p.m.

(4) *Buildings, high-rise, six (6) or more stories.*

- a. Use districts: Residential, Multi-Family, High-Density; Office and Institutional; General Commercial.
 - b. The minimum lot size to establish a high-rise building shall be one (1) acre.
 - c. The minimum lot width to establish a high-rise building shall be one hundred and fifty (150) feet.
 - d. A high-rise structure shall be set back a minimum of twenty-five (25) feet from all property lines.
 - e. In the RM-HD District, the maximum lot coverage for a high-rise building shall be thirty-five percent (35%). In the GC and OI Districts, the maximum lot coverage for a high-rise building shall be forty-five percent (45%).
- f. Increase of allowable lot coverage:
1. Additional lot coverage may be allowed on a foot for foot basis equal to the number of square feet provided on the structure above the first level in the form of landscaped roof gardens, solariums, recreational spaces, and the like made available generally to tenants. In no case shall such an increase in coverage exceed an amount equal to ten

percent (10%) of the total lot area upon which the high-rise structure is located.

2. Parking lots or structures to accommodate required parking may be erected to cover not more than thirty percent (30%) of the total lot area in addition to the coverage listed in subsections e. and f.1. above.
- g. No portion of any high-rise building shall project through imaginary planes leaning inward over the lot from the exterior lot lines of the parcel at angles representing two (2) feet in height for each one (1) foot of horizontal distance from such lot line.
- h. Parking and loading facilities shall be provided as required by Section 26-173 of this chapter. No parking lots shall be permitted within any required setback.
- i. High-rise buildings over fifteen (15) stories in height are only permitted on lots located at the intersection of major thoroughfares or interstate highway interchanges.
- j. In the Office and Institutional District the maximum height for a high rise shall be seventy-five (75) feet.

(5) *Continued care retirement communities.*

- a. Use districts: Rural; Rural Residential.
 - b. The minimum lot size to establish a continued care retirement community shall be one (1) acre.
 - c. No parking space or drive aisle shall be located closer than twenty (20) feet to any other residence not a part of the community.
 - d. The front setback shall be the same as permitted in the respective district, but shall not be less than the lesser setback of any existing homes on adjacent lots. The side and rear setbacks shall be as set forth for the district.
- e. All facilities shall be solely for the use of the residents and their guests.

(6) *Correctional institutions.*

- a. Use districts: Rural; LI Light Industrial; Heavy Industrial.
- b. Off-street parking requirements shall be as listed in Section 26-173 of this chapter.

(7) *Country clubs with golf courses.*

- a. Use districts: Rural Residential; Residential, Single-Family, Estate; Residential, Single-Family, Low Density; Residential, Single-Family, Medium Density; Residential, Single-Family, High Density; Manufactured Home Park; Residential, Multi-Family, Medium Density; Residential, Multi-Family, High Density.
- b. There shall be a minimum fifty (50) foot setback between clubhouses, swimming pools, lighted tennis courts, or athletic fields and adjacent residentially zoned or used properties.

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

- a. Use districts: Rural; Rural Residential; Residential, Single-Family, Estate; Residential, Single-Family, Low Density; Residential, Single-Family, Medium Density; Residential, Single-Family, High Density; Manufactured Home Park; Residential, Multi-Family, Medium Density; Residential, Multi-Family, High Density.
- b. An adult day care, home occupation, with six (6) or fewer attendees must be operated in an occupied residence.
- c. Client pick-up and drop-off shall not obstruct traffic flow on adjacent public roads.
- d. Parking shall not be located in the front yard.
- e. All other state and federal regulations shall be met.

(9) *Day Care, Child, Family Day Care, Home Occupation (5 or less)*

- a. Use districts: Rural; Rural Residential; Residential, Single-Family, Estate; Residential, Single-Family, Low Density; Residential, Single-Family, Medium Density; Residential, Single-Family, High Density; Manufactured Home Park; Residential, Multi-Family, Medium Density; Residential, Multi-Family, High Density.
- b. A child group family day care home occupation must be operated in an occupied residence.
- c. Any outdoor play area shall be fenced or otherwise enclosed on all sides and shall not include driveways, parking areas, or land otherwise unsuited for children's play space.
- d. Client pick-up and drop-off shall not obstruct traffic flow on adjacent public roads.

- e. Parking shall not be located in the front yard.
- f. All other state and federal regulations shall be met.

(10) *Day Care, Child, Group Day Care, Home Occupation (6 to 12).*

- a. Use districts: Rural; Rural Residential; Residential, Single-Family, Estate; Residential, Single-Family, Low Density; Residential, Single-Family, Medium Density; Residential, Single-Family, High Density; Manufactured Home Park; Residential, Multi-Family, Medium Density; Residential, Multi-Family, High Density.
- b. A child group day care home occupation must be operated in an occupied residence.
 - c. Any outdoor play area shall be fenced or otherwise enclosed on all sides and shall not include driveways, parking areas, or land otherwise unsuited for children's play space.
 - d. Client pick-up and drop-off shall not obstruct traffic flow on adjacent public roads.
 - e. Parking shall not be located in the required front yard.
 - f. All other state and federal regulations shall be met.

(11) *Dormitories.*

- a. Use districts: Office and Institutional; General Commercial.
- b. The property on which the use is located shall be within a one-half (½) mile radius of property developed as the primary campus of the representing college or university.

(12) *Dwellings, single-family, zero lot line, common.*

- a. Use districts: Residential, Single-Family, Medium Density; Residential, Single-Family, High Density.
- b. The lot proposed for zero lot line development must be under the same ownership at the time of initial construction or the owner of adjacent properties must record an agreement or deed restriction in writing to the development of zero setback. The maintenance and drainage easement required in e. below must be provided as part of this agreement and deed restriction.
 - c. One (1) dwelling unit shall be placed on one interior side property line with a zero (0) setback and the dwelling unit setback on the

other interior side property line shall be a minimum of twelve (12) feet. Patios, pools, garden features, and other similar elements shall be permitted within the twelve (12) foot setback area, provided, however, no structure shall be placed within easements required by e. below.

- d. The wall of a dwelling located on the lot line shall have no windows, doors, air conditioning units, or any other types of openings. An atrium or court shall be permitted on the zero lot line side when such court or atrium is enclosed by two (2) walls of the dwelling unit and a solid wall of at least six (6) feet in height is provided on the zero lot line extending to the front and/or rear of the dwelling unit. Said wall shall be constructed of the same materials as exterior walls of the unit.
- e. A perpetual five (5) foot maintenance easement shall be provided on the lot adjacent to the zero lot line property which shall be kept clear of structures. This easement shall be shown on the plat and incorporated into each deed transferring title to the property. Roof overhangs and footings may penetrate the easement on the adjacent lot a maximum of twenty-four (24) inches, but the roof shall be so designed that water runoff from the dwelling placed on the lot line is controlled by gutters or other approved methods.

(13) *Dwellings, Manufactured Homes on Individual Lots.*

- a. Use districts: M-1 Light Industrial.
- b. Manufactured homes must meet the standards set by the Federal Manufactured Housing Construction and Safety Standards Act of 1974 (which became effective June 15, 1976), as revised and in effect on the date the application is made for a land development permit.
- c. The tongue, axles, transporting lights, and removable towing apparatus must be removed subsequent to final placement.
- d. Manufactured home skirting or a continuous, permanent masonry foundation, unpierced except for openings required by the building code for ventilation, utilities and access, shall be installed under the manufactured home.

(14) *Fabricated metal products.*

- a. Use districts: LI Light Industrial.

- b. Any building used for the manufacture of fabricated metal products shall be no greater than thirty thousand (30,000) square feet in gross floor area.
- c. Operations standards set forth in Section 26-178 of this chapter shall be examined in detail during the special exception review process.

(15) *Glass and glass products.*

- a. Use districts: LI Light Industrial.
- b. Any building used for the manufacture of glass and glass products shall be no greater than thirty thousand (30,000) square feet in gross floor area.
- c. Operations standards set forth in Section 26-178 of this chapter shall be examined in detail during the special exception review process.

(16) *Group homes (10 or more).*

- a. Use districts: Residential, Multi-Family, High Density; Office and Institutional; Neighborhood Commercial; Rural Commercial; General Commercial.
- b. Parking shall not be located in the required front yard, except in the General Commercial District.

(17) *Landfill, sanitary and inert dump sites.*

- a. Use districts: Rural; Heavy Industrial.
- b. All required local, state, and federal permits must be obtained.
- c. Ingress and egress to the site must be from a thoroughfare or collector road.

(18) *Machinery.*

- a. Use districts: LI Light Industrial.
- b. Any building used for the manufacture of machinery shall be no greater than thirty thousand (30,000) square feet in gross floor area.

- c. Operations standards set forth in Section 26-178 of this chapter shall be examined in detail during the special exception review process.

(19) *Manufacturing, not otherwise listed.*

- a. Use districts: LI Light Industrial.
- b. Any building used for manufacturing processes fitting in this classification shall be no greater than thirty thousand (30,000) square feet in gross floor area.

- c. Operations standards set forth in Section 26-178 of this chapter shall be examined in detail during the special exception review process.

(20) *Nursing and convalescent homes.*

- a. Use districts: Rural; Rural Residential.
- b. Minimum lot size to establish a nursing and/or a convalescent home shall be one (1) acre.
- c. The front setback shall be the same as permitted in the applicable zoning district. Side and rear setbacks shall be twenty-five (25) feet from property lines.
- d. No parking space or drive shall be located closer than twenty (20) feet from any road line or property line. No parking shall be permitted in the front yard.

(21) *Orphanages.*

- a. Use districts: Rural; Rural Residential; Residential, Multi-Family, Medium Density; Residential, Multi-Family, High Density.
- b. Minimum lot size to establish an orphanage shall be one (1) acre.
- c. The front setback shall be the same as permitted in the applicable zoning district. Side and rear setbacks shall be twenty-five (25) feet from property lines.
- d. No parking space or drive shall be located closer than twenty (20) feet from any road line or property line. No parking shall be permitted in the front yard.

(22) *Places of worship.*

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

b. Facilities for a place of worship located on a site of three (3) acres or more shall have primary access to the facility from a collector of thoroughfare road.

c. No parking space or drive shall be located closer than twenty (20) feet to a residence not associated with the place of worship. No parking area may be located in the front setback.

d. The front setback shall be the same as permitted in the respective district, but shall not be less than the lesser setback of any existing homes on adjacent lots. The side and rear setbacks shall be thirty (30) feet.

(23) *Racetracks and drag strips.*

a. Use districts: Heavy Industrial.

b. All racetracks and drag strips shall be fully secured by fencing.

c. All outside edges of any racing surface or principal building that is part of the operation of a racetrack or drag strip shall be at least one thousand five hundred (1,500) feet from any part of the property line. No development, including (but not limited to) parking areas, accessory buildings, or drives, may be located in the buffer, except for permissible entryways and exits.

d. No racing event may be conducted during the hours of 11:00 p.m. and 9:00 a.m. Racing events may be conducted for a maximum of three consecutive days, a maximum of five (5) days in a calendar week, and a maximum of six (6) hours per day.

e. A traffic plan, noise mitigation plan, fire protection plan, and lighting plan shall be provided and reviewed as part of the special exception process. Adequate outdoor lighting shall be provided, however, all outdoor lighting fixtures shall be installed and operated in such a manner as to protect the roads and neighboring properties from direct glare or hazardous interference of any kind.

(24) *Radio, television and telecommunications and other transmitting towers.*

- a. Use districts: Rural; Office and Institutional; Neighborhood Commercial; Rural Commercial; General Commercial; LI Light Industrial; Heavy Industrial.
- b. Communication towers shall have a maximum height of three hundred (300) feet. For towers on buildings, the maximum height shall be twenty (20) feet above the roofline of buildings forty (40) feet or four stories in height or less. For buildings greater than four stories or forty-one (41) feet in height, the maximum height of communication towers shall be forty feet above the roofline.
- c. The minimum setbacks for communication towers from certain uses shall be as follows:
 1. In no case shall a communication tower be located within fifty (50) feet of a residential zoning district or an inhabited residential dwelling.
 2. For towers in excess of fifty (50) feet, the setback shall increase one (1) foot for each foot of height of the tower as measured from the base of the tower. The maximum required separation being two hundred fifty (250) feet.
- d. The proposed user must show proof of an attempt to collocate on existing communication towers, and must be willing to allow other users to collocate on the proposed tower in the future subject to engineering capabilities of the structure. Evidence of an attempt to collocate must show that alternative towers, buildings, or other structures are not available for use within the applicant's tower site search area that are structurally capable of supporting the intended antenna or meeting the applicant's necessary height criteria, or provide a location free of interference from other communication towers.
- e. Towers shall be illuminated as required by the Federal Communications Commission, Federal Aviation Administration, or other regulatory agencies. However, no nighttime strobe lighting shall be incorporated unless required by the Federal Communications Commission, the Federal Aviation Administration, or other regulatory agency.
- f. Each communication tower and associated buildings shall be enclosed within a fence at least seven (7) feet in height.
- g. Each communication tower site shall be landscaped in accordance with the requirements of Section 26-176 of this chapter.

- h. No signage may be attached to any portion of a communications tower. Signs for the purpose of identification, warning, emergency function or contact or other as required by applicable state or federal rule, law, or regulation may be placed as required by standard industry practice.
- i. A communications tower which is no longer used for communications purposes must be dismantled and removed within one hundred twenty (120) days of the date the tower is taken out of service.

(25) *Rooming and boarding houses.*

- a. Use districts: Residential, Multi-Family, High Density; Office Institutional; Neighborhood Commercial; Rural Commercial.
- b. The owner or the manager of the boarding house shall reside on the premises.
- c. Not over fifty percent (50%) of the heated floor area of the rooming or boarding house shall be used for sleeping quarters.
- d. Parking shall be provided as required in Section 26-173 of this chapter. Parking shall be located on the same lot on which the boardinghouse is located, at the rear of the lot and screened from the adjacent properties with vegetation.

(26) *Scrap and recyclable materials.*

- a. Use district: M-1 and LI Light Industrial; Heavy Industrial.
- b. Stocks and supplies shall be either stored inside enclosed structures or screened by solid walls, opaque fences, dense evergreen shrubbery or the like so that they are not visible from any public road or from the ground level of adjacent property used for residential or office purposes.
- c. Any required front or secondary front yard shall not be used for storage.
- d. The side yard setback for storage areas and buildings adjacent to residential or office uses shall be at least twenty-five (25) feet.
- e. The wholesale business shall be conducted in such a manner as to prevent tracking and spillage of debris onto adjacent properties or roads.

(27) *Shooting ranges, outdoor.*

- a. Use districts: Rural; Heavy Industrial.
- b. Adequate provision shall be made for the safety of surrounding property owners.
- c. Setback requirements shall be at least 200 yards from adjacent property lines.
- d. Hours of operation shall be limited to 9:00 a.m. to 10:00 p.m.

(28) *Special congregate facilities.*

- a. Use districts: Office and Institutional; General Commercial.
- b. The facility shall be operated and contained within the building of and operated by a governmental agency or a nonprofit organization.
- c. The facility operator(s) shall provide continuous on-site supervision by an employee(s) and/or a volunteer(s) during the hours of operations.
- d. No such facility shall be located within one quarter (1/4) mile of an existing congregate facility. The Board of Zoning Appeals may, however, in reviewing a special exception application, permit the clustering of special congregate facilities if it is determined that the location of such uses will not be injurious to the neighborhood or otherwise detrimental to the public welfare.

(29) *Swim and tennis clubs.*

- a. Use districts: Rural; Rural Residential; Residential, Single-Family, Estate; Residential, Single-Family, Low Density; Residential, Single-Family, Medium Density; Residential, Single-Family, High Density; Manufactured Home Park; Residential, Multi-Family, Medium Density; Residential, Multi-Family, High Density; Office and Institutional; Neighborhood Commercial; Rural Commercial, L-I Light Industrial.
- b. There shall be a minimum fifty (50) foot setback between clubhouses, swimming pools, lighted tennis courts, or athletic fields and adjacent residentially zoned or used property.
- c. Lights shall be positioned so as not to shine onto adjacent properties.

- d. Swimming pools shall be protected by a fence or equal enclosure, a minimum of four (4) feet in height and equipped with a self-closing gate provided with hardware for permanent locking.

(30) *Textile product mills.*

- a. Use districts: LI Light Industrial.
- b. Any building used for the manufacture of textile products shall be no greater than thirty thousand (30,000) square feet in gross floor area.
 - c. Operations standards set forth in Section 26-178 of this chapter shall be examined in detail during the special exception review process.

(31) *Theaters, motion picture, drive-ins.*

- a. Use districts: Rural Commercial; General Commercial; LI Light Industrial.
- b. Drive-in theaters shall be located a minimum of one hundred (100) feet from any property zoned or utilized for residential purposes.
- c. Access shall be provided from thoroughfare or collector roads.

(32) *Theaters, motion picture, other than drive-ins.*

- a. Use districts: Neighborhood Commercial.
- b. Buildings shall have a maximum seating capacity of three hundred (300) seats.

(33) *Transportation equipment.*

- a. Use districts: LI Light Industrial.
- b. Any building used for the manufacture of transportation equipment shall be no greater than thirty thousand (30,000) square feet in gross floor area.
- c. Operations standards set forth in Section 26-178 of this chapter shall be examined in detail during the special exception review process.

(34) *Waste collection, hazardous.*

- a. Use districts: Heavy Industrial.
- b. Compliance with state and federal regulations is required.
- c. Access shall be provided only onto thoroughfare and collector roads.
- d. Operations shall be located no closer than one hundred (100) feet to any adjacent property line.

(35) *Waste treatment and disposal, hazardous.*

- a. Use districts: Heavy Industrial.
- b. Compliance with state and federal regulations is required.
- c. Access shall be provided only onto thoroughfare and collector roads.
- d. Operations shall be located no closer than one hundred (100) feet to any adjacent property line.

(36) *Zoos and Botanical Gardens.*

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

Secs. 26-153 – 26-170. Reserved.

ARTICLE VII. GENERAL DEVELOPMENT, SITE, AND PERFORMANCE STANDARDS

Sec. 26-171. General.

This article sets forth standards for land development in the unincorporated areas of Richland County, South Carolina, concerning a variety of different development issues. These standards are designed to ensure the compatibility of development within the county and to implement the policies found in the county's comprehensive plan. The applicability of the standards set forth in this article may vary based on the use, location, and zoning district (as set forth in this chapter). The criteria set forth in this article, as

with all other requirements, must be satisfied before an application for development will be approved.

Sec. 26-172. Density and dimensional standards.

- (a) *Number of principal buildings per lot.*
- (1) *General.* The number of principal buildings allowed on an individual lot is limited as set forth in Article V. of this chapter.
 - (2) *Single-family dwellings.* There shall be no more than one single-family dwelling on an individual lot in a single-family residential zoning district except for permitted accessory dwellings.
- (b) *Required setbacks; allowable encroachment into required setbacks.*
- (1) *General.* No building, structure, or land shall be used or occupied and no building structure or part thereof shall be erected, constructed, reconstructed, moved, or altered unless it meets the minimum setback requirements established in Article V. for the use or overlay district in which it is located, except as otherwise established in this chapter.
 - (2) *Method of calculation.*
 - a. *Minimum setback.* Minimum setback is the space defined by measuring perpendicularly from and along the entire boundary of the lot (property line) to the building line. A setback may be a front, side, or rear setback.
 - b. *Overlap of setbacks.* When more than one setback depth applies, the greatest setback dimension requirement must be met.
 - (3) *Setbacks for lots with more than one road frontage.* Structures shall meet the front yard requirements for all sides of the structure abutting public roads. Where one (1) of the front yards that would normally be required on a through lot is not in keeping with the prevailing yard pattern, the zoning administrator may waive the requirement for the normal front yard. In its place, a special yard requirement shall be determined as specified in subsection (4) below.
 - (4) *Adjusting building lines.* Where there are lots that comprise fifty percent (50%) or more of the lots on the same side of the block as the lot in question which are developed with less than the required road setbacks, the average setback of the two (2) principle buildings nearest the lot in question shall be observed as the minimum front yard setback.

- (5) *Projections into required yards.* The general definition of yards is set forth in Section 26-22 of this chapter. However, the general definition will be construed subject to the following exceptions and interpretations:
- a. *Objects specifically excluded.* Those objects that are specifically excluded from the definition of a structure under Section 26-22 shall not be subject to regulation as an interpretation of the definition of yard.
 - b. *Steps and open porches.* Steps and open porches without roofs shall be allowed in any required yard to within five (5) feet of an adjoining property line. Decks, whether covered or uncovered, do not fall within this exemption and must meet all applicable yard requirements.
 - c. *Screening or retaining walls and fences.* Screening or retaining walls and fences may be permitted in a required yard upon the determination of the planning department that the fence or wall:
 - 1. Does not impede site vision clearance for driveways or roads.
 - 2. Does not include gates that swing outward into sidewalks or public rights-of-way.
 - 3. Front yard fences may not exceed four (4) feet in height.
 - d. *Architectural features.* Eaves, cornices, gutters, or other minor architectural features projecting less than twenty-four (24) inches from the main portion of a building shall be allowed to project into any yard.
 - e. *Canopy/awning projections.* Canopies or awnings covering windows, doors, or other openings of commercial or industrial uses shall be allowed to project forty-eight (48) inches into required front yards provided they do not constitute a substantial impediment to visibility across such yards which would contribute to the creation of a traffic hazard, and further that such projection would not interfere with public use of any adjacent sidewalk and/or public road.
 - f. *Service station and convenience store canopy projections.* Service station and convenience store gasoline island canopies may be located in the front yard setback, provided that no equipment or part of the canopy is located closer than fifteen (15) feet to a road right-of-way line.

g. *At-grade impervious surfaces.* At-grade impervious surfaces, such as patios, shall be allowed to encroach into the side or rear yards. In no case, shall such surfaces be located closer than five (5) feet to a side or rear property line. Driveways are not included in this category and may encroach upon front side or rear yards.

(c) *Height restrictions.*

- (1) *General.* For the purpose of this chapter, the height of a building shall be measured from the average finished ground elevation at the base of the structure to the highest point of the roof of the structure.
- (2) *Exceptions.* Spires, belfries, cupolas, chimneys, water tanks, ventilators, elevator housings, mechanical equipment, or other structures placed above the roof level and not intended for human occupancy shall not be subject to height limitations. Antennas on buildings are subject to height requirements.

Sec. 26-173. Off-street parking standards.

- (a) *General requirements.* Permanent off-street parking is required in all districts unless otherwise specified. Such parking shall be provided in the amount required by this section at the time of erection, alteration, enlargement, establishment, or change in any building or land use. Any permit application submitted to the planning department shall include information as to the location and dimensions of off-street parking and the means of ingress and egress to such space.
- (b) *Parking requirements for a change in use.* If a change in use causes an increase in the required number of off-street parking, stacking, or loading spaces, such additional spaces shall be provided in accordance with the requirements of this section. However, if a change in use would require an increase of less than five percent (5%) of the required number of parking spaces, or less than five (5) spaces, no additional off-street parking shall be required.
- (c) *Number of spaces required.* The requirements for off-street parking are set forth in the table below. The number of spaces required will be rounded to the nearest whole number. For uses not covered in this table, the parking requirements shall be those of the most similar use as determined by the zoning administrator.

TABLE VII-1

OFF-STREET PARKING STANDARDS

TYPE OF LAND USE	PARKING SPACES REQUIRED
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	Minimum	Maximum
Agricultural Uses		
Animal and Crop Production	No Requirement	No Requirement
Animal, Crop Production and Forestry Support Services	One (1) Space for Every Two (2) Employees on Shift of Greatest Employment Plus One (1) for Every 300 GFA in the Operation	One (1) Space for Every Employee on Shift of Greatest Employment Plus One (1) for Every 200 GFA in the Operation
Forest Nurseries	One (1) for Every Five (5) Acres	One (1) for Every Two (2) Acres
Veterinary Services (Livestock)	One (1) for Every 250 GFA	One (1) for Every 200 GFA
Residential Uses		
Accessory Dwellings	One (1) Per Dwelling	One (1) Per Dwelling
Boardinghouses	One (1) for Every Two (2) Rooms Plus One (1) for the Resident Manager	One Per Room Plus One (1) for the Resident Manager
Child and Adult Day Care Homes, Family	As for Single-Family Dwellings, Plus One (1) Additional Space	As for Single-Family Dwellings, Plus Two (2) Additional Spaces
Continued Care Retirement Communities	One (1) for Every Dwelling Unit Plus One (1) for Every Two (2) Employees on Shift of Greatest Employment	Two (2) for Every Dwelling Unit Plus One (1) for Every Employee on the Shift of Greatest Employment
Dwellings, Two-Family or Single-Family, or Manufactured Homes on Individual Lots	Two (2) Spaces for Every Dwelling Unit	Three (3) Spaces for Every Dwelling Unit
Dwellings, Multi-Family	One (1) Space for Every Dwelling Unit	Three (3) Spaces for Every Dwelling Unit
Manufactured Home Parks	Two (2) Per Manufactured Home	Three (3) Per Home
Special Congregate Facilities	One (1) Per Resident Staff Plus Two (2) for Every Three (3) Staff/Volunteers on Shift of Greatest Employment Plus One (1) for Each Vehicle Used in the Operation	One (1) Per Resident Staff Plus One (1) for Every Staff/Volunteer on Shift of Greatest Employment Plus One (1) for Each Vehicle Used in Operation
Institutional and Civic Uses		
Auditoriums, Public Assembly	One (1) Per Six (6) Seats or One (1) per Fifty (50) GFA (If No Seats)	One (1) Per Three(3) Seats or One (1) Per Thirty (30) GFA (If No Seats)
Child and Adult Day Care Centers	One (1) Per Every Two (2) Employees on Shift of Greatest Employment Plus One (1) Space for Every Ten (10) Children	One (1) Per Every Employee on Shift of Greatest Employment Plus One (1) Space for Every Ten (10) Children
TYPE OF LAND USE	PARKING SPACES REQUIRED	

	Minimum	Maximum
Civic, Social and Fraternal Organizations	One (1) Per 350 GFA	One (1) Per 250 GFA
	PARKING SPACES REQUIRED	
Correctional Institutions	Two (2) for Every Three (3) Employees on Shift of Greatest Employment Plus One (1) Per Six (6) Inmates Plus One (1) for Each Vehicle Used in the Operation	One (1) for Every Employee on Shift of Greatest Employment Plus One (1) Per Five (5) Inmates Plus One (1) for Each Vehicle Used in Operation
Country Clubs	One (1) Per 350 GFA Plus Two (2) for Every Three (3) Employees on Shift of Greatest Employment Plus Four (4) for Each Golf Course Hole	One (1) Per 250 GFA Plus One (1) for Every Employee on Shift of Greatest Employment Plus 6 (6) for Each Golf Course Hole
Emergency Service Facilities	One (1) Per Employee/Volunteer on Shift of Greatest Employment Plus One (1) Per Vehicle	Maximum
Government Buildings/Facilities	One (1) Per 300 GFA	One (1) Per 150 GFA
Hospitals	One (1) Per Four (4) Beds Plus One (1) Per Employee/Volunteer on Shift of Greatest Employment	One (1) Per Two (2) Beds Plus One (1) Per Employee/Volunteer on Shift of Greatest Employment
Museums, Galleries, Libraries	One (1) Per 500 Hundred GFA for Public Use Plus Two (2) Per Three (3) Employees/Volunteers on Shift of Greatest Employment	One (1) Per 300 GFA for Public Use Plus One (1) Per Employee/Volunteer on Shift of Greatest Employment
Religious Institutions	One (1) Per Four (4) Seats in Main Worship Space	One (1) Per Two (2) Seats in Main Worship Space
Residential Care Facilities, Halfway Houses	One (1) Per Three (3) Rooms Plus One (1) Per Employee/Volunteer on Shift of Greatest Employment	One (1) Per Room Plus One (1) Per Employee/Volunteer on Shift of Greatest Employment
Schools - Business, Trade, Etc.	One (1) Per 200 GFA	One (1) Per 150 GFA
Schools - Colleges and Universities	One (1) Per Five (5) Students Plus One (1) Per Employee	One (1) Per Two (2) Students Plus One (1) Per Employee
Schools - Elementary, Middle	Ten (10) Spaces Plus One (1) Per Teacher/Staff	Thirty (30) Spaces Plus One (1) Per Teacher/Staff
Schools - High Schools	One (1) Per Five (5) Students Plus One (1) Per Employee	One (1) Per Two (2) Students Plus One (1) Per Employee
Theaters	One (1) Per Four Seats	One (1) Per Two (2) Seats
Recreational Uses		

Amusement Park	One (1) Per 200 Sq. Ft. of Activity Area	One (1) Per 100 Sq. Ft. of Activity Area
Athletic Fields	Twenty-five (25) Per Field	Forty (40) Per Field
Botanical Gardens/Nature Preserves	No Requirement	One (1) Per 300 Sq. Ft.
Golf Courses	Four (4) Per Hole	Six (6) Per Hole
Public Parks and Recreation Facilities	By Function or One (1) Per 200 Sq. Ft of Activity Area	By Function or One (1) Per 100 Sq. Ft. of Activity Area
Recreation Uses, Indoor	One (1) Per 200 GFA	One (1) Per 100 GFA
Riding Stables	One (1) Per Two (2) Stalls	One (1) Per One (1) Stall
Swimming Pools	One (1) Per 100 Sq. Ft. of Water and Deck Space	One (1) Per 50 Sq. Ft. of Water and Deck Space
TYPE OF LAND USE	PARKING SPACES REQUIRED	
	Minimum	Maximum
Business, Professional and Personal Services		
Banks and Financial Institutions	One (1) Per 250 GFA Plus Stacking for Four (4) Vehicles at Each Drive-Thru Bay	One (1) Per 125 GFA Plus Stacking for Four (4) Vehicles at Each Drive-Thru Bay
Bed and Breakfast Homes	One (1) Per Guest Room Plus One(1) for Owner/Manager	One (1) Per Guest Room Plus Two (2) for Owner/Manager
Car Washes	One (1) Vehicle Space Per 500 GFA Including all Service Areas, Plus One (1) Per Employee	One (1) Vehicle Space Per 400 GFA Including all Service Areas, Plus One (1) Per Employee
Construction Services	One (1) Per 600 GFA	One (1) Per 200 GFA
Delivery Services	One (1) for Every Two Employees on Shift of Greatest Employment Plus One (1) Per Vehicle Used in Operation	One (1) Per Employee on Shift of Greatest Employment Plus One (1) Per Vehicle Used in Operation
Dry Cleaning and Laundry Services	Three (3) Spaces Plus Two (2) for Every Three (3) Employees on Shift of Greatest Employment Plus One (1) Per Vehicle Used in Operation	Five (5) Spaces Plus One (1) Per Employee on Shift of Greatest Employment Plus One (1) Per Vehicle Used in Operation
Funeral Homes	One (1) Per Four (4) Seats	One (1) Per Two (2) Seats
Hair, Skin and Nail Services	Two (2) Spaces Per Operator Station Plus One (1) Per Two Employees on Shift of Greatest Employment	Three (3) Spaces Per Operator Station Plus One (1) Per Employee on Shift of Greatest Employment
Hotels and Motels, Inns	One (1) Per Room Plus One (1) Per 800 Sq. Ft. of Public Meeting and Restaurant Space	One (1) Per Room Plus One (1) Per 400 Sq. Ft. of Public Meeting and Restaurant Space

Kennels or Pet Grooming	One (1) Per 300 GFA Plus Two (2) for Every Three (3) Employees on Shift of Greatest Employment	One (1) Per 200 GFA Plus One (1) Per Employee on Shift of Greatest Employment
Medical and Dental Offices	One (1) Per 250 GFA	One (1) Per 200 GFA
Medical Laboratories	Two (2) for Every Three (3) Employees on Shift of Greatest Employment	One (1) for Every Employee on Shift of Greatest Employment
Motion Picture Production	Three (3) Per 1000 GFA	One (1) Per 1000 GFA
Offices, Not Listed Elsewhere	One (1) Per 300 GFA	One (1) Per 125 GFA
Automobile Repair	Three (3) Per Service Bay Plus One (1) Per Service Vehicle Plus Two (2) for Every Three (3) Employees on Shift of Greatest Employment	Four (4) Per Service Bay Plus One (1) Per Service Vehicle Plus One (1) Per Employee on Shift of Greatest Employment
Services and Repairs, Not Listed Elsewhere	One (1) Per 300 GFA	One (1) Per 200 GFA
Theaters, Drive-In	No Requirement	No Requirement
Theaters, Indoor	One (1) Per Four (4) Seats	One (1) Per Two (2) Seats
Truck Washes	Three (3) Stacking Spaces Per Stall	Two (2) Stacking Spaces Per Stall
Veterinary Services	Four (4) Spaces Per Doctor Plus One (1) Per Employee Including Doctors	Six (6) Spaces Per Doctor Plus One (1) Per Employee Including Doctors
Retail Trade and Food Services		
Drive Thru Services Associated with Food Service Operations	Stacking for Four (4) Vehicles at Each Bay, Window or Lane	Stacking for Eight (8) Vehicles at Each Bay, Window or Lane
Fuel Oil Sales	Two (2) Per Three (3) Employees on Shift of Greatest Employment Plus One (1) Per Vehicle Used in Operation	One (1) Per Employee on Shift of Greatest Employment Plus One (1) Per Vehicle Used in Operation
TYPE OF LAND USE	PARKING SPACES REQUIRED	
	Minimum	Maximum
Motor Vehicle, Motorcycle, Recreational Vehicle and Similar Sales and Rentals	Five (5) Plus One (1) Per 10,000 GFA of Display Area Plus Two (2) Per Three (3) Employees on Shift of Greatest Employment	Ten (10) Plus One (1) Per 10,000 GFA of Display Area Plus One (1) Per Employee on Shift of Greatest Employment
Restaurants	One (1) Per Four (4) Seats Plus Two (2) Per Three (3) Employees on Shift of Greatest Employment	One (1) Per Two (2) Seats Plus One (1) Per Employee on Shift of Greatest Employment
Retail Sales, Except Those Listed Below	One (1) Per 250 GFA	One (1) Per 150 GFA
Retail Sales of Bulk Items Which Require Large Amounts of Floor Space for the Number of Items	One (1) Per 400 GFA	One (1) Per 300 GFA

Offered for Sale (i.e., Appliances, Furniture, etc.)		
Service Stations, Gasoline	Three (3) Per Service Bay Plus One (1) Per Service Vehicle Plus Two (2) Per Three (3) Employees on Shift of Greatest Employment	Four (4) Per Service Bay Plus One (1) Per Service Vehicle Plus One (1) Per Employee on Shift of Greatest Employment
Shopping Centers - Mixed Use	One (1) Per 250 GFA	One (1) Per 150 GFA
Wholesale Trade		
Market Showrooms	One (1) Per 2000 GFA	One (1) Per 1000 GFA
Wholesale Uses	Two (2) Per Three (3) Employees on Shift of Greatest Employment Plus Additional Spaces Per GFA for Area Devoted to Retail Space According to Retail Trade Schedule Above	One (1) Per Employee on Shift of Greatest Employment Plus Additional Spaces Per GFA for Area Devoted to Retail Space According to Retail Trade Schedule Above
Transportation, Information, Warehousing, Waste Management and Utilities		
Broadcasting Facilities	Two (2) Per Three (3) Employees on Shift of Greatest Employment	One (1) Per Employee on Shift of Greatest Employment
Transmitting Towers, Utility Lines, Etc.	No Requirement	No Requirement
Transportation Terminals	One (1) Per Employee Plus Spaces Required to Satisfy Projected Peak Parking Demand	No Requirement
Utility Offices	Two (2) Per Three (3) Employees on Shift of Greatest Employment Plus One (1) Per Company Vehicle	One (1) Per Employee on Shift of Greatest Employment Plus One (1) Per Company Vehicle
Warehouses	Two (2) Per Three (3) Employees on Shift of Greatest Employment Plus One (1) Per 350 GFA Open to the Public	One (1) Per Employee on Shift of Greatest Employment Plus One (1) Per 300 GFA Open to the Public
Warehouses, Self-Storage	Five (5) Spaces	Ten (10) Spaces
Manufacturing and Industrial Uses		
Manufacturing/Industrial Uses	Two (2) Per Three (3) Employees on Shift of Greatest Employment Plus One (1) Per Company Vehicle	One (1) Per Employee on Shift of Greatest Employment Plus One (1) Per Company Vehicle

(d) *Design of parking areas.* See also Section 26-176(g) of this chapter concerning vehicular surface area landscaping.

(1) *Paving and general design.*

a. *General.* Off-street parking areas developed to meet the minimum requirements of this chapter shall be properly graded, marked, and improved lots or within parking structures.

b. *Paving material.* Parking areas for all projects, except single-family detached and two-family dwellings, shall be improved and maintained with such material of sufficient thickness and consistency to support anticipated volume and weights. Porous paving blocks and pervious paving materials are permitted and encouraged as material for parking lots. The use of grass as a parking lot surface is permitted for overflow parking.

c. *Border barricades.* Except in a single-family detached dwelling, a rail, fence, curb, or other continuous barricade sufficient to retain the parked vehicles completely within the property shall be provided, except at the entrance and exit drives.

d. *Entrances and exits.* The location and design of all entrances and exits shall be designed in accordance with the county regulations on traffic engineering. No entrance or exit point for a nonresidential use that is not permitted in an adjacent residential district shall be located within fifteen (15) feet of a lot within the adjacent residential zoning district.

(2) *Maneuvering space.*

a. *General.* All off-street parking areas, with the exception of parking areas for single-family detached and two-family dwellings, shall be so designed that vehicles will not be required to back onto a public road when leaving the premises. All parking areas shall be designed so that there is sufficient area for access to all parking spaces and safe maneuvering within the parking area.

b. *Aisle widths.* The minimum aisle widths between parking areas are:

1. Ninety (90)-degree parking – Twenty-five (25) feet)

2. Sixty (60)-degree parking – Twenty (20) feet

3. Forty-five (45)-degree parking – Fifteen (15) feet

- (3) *Size of spaces.* The minimum size of one parking space shall be nine (9) feet in width and eighteen (18) feet in depth. All parallel parking spaces shall be nine (9) feet in width by twenty-six (26) feet in depth. See subsection (4) below for standards for accessible parking spaces.
- (4) *Accessible spaces.* Where parking is provided, accessible parking spaces shall be provided in accordance with the requirements set forth in this subsection.
 - a. *Number of spaces.* The required number of accessible parking spaces shall be provided in accordance with the following table:

TABLE VII-2

<u>Total Parking Spaces Provided</u>	<u>Required Number of Accessible Spaces</u>
1 to 25	1
26 to 50	2
51 to 75	3
76 to 100	4
101 to 150	5
151 to 200	6
201 to 300	7
301 to 400	8
401 to 500	9
501 to 1,000	10
More than 1,000	10, plus one for each 100 over 1,000

- b. *Location.* Accessible parking spaces shall be located on the shortest accessible route of travel from adjacent parking to an accessible building entrance. In parking facilities that do not serve a particular building, accessible parking spaces shall be located on the shortest route to an accessible pedestrian entrance to the parking facility. Where buildings have multiple accessible entrances with adjacent parking, accessible parking spaces shall be dispersed and located near the accessible entrances.
- c. *Size of accessible spaces.* Accessible parking spaces shall be ninety-six (96) inches wide minimum and shall have an adjacent access aisle complying with subsection d. below.
- d. *Access aisle.* Parking access aisles shall be part of the accessible route to the building and shall be provided for all accessible spaces

provided in a parking area. Two (2) parking spaces shall be permitted to share a common access aisle. Access aisles shall be marked so as to discourage parking in them.

1. *Width.* Access aisles serving accessible parking spaces shall be a minimum of ninety-six (96) inches wide.
 2. *Length.* Access aisles shall extend the full length of the parking spaces they serve.
- e. *Floor or ground surfaces and clearance.* Parking spaces and access aisles shall have surface slopes not steeper than 1:48. Access aisles shall be at the same level of the parking spaces they serve.
- f. *Signage.* Accessible parking spaces shall be identified by signs including the International Symbol of Accessibility.
- (e) *Location of off-street parking.* Required off-street parking shall be provided on the same parcel as the principal structure or use, unless otherwise set forth in this chapter or unless shared or remote parking is provided as set forth below:
- (1) *Remote parking.* If the off-street parking spaces required by this section cannot be reasonably provided on the same lot on which the principal use is located, such space may be provided on any land within four hundred (400) feet of the principal use. Where such remote parking is utilized to fulfill parking requirements, the owner or authorized agent for the land upon which such remote parking is located shall restrict the use of such parking area for parking only in connection with the use or structure for which such remote parking is provided. Such restriction shall be recorded by a declaration of restrictions properly filed with the Register of Deeds for Richland County, which may be released only with written consent of the county. Remote parking for a use shall not be established in any district that does not allow that use.
 - (2) *Shared parking.* Shared parking is encouraged for mixed use developments where there are at least two (2) uses that customarily have different peak parking demand characteristics. The planning department may approve the joint use of the required parking spaces for two (2) or more uses located on the same parcel or adjacent parcels, provided that the developer can demonstrate that the uses will not overlap hours of operations or demand for the same shared spaces. Any sharing of required spaces by uses located on different parcels shall be guaranteed by written agreement between the owner of the parking area and the owner of any use located on a different parcel and served by the parking area. Should

the uses change such that the new uses overlap in hours of operation or demand for the shared spaces, the shared parking approval shall become void. Parking spaces meeting the requirements of this section shall then be required. Shared parking for a use shall not be established in any district that does not allow that use.

- (f) *Parking of recreational vehicles, boats, and travel trailers.*
 - (1) *Travel or camping vehicles:* Not more than one (1) travel or camping vehicle, per family living on the premises, shall be permitted to be parked on a lot in any residential zone. The vehicle shall not be parked in the required front or side yard nor shall any such vehicle be parked or stored in front of the principal structure on a residentially zoned lot. The vehicle shall not be occupied temporarily or permanently while it is parked or stored, except in an authorized recreational vehicle park.
 - (2) *Boats or travel trailers:* No boat or travel trailer shall be stored in any required front or side yard of any residentially zoned property nor shall any boat or travel trailer be stored or parked in front of a principal structure on a residentially zoned lot.

Sec. 26-174. Off-street loading requirements.

- (a) *General.* Every building or structure hereafter erected and used for business, trade, or industry shall provide space as indicated herein for the loading and unloading of vehicles, with access to a public road or alley. Such space shall be so arranged and marked to provide for orderly and safe loading and unloading and designed so vehicles shall maneuver for loading and unloading entirely within the property lines of the parcel or parcel containing the structure or use.
- (b) *Minimum number of loading spaces required.*
 - (1) *Retail and service businesses.* One (1) space measuring ten (10) feet by twenty-five (25) feet for each twenty thousand (20,000) square feet of gross floor area or fraction thereof.
 - (2) *Wholesale and industrial uses.* Berths measuring ten (10) feet by fifty (50) feet, as listed in Table VII-3 below:

**TABLE VII-3
LOADING AND UNLOADING BERTH REQUIREMENTS**

<u>Square Feet of Gross Floor Area in Structure</u>	<u>Number of Berths</u>
0 - 24,999	1
25,000 - 39,999	2
40,000 - 99,999	3
100,000 - 159,999	4
160,000 - 239,999	5
240,000 - 319,999	6
320,000 - 399,999	7
Each 90,000 above 399,999	1 additional

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- (c) *Bus and truck terminals:* Sufficient spaces to accommodate the maximum number of buses or trucks to be loaded, unloaded, or stored at the terminal at any one time.
 - (d) *Overhead clearance.* All spaces developed to meet the requirements set forth in this section shall have a minimum overhead clearance of fourteen (14) feet.

Sec. 26-175. Access.

- (a) *General.* The standards contained in this section are designed to ensure that access to development in the unincorporated parts of Richland County does not impair the public safety. All proposed vehicle access points connecting to a public road shall conform to the provisions of this section.
- (b) *Driveway permit.*
 - (1) *Permit required.* Before any proposed vehicular access point connecting to a public road may be constructed, a driveway permit must be obtained from the Richland County Public Works Department. The South Carolina Department of Transportation (SCDOT) is required to review all connections to state system roads. Driveway permits on state system roads should be submitted to SCDOT for the initial review. Upon SCDOT approval, the driveway permit will be forward to Richland County for its approval. Where a conflict arises with respect to these standards, the more restrictive access standards shall apply. Single permits may be issued covering all access within a proposed subdivision.
 - (2) *Existing driveway approaches.*

- a. *Relocation, alteration, or reconstruction.* Existing driveway approaches shall not be relocated, altered, or reconstructed without a permit approving the relocation, alteration, or reconstruction, and such driveway approaches shall be subject to the provisions of this section.
 - b. *Changes resulting in closing of driveway.* When the use or layout of any property is changed, making any portion or all of the driveway approach unnecessary, the owner of the property shall, at his/her expense, replace all necessary curbs, gutters, and sidewalks, and/or correct all nonconforming features.
- (c) *Driveway standards.*
- (1) *Driveway width.* The width, in feet, of a driveway approach shall be within the minimum and maximum limits as specified below, excluding detached, single-family residential properties. Driveway approach widths shall be measured at the road right-of-way line and the width of any driveway shall not increase when crossing the right-of-way except at properly designated curb returns.
 - a. *One-way drives.* One-way drives shall have a minimum width of twelve (12) feet and shall not exceed a maximum width of eighteen (18) feet.
 - b. *Two-way drives.* Two-way drives shall have a minimum width of eighteen (18) feet and shall not exceed a maximum width of twenty-four (24) feet.
 - (2) *Number of drives.*
 - a. *Generally.* Generally, one point of access to a given property will be allowed. However, additional access points may be allowed by the Richland County Public Works Department as provided in Table VII-4 below, provided the continuous roadway frontage of the property exceeds two hundred (200) feet.
 - b. *Maximum number of drives per frontage.*

**TABLE VII-4
MAXIMUM NUMBER OF DRIVEWAYS PER FRONTAGE**

Length of Frontage (ft)	Maximum Number of Driveways
200 or less	1*
+200 to 600	2

+600 to 1000	3
+1000 to 1500	4
More than 1500	4 plus 1 per additional increment of 500 feet of frontage
* On frontages of 200 feet or less, a pair of one-way driveways may be substituted only if the internal circulation on the site is compatible with the one-way driveways and wrong-way movements on the driveways are rendered impossible or extremely difficult for motorists.	

- c. *Additional considerations in number of driveways permitted.* Driveways will be limited to the number needed to provide adequate and reasonable access to a property. Factors such as alignment with opposing driveways and minimum spacing requirements (see below) will have a bearing on the number of driveways permitted.
 - d. *Joint use of driveways/connectivity.* Wherever feasible, the Public Works Department shall require the establishment of a joint use driveway serving two (2) abutting properties. Additionally, when a property is developed, the public works department may require connectivity with adjoining parking areas or may require that a driveway/parking area be designed for future connection with an abutting property.
- (3) *Driveway separation.* All driveway approaches shall be allocated and spaced as outlined below.

TABLE VII-5

DRIVEWAY SEPARATION STANDARDS

Road Speed Limit (mph)	Minimum Spacing (ft)
30 or less	100
35	150
40	200
45	250
50	300
55 plus	350

Access separation between driveways shall be measured between the driveway centerlines. Speed limits are as determined by SCDOT. For single-family lots, the planning department may reduce the spacing

requirements of this section if it can be demonstrated that a hardship exists and there is no opportunity to design a conforming access point. Internal roads in single-family detached subdivision developments are exempt from these standards.

- (4) *Driveway design.* All driveway approaches, except those to single-family homes, shall be a concrete apron (“ramp” type). Road type driveway entrances may be required to developments that have parking spaces for two hundred (200) or more vehicles when required by the public works department. Driveway approaches must cross any sidewalk area at the sidewalk grade established by the public works department. All concrete aprons shall be installed to the right-of-way line or at least ten (10) feet from the edge of the traveled way and be built to the specifications of the public works department.
- (5) *Sight visibility triangles.* At all driveway approaches, a sight area shall be maintained. See Section 26-181(c) of this chapter for sight triangle requirements.

Sec. 26-176. Landscaping standards.

(a) *Purpose and applicability.*

- (1) *Purpose.* Recognizing that trees and landscaping contribute to the public health, safety, and welfare, Richland County has set standards for landscaping throughout the unincorporated areas of the county. Among the benefits of trees, shrubs, and other plants are: improved air quality; beneficial climate modification; reduction of glare, noise, odors and dust; reduction of storm water runoff and flooding; screening of undesirable views; provision of buffers between incompatible land uses; shelter and food for birds and other wildlife; and the aesthetic enjoyment provided by the diversity and dynamism of the planted landscape. All of these benefits contribute to a higher quality of life, enhancing the appeal and economic value of both residential and business properties in the county. It is the intent of the requirements set forth in this section to provide for landscaping along public rights-of-way (road protective yards), between dissimilar uses (buffer transition yards); and in and around parking lots (vehicular surface area landscaping). Screening for loading, trash collection, display, and utility areas is required and tree protection standards must be met for all developments to which this section applies. To ensure that landscaping continues to thrive and enhance the quality of life in Richland County, requirements for maintenance are also included.
- (2) *Applicability.*

- a. Any new development must fully comply with the pertinent requirements of this section unless specifically exempted elsewhere in this chapter.

Exemptions: These requirements shall not apply to:

1. *Single-family detached and two-family dwellings.* Individual single-family detached and two-family dwellings that are located on separate lots recorded with the Richland County Register of Deeds office, and any existing lots zoned for single-family or two-family dwellings shown by a recorded plat on or before July 1, 2005, shall not be subject to the requirements set forth in this section. However, the construction in a subdivision of single-family or two-family homes shall be subject to buffer transition yards (Section 26-176(f)); tree protection (Section 26-176(j)), excluding street protective yards; and completion and maintenance (Section 26-176(k)).
2. *Public and private utilities.* Public and private utilities are not subject to the requirements of this section, except when a land development permit or subdivision approval is required. Such utilities may include, but are not limited to, storm drainage installation, road construction, water and sewer construction, and electric, gas, communications, and other similar service installations.
3. *Existing structures and vehicular surface areas.* Existing buildings, structures, and vehicular surface areas are exempt from the requirements of this section, unless they are involved in new construction or expansion as explained in Section 26-176(a)(2)b. below.

- b. *Extent of compliance required.* Any new development, other than those exempted above, must fully comply with the requirements set forth in this section except for the following:

1. *Vehicular surface area expansions.* Any new, additional or expanded portions of vehicular parking areas must fully comply with the requirements for vehicular surface area landscaping (Section 26-176(g)).
2. *Expansions.* Any structure for which there is an expansion that, singularly or collectively, equals twenty-five percent (25%) or more of the gross floor area of an existing building and/or twenty-five percent (25%) or more of the

existing vehicular parking area, must comply with the regulations of this section as follows:

- [a] *Vehicular surface area requirements (Section 26-176 (g)).* Full compliance with vehicular surface area requirements in the area of expansion of said vehicular surface area and fifty percent (50%) compliance with the interior vehicular surface area planting requirements for the existing portions of the vehicular surface area.
 - [b] *Buffer transition and street protective yards requirements (Section 26-176(f) and Section 26-176(e)).* Full compliance is required.
 - [c] *Screening (Section 26-176(h)).* Full compliance with the screening standards is required for all trash collection, loading, or display areas.
- 3. *Parking reductions to facilitate compliance in existing developments.* In order to facilitate compliance in situations involving expansion, the planning department may allow up to a ten percent (10%) reduction in the number of off-street parking spaces. (Section 26-173 (TABLE VII-1))
 - 4. *Any existing vehicular surface* that is used to satisfy the parking requirements for a new building must fully comply with buffer transition and street protective yard requirements (Section 26-176(f) and Section 26-176(e)).
- (b) *Alternative compliance.*
- (1) *Generally.* Alternative landscaping plans or plant materials may be used where unreasonable or impractical situations would result from application of the landscaping requirements. Such situations may result from streams, natural rock formations, topography, or other physical conditions; or from lot configuration, utility easements, or other unusual site conditions.
 - (2) *Approval of alternative compliance.* The planning department may approve an alternate plan that proposes different plant materials or plans provided that the quality, effectiveness, durability, and performance are equivalent to that required by this section. In assessing equivalent performance of landscaping, the planning department shall take into account the number of plantings, species, arrangement and coverage,

location of plantings on the lot, and the level of screening, height, spread, and canopy of the plantings at maturity.

- (3) *Appeal.* Decisions of the planning department regarding alternate methods of compliance may be appealed to the board of zoning appeals.

(c) *Landscape plan required.* Prior to obtaining a land development permit or grading permit, an applicant must receive approval of a landscape plan. A landscape plan is to be submitted with the site plan and shall include all information specified in the Development Design Manual.

(d) *Planting specifications.*

- (1) *Species.* Trees, shrubs, and other vegetative material shall be selected from those listed in the “Development Design Manual” or shall be approved by the planning department. Plants shall be adapted to the site conditions where they will be planted and native plantings shall be planted where possible.

(2) *Trees.*

a. *Size.* All shade trees planted in accordance with the requirements of this section, unless otherwise listed, shall be a minimum of ten (10) feet in height, and small-maturing trees shall be a minimum of eight (8) feet in height, when planted. Both shade trees and small-maturing trees must be at least two (2) inches in caliper (measured one-half foot above ground level) when planted. However, any new trees above four (4) inches in caliper shall be measured twelve (12) inches above the ground.

b. *Multi-trunk trees.* All multi-trunk trees must be in “tree form” with a maximum of five (5) stems or trunks and a minimum height of eight (8) feet at planting.

c. *Spread relationship.* The height-to-trunk caliper ratio, root ball sizes, or spread relationship for any tree to be planted shall meet the current “American Standards for Nursery Stock” as set forth by the American Association of Nurserymen.

- (3) *Shrubs.* All shrubs planted to meet the requirements of this section, unless required to be larger as set forth elsewhere, shall be a minimum of three (3) gallon container size, eighteen (18) inches in height, or fifteen (15) inches in spread (depending on whether the growth habit is upright or spreading) measured from the top of the root zone. Shrubs with fifteen (15) to twenty-three (23) inches of spread shall be planted on three (3) foot centers. Shrubs with greater than twenty-three (23) inches of spread shall

be planted on five (5) foot centers. In no event shall spacing exceed five (5) feet on center nor shall plants be closer than two (2) feet to the edge of any pavement.

- (4) *Mulch.* All planted materials are to be mulched with an approved material in the amount (depth and area) specified in the “Development Design Manual”.
- (5) *Design.* All required landscape areas shall conform to the design principles and standards set forth in the county’s “Development Design Manual”.

(e) *Street protective yards.*

- (1) *Location.* Street protective yards shall be located along all existing or proposed road rights-of-way that are adjacent to the property to which this section is applicable. Such street protective yards must be located on private property and not within any road right-of-way. Portions of the property needed for driveways are exempt from street protective yard requirements. No vehicular surface, storage, utility surface, display, loading, or service area shall be permitted in a required street protective yard.
- (2) *Width/square footage.* The width of a required street protective yard may vary on the property, but the minimum width cannot be less than seven (7) feet and the minimum square footage of the street protective yard shall equal the length in linear feet of the property adjacent to the right-of-way times ten (10) feet.
- (3) *Plantings.*
 - a. *Required trees for residential subdivisions and commercial developments.* Each street protective yard shall contain at least one (1) shade tree. If a large maturing tree is planted, a spacing of forty (40) feet must be used. If a small maturing shade tree is planted, a spacing of thirty (30) feet must be used. No street protective yard shall contain less than one (1) shade tree. Existing trees 2-inch caliper or greater within the street protective yard and right-of-way will be counted towards meeting this requirement.
 - b. *Ground cover.* The entire street protective area must be covered with living material so that no soil is exposed, including ground cover and/or shrubs, except for mulched areas directly around the trees.

(f) *Buffer transition yards.* The buffer transition yard is a landscaped area designed to provide separation and screening between land uses of different impacts.

(1) *Determination of buffer transition yard requirements:* To determine the buffer transition yard required between two (2) adjacent land uses, the following procedure shall be followed:

- a. Identify the proposed new or expanding land use and each existing adjacent land use. Identify the land use impact of each of these identified uses as set forth in Table VII-6 below. A proposed land use is considered existing on an adjacent property when a building permit is issued for the use. If adjacent property is vacant, and no building permit has been issued for its use, its use shall be determined by assigning it the highest level of impact in its zoning classification.
- b. Determine the type of buffer transition yard required on each boundary (or segment thereof) of the subject parcel by referring to Table VII-7 below. The letter designations in the table refer to the type of buffer yard required.
- c. Identify the buffer transition yard width and planting requirements for the required yard type as set forth in Table VII-8 below.

This process must be applied to each property line, except where the requirements of Section 26-176(e) concerning street protective yards apply.

(2) *Location.*

- a. *General.* Buffer transition yards shall be located on the property of the proposed or changing land use that is to be screened. Such transition yards shall be located between the property line and any vehicular use areas, buildings, storage, service areas, or other areas of activity on the property to be screened and shall extend along the entire property line abutting the less intensive land use. Ornamental entry columns and gates, flagpoles, lamp or address posts, mailboxes, approved driveway openings, public utility wires and poles, fences, retaining walls, or similar structures are permitted in required buffer transition yards, provided that the general separation of land uses is achieved and that the total number of required plantings is still met. Plantings shall not obstruct the view of motorists using any road, driveway, or parking aisle.

- b. *Planting/screening in easements.* No vegetative screening or fencing that is required by this section shall be planted inside utility and/or drainage easements, excluding overhead easements, without the consent of the planning department and the easement holder. If plantings or fences inside utility and/or drainage easement areas are allowed, these plantings and fences shall be maintained in accordance with the terms of consent and any applicable maintenance provisions. Any tree planted within the right-of-way of overhead utility lines shall be a small-maturing tree.
- c. *Buffer transition yards and required yards (setbacks).* Where front, side, or rear yards (setbacks) are required by this chapter, buffer transition yards may be established within such setbacks. If the setback requirement is less than the buffer transition yard requirement, the buffer transition yard width requirement shall prevail.

(3) *Land use impact table.*

TABLE VII-6

a. <i>Residential uses.</i>	
Single family detached and duplexes	Low Impact Use
Single family low density	Low Impact Use
Single family medium density	Low Impact Use
Single family high density	Medium Impact Use*
Manufactured home parks	Medium Impact Use*
Multifamily, single family attached – three (3) to ten (10) units	Medium Impact Use
Multifamily, more than ten (10) units or high-rise	High Impact Use
b. <i>Institutional uses (public and semi-public).</i>	
25,000 square feet or less	Medium Impact Use
Over 25,000 square feet	High Impact Use

- c. *Office/commercial uses.*
25,000 square feet or less Medium Impact Use
Over 25,000 square feet High Impact Use
- d. *Industrial uses.*
All industrial uses High Impact Use
- e. *Recreational uses.*
Passive recreational uses Low Impact Use
Active recreational uses High Impact Use
- f. *Other uses.*
For land uses not listed, the zoning administrator shall determine the land use impact based on the classification of similar uses.

* Denotes required buffer for the outer perimeter of the entire contiguous site abutting any public right-of-way.

- (4) *Buffer transition yard types.*

TABLE VII-7

BUFFER TRANSITION YARD TYPES

<i>PROPOSED USE</i>	<i>EXISTING ADJACENT LAND USE</i>				
	LOW IMPACT	MEDIUM IMPACT RESIDENTIAL	MEDIUM IMPACT NON-RESIDENTIAL	HIGH IMPACT RESIDENTIAL	HIGH IMPACT NON-RESIDENTIAL
LOW IMPACT	NONE	B	C	C	D
MEDIUM IMPACT RESIDENTIAL*	B	NONE	C	B	D
MEDIUM IMPACT NON-RESIDENTIAL	C	C	NONE	B	A
HIGH IMPACT RESIDENTIAL	C	B	B	A	C
HIGH-IMPACT NON-RESIDENTIAL	D	D	A	C	NONE

* Denotes required buffer for the outer perimeter of the entire contiguous site abutting any public right-of-way.

- (5) *Buffer transition yard description table.* All proposed material planted to meet the descriptions set forth in the table below may be equally spaced in a staggered formation along the length of the required landscape buffer or placed so as to create one hundred percent (100%) opacity at plant material maturity.

**TABLE VII-8
BUFFER TRANSITION YARD STANDARDS**

TYPE "A" BUFFER			
Buffer Width	1 Large Canopy Tree Per	1 Deciduous Understory Tree Per	1 Shrub Per
10 - 15 Feet	300 Square Feet	400 Square Feet	50 Square Feet
16 – 20 Feet	400 Square Feet	450 Square Feet	50 Square Feet
21 – 30 Feet	500 Square Feet	500 Square Feet	75 Square Feet
31 – 50 Feet	600 Square Feet	550 Square Feet	125 Square Feet
51 + Feet	800 Square Feet	600 Square Feet	200 Square Feet
TYPE "B" BUFFER			
Buffer Width	1 Large Canopy Tree Per	1 Deciduous Understory Tree Per	1 Shrub Per
10 - 15 Feet	300 Square Feet	250 Square Feet	50 Square Feet
16 – 20 Feet	400 Square Feet	325 Square Feet	75 Square Feet
21 – 30 Feet	500 Square Feet	400 Square Feet	75 Square Feet
31 – 50 Feet	600 Square Feet	450 Square Feet	125 Square Feet
51 + Feet	800 Square Feet	500 Square Feet	200 Square Feet
TYPE "C" BUFFER			
Buffer Width	1 Large Canopy Tree Per	1 Deciduous Understory Tree Per	1 Shrub Per
10 - 15 Feet	300 Square Feet	200 Square Feet	25 Square Feet
16 – 20 Feet	400 Square Feet	250 Square Feet	50 Square Feet
21 – 30 Feet	500 Square Feet	300 Square Feet	50 Square Feet
31 – 50 Feet	600 Square Feet	350 Square Feet	75 Square Feet

51 + Feet	800 Square Feet	400 Square Feet	125 Square Feet
TYPE “D” BUFFER			
Buffer Width	1 Large Canopy Tree Per	1 Deciduous Understory Tree Per	1 Shrub Per
*10 - 15 Feet	300 Square Feet	200 Square Feet	50 Square Feet
16 – 20 Feet	400 Square Feet	175 Square Feet	25 Square Feet
21 – 30 Feet	500 Square Feet	275 Square Feet	50 Square Feet
31 – 50 Feet	600 Square Feet	325 Square Feet	75 Square Feet
51 + Feet	800 Square Feet	375 Square Feet	125 Square Feet

- ◆ * Note – Eight (8) foot stockade fence required for ten (10) – fifteen (15) foot Type “D” buffer.
- ◆ All existing healthy trees retained in buffer areas, can be credited toward meeting the bufferyard requirements.
- ◆ All buffer widths greater than fifteen (15) feet must be rounded up to the next whole number.

(6) *Buffer yard reductions.* Below are listed mechanisms by which the width of a required buffer transition yard may be reduced. Notwithstanding any of the provisions set forth in this section, no property on which a buffer transition yard is required shall have such a yard that is less than ten (10) feet in width.

a. *Fences.* The addition of a closed wooden fence in the required transition yard allows reduction of the required width of the applicable buffer transition yard by fifty percent (50%) if said fence meets the following standards:

1. *Height and arrangement.* The fence must be a minimum of eight (8) feet in height, measured on the side facing away from the property to be screened. Such fence must also have its finished side facing away from the property to be screened. The fence shall be solid and opaque, and shall include provision for access to all landscape materials.
2. *Materials.* Rot-resistant wood is the acceptable material. Chain link fencing does not meet buffer yard standards. Materials used should be consistent with materials, other than chain link fencing, commonly used in surrounding neighborhoods.
3. *Required plantings.* The number of required trees and shrubs is reduced by fifty percent (50%) in a buffer yard in which a fence is installed. At least one-half (½) of the required plantings shall be installed and maintained on the side facing the less intensive use.

4. *Construction.* The buffer fence installation shall be incorporated as early as possible in the sequence of construction.
- b. *Masonry walls.* The addition of a masonry wall along the length of the required buffer yard allows reduction of the required width of the yard by fifty percent (50%) and the amount of required plantings by fifty percent (50%), if said wall meets the following standards:
1. *Height.* The wall must be a minimum of six (6) feet in height measured on the side of the wall facing away from the property to be screened.
 2. *Materials.* Materials shall be brick, stone, stucco, or textured block. The exterior surface of the wall shall not be of cinder block.
 3. *Required plantings.* If a masonry wall that meets the above standards is installed, the planting of shrubs shall be optional and not mandatory, and small-maturing trees may replace one-half of the required shade trees. The requirement that one-half of the buffer yard's trees shall be evergreen still applies.
- c. *Grade elevation changes.* The existence of a natural or man-made grade separation in the required buffer transition yard allows reduction of such yard by twenty-five percent (25%) in width if said elevation change achieves a screening effect similar to a fence and meets the following standards:
1. *Elevation.* The grade change must be at least six (6) feet in elevation.
 2. *Slope.* The side slopes of such grade may not be greater than three to one (3:1).
 3. *Retaining wall.* A greater slope is allowable if it is retained by a structurally sound retaining wall that meets engineering standards for such a wall.
 4. *Relationship to properties from which developing property is to be screened.* The developing property must be located at an elevation lower than the properties from which it is to be screened.

5. *Location of required plantings.* In order to maximize the effectiveness of the screen, the required plantings shall be located at the top of the slope in the reduced buffer transition yard.
- (7) *Buffer material specifications.* See Section 26-176(d) for general specifications for trees, shrubs, and other vegetation.
- a. *Trees.*
 1. *Size.* Except as provided above under subsection (6), trees planted in a buffer transition yard shall be large shade trees unless within fifteen (15) feet of an overhead power line, in which case small maturing trees that will not exceed 15-20 feet in height at maturity shall be used.
 2. *Species.* One-half (½) of the required trees shall be locally adapted evergreen species.
 3. *Distribution.* Trees shall be distributed throughout the yard so as to minimize gaps between them. Trees counted to meet the required number shall be spaced at least ten (10) feet apart.
 - b. *Shrubs.* All shrubs are to be evergreen and shall be a minimum of three (3) feet in height and have a minimum crown width of twenty-four (24) inches when planted. All shrubs shall be expected to reach a height of eight (8) feet or greater (to maximize screening potential) within three (3) years of planting, and shall not be spaced greater than six (6) feet on center.
- (g) *Vehicular surface area landscaping.*
- (1) *General.* Vehicular surface areas shall comply with the following landscape standards. There are two (2) vehicular surface area planting requirements that may apply to a development. One requirement deals with screening and the other deals with interior parking lot plantings.
 - (2) *Vehicular surface area separation/screening.*
 - a. *Separation.* When any vehicular use area is located within twenty (20) feet of an abutting property and no buffer yard is required, a planting strip shall be provided to ensure that parking lots are separated from one another. The planting strip shall be a minimum of five (5) feet wide and shall be planted between the parking,

loading or other vehicular use area and the abutting property, except along approved driveway openings. Five (5) evergreen or deciduous shrubs shall be planted for every twenty (20) linear feet of property line that parallels the vehicular surface area. The remaining ground area shall be mulched or planted in a variety of evergreen plants, hydro-seed or sod. Adjacent businesses on separate lots that share parking or driveways shall be exempt from this requirement.

- b. *Screening from roads, sidewalks, or alleys.* In addition to requirements for street protective yards (see Section 26-176(e)), vehicular use areas shall be screened from adjacent roads, sidewalks, or alleys. The space in which this screening is to be located (which shall be at least the width required for the street protective yard, or where no street protective yard is required, a minimum of five (5) feet) shall be planted with a screen that meets the following standards. The space shall be planted with a fifty percent (50%) opaque, continuous screen that must be at least three (3) feet high and can consist of plant material alone or berms, fences, walls, or grade changes combined with plant material. A vegetative buffer shall consist of at least one (1) evergreen or deciduous shrub planted for every five (5) feet of vehicular use area screen required. If a fence or wall is used, at least one (1) shrub must be planted for every eight (8) linear feet of fence or wall. Berms and grade changes must be completely covered with vegetation.
- c. *Groundcover.* Grass or other ground cover shall be placed on all areas within all perimeter landscape areas not occupied by other landscape material or permitted access ways.
- d. *Use of perimeter landscape areas.* Vehicle stops or other design features shall be used in all parking facilities without curbing so that parked vehicles do not overhang more than two (2) feet into perimeter landscape areas. The vehicle side of the wheel stop shall be no more than eighteen (18) inches from the end of the parking space.

(3) *Vehicular surface area interior landscaping.*

- a. *Placement.* The required interior landscaped planting areas are to be placed in any of the following locations: within or adjacent to the parking lot area as tree islands; at the end(s) of parking bays; inside medians that are five (5) feet or greater in width; as part of a continuous street protective yard; or as a vehicular surface area separation yard.

- b. *Plant quantity.* Vehicular parking areas are to be planted with one (1) large shade tree for every 20 parking spaces. Each planting area shall contain at least one (1) large shade tree. Within fifteen (15) feet of overhead power lines, small maturing trees shall be planted in place of large shade trees at a rate of two (2) small trees for each required large shade tree. When planted in groupings, trees must be planted a minimum of twenty-five (25) feet apart.
 - c. *Distance from parking spaces.* No vehicular parking space shall be located farther than forty (40) feet from the tree trunk of a shade tree in a planting area with one (1) tree. Distances between trees and parking spaces separated by intervening building(s) may not be considered in meeting this requirement.
 - d. *Size of planting areas.* Unless otherwise provided, a minimum of two hundred (200) square feet of planting area is required for each tree. No portion of the planting area shall be less than five (5) feet in width or length.
 - e. *Large vehicular surface areas greater than two (two) acres in size (parking lots and vehicular display areas).* In addition to the requirements set forth in subsection b, above, all new and expanded vehicular surface areas greater than two acres in size shall meet all of the following (unless exempt under Section 26-176(a)(2)b.2.):
 - 1. *Planted Median Strips.* Large vehicular surface areas (parking lots and vehicular display areas) must be broken by continuous planted medians. Four (4) planted medians, each containing at least one thousand one hundred thirty four (1,134) square feet of planted area, are required for every two (2) acres, rounded off to the closest two (2) acre increment. The minimum median width shall be seven (7) feet. The length of the planted median shall be uninterrupted except for access ways.
 - 2. *Industrial and Warehouse (storage, loading, and maneuvering areas).* All existing, new, and expanded storage, loading, and maneuvering areas are exempt from subsection (3)e. above. All other parking areas (excluding trailer parking) shall be subject to subsections (3)a., b., c., and d. above.
- (4) *Standards for vehicular display areas.* Interior plantings for vehicular surface display areas shall meet those standards contained in subsection (3) above. No stored vehicle shall be located farther than forty (40) feet from the edge of any landscaped planting area. For interior landscaped

planting areas in such display areas, it is acceptable to replace shade trees with small maturing trees.

- (h) *Screening for loading areas, trash collection areas, outdoor storage display areas, and utility service areas.* All loading areas, trash collection areas (including dumpsters), outdoor storage display areas, and utility service areas visible from a public road or adjacent property line shall be screened from such adjacent road or property unless already screened by an intervening building or buffer transition yard. Landscaping shall not interfere with the access and operation of any such structure or facility. Screen types include:
 - (1) *Hedge.* A continuous hedge of evergreen and/or densely twigged deciduous shrubs planted in a five (5) foot strip spaced a maximum of five (5) feet apart or a row of evergreen trees planted no more than eight (8) feet apart.
 - (2) *Fence or wall.* A fence or wall that is a minimum of six (6) feet in height, and with the finished side of the fence facing the abutting road or property. Fences longer than twenty-five (25) linear feet shall be landscaped with trees and/or shrubs planted in a minimum five (5) foot planting area, except around access areas, spaced no further than eight (8) feet apart in order to screen at least fifty percent (50%) of the fence or wall.
- (i) *Visual screening for thoroughfares and arterial roadways.* Thoroughfares or arterial roadways, when constructed within areas zoned for residential use, shall provide a continuous visual screen consisting of vegetation, berms, embankments, or a combination of such materials, as appropriate. The use of existing vegetation is encouraged. When the existing vegetation is inadequate to function as a visual screen, it shall be augmented by two (2) staggered rows of shrub material, which will provide such a screen at maturity.
- (j) *Protection of existing trees during development.* No grand tree may be removed unless it is determined that there is no alternative due to unavoidable grading or because of required configuration of essential utilities or buildings. In addition, no grading or other land-disturbing activity can occur on a site with existing trees (that are designated to be preserved in order to meet the landscaping requirements) until protective barriers are installed by the developer. The diameter of the preserved trees and the location of protective barriers must be shown on the landscape and grading plans, with the dimension between the tree trunk and barrier indicated.
 - (1) *Trees to be protected:* On sites where compliance with this section is required, the owner/developer shall protect the following trees:
 - a. Grand trees.

- b. All hardwood trees in fair or better condition that are nine (9) inches in diameter or larger that are located in a protected zone (a portion of the property required by permit to remain in natural open space or areas required by permit to be landscaped, or to be used as buffer transition yards and/or street protective yards).
- c. All pine trees in fair or better condition that are ten (10) inches to twenty (20) inches in diameter that are located in a protected zone (a portion of the property required by permit to remain in natural open space or areas required by permit to be landscaped, or to be used as buffer transition yards and/or street protective yards).

(2) *Tree replacement plan.* In accordance with subsection (j)(1) above, a tree replacement plan shall be submitted and approved before any protected trees are removed. Protected trees that have been approved for removal shall be replaced at a ratio of 3:1, with trees at a minimum of 2-inch caliper.

(3) *Exemptions – tree protection.* Commercial timber, tree farms, agricultural operations, or timber clearing on private property are exempt from tree protection requirements, but must comply with the buffer requirements and other voluntary protective measures known as “Best Management Practices (BMPs)”, as published by the South Carolina Forestry Commission. In addition to the BMPs, this shall include an undisturbed buffer along the entire perimeter of the property, including road frontages, except for approved access crossings. Such buffer shall be fifty (50) feet wide or equal to the required setback for the zoning district in which the property is located, whichever is greater.

(4) *Tree protection plan.* A tree protection plan shall be submitted prior to any proposed grading or clearing on site. The following information shall be identified and submitted:

- a. An infra-red and/or aerial photograph (no more than 5 years old) may be utilized to assist in the location of the protected trees. A tree protection plan shall be submitted identifying the footprint or proposed footprint of any building or structure, areas of clearing, grading, trenching, and other earth moving activities, protected trees and/or groupings of trees designated to be saved (including estimated number and average diameter or circumference), tree protection zones, ponds, creeks, wetlands, and other important natural features.

- b. If the information provided in subsection a. above is inadequate to develop an approved tree protection plan, a site visit or a tree survey or inventory of the affected area may be required.

- (5) *Tree survey or inventory.* If a tree survey is required, it shall be prepared by a certified arborist, licensed engineer, forester, landscape architect, or surveyor that will determine the size, species, health, condition, and structural integrity of forest trees and whether or not said trees are in good enough condition and safe enough to live beyond construction activity.
- (k) *Completion and maintenance.* The owner or lessee of the property where landscaping is required shall be responsible for the maintenance and protection of all plant and screening material and fencing. Landscaped areas shall be maintained in good condition. No required landscape area shall be used for accessory structures, trash collection, parking, or other functional use unless otherwise specified in this chapter. Deed restrictions may be placed on lots that require each owner to maintain that portion of screening or landscaping that is on his/her property. Where a homeowners' association and annual funding is required by appropriate, enforceable deed restrictions, the screening and landscaping may be either on a separately described private parcel of land or on private property in a landscape easement, in common ownership of the homeowners' association of said subdivision, and shall be maintained by the homeowners' association. Failure to maintain plant material, or to replace dead, damaged, or diseased material, or to repair a damaged buffer structure shall constitute a violation of this chapter. All landscaping shall be installed in accordance with the approved landscape plan unless revisions are approved by the planning department and noted in writing on the plan. Neither a certificate of occupancy nor a business license for any business or use on a site with such an approved plan shall be issued until the installation of the required landscaping is approved or a performance guarantee is posted with the planning department in the minimum amount of one hundred twenty five percent (125%) of the total cost of the required uncompleted landscaping, including the labor. A site not requiring a certificate of occupancy may not be used until the required landscaping is installed or a guarantee posted. The guarantee shall be released and returned to the party posting the guarantee upon installation of all required landscaping and acceptance by the planning department of such installation. If the landscaping is not complete and in accordance with approved plans, the guarantee shall be forfeited to and used by Richland County to complete the required landscaping with any remaining funds being returned to the party who posted the guarantee.
- (l) *Mitigation policy.* When protected trees have been removed or damaged without authorization, a restoration plan, depicting the type, size, and proposed location of each replacement tree, shall be submitted to the planning department for approval. The zoning administrator may require tree replacement at a ratio not to exceed 4:1, with trees at a minimum of 4-inch caliper. No certificate of occupancy shall be issued for any development until all applicable restoration conditions have been met.

Sec. 26-177. Lighting standards.

(a) *Purpose and applicability.*

- (1) *Purpose.* It is the intent of this section to achieve several purposes with respect to lighting in Richland County. Among these purposes are: to minimize light pollution, glare, and light trespass; to conserve energy and resources while maintaining night-time safety and utility; and to curtail the degradation of the night-time visual environment.
- (2) *Applicability.* This section shall apply to all new development in the unincorporated portions of Richland County unless otherwise specified. Although all new development must comply with the standards set forth in this section, only major land developments and major subdivisions must submit a lighting plan with their development application. When a building or structure is extended, enlarged, or reconstructed after the effective date of this chapter, the applicable lighting standards shall apply with respect to such extended, enlarged, or reconstructed portion or portions of such structure.

(b) *Standards.*

- (1) *Orientation/shielding.* All light fixtures, except streetlights, shall be located, aimed, or shielded as to minimize stray light trespassing across property boundaries. No illumination in excess of one-half ($\frac{1}{2}$) foot candle shall be permitted within the boundaries of any adjacent residentially developed property. The orientation of all lighting shall be downward.
- (2) *Height of pole lighting.* Any lighting that is installed on a pole shall have a maximum height of eighteen (18) feet from the bulb to the adjacent ground. However, a maximum height of thirty (30) feet from the bulb to the adjacent ground is permitted for cut off lights in rural areas.
- (3) *Prohibited lighting.* The following lighting features are prohibited: search lights, laser source lights, or any similar high-intensity light, except in emergencies by police and fire personnel or at their direction.
- (4) *Parking lot and street lighting.* All outdoor lighting fixtures installed for parking lot or street lighting are permitted a maximum foot-candle reading of six (6) foot candles and a 2.5 maximum average reading.
- (5) *Canopy lighting.* Outdoor lighting installed on canopies or drive-thru facilities is permitted an average foot candle reading of twenty (20) foot candles under any area that is illuminated.

Sec. 26-178. Operation standards.

(a) *Purpose/applicability.*

- (1) *Purpose.* The operational performance standards included in this section are intended to protect the health, safety, and welfare of the citizens of Richland County by regulating potential nuisance features of certain land uses.
 - (2) *Applicability.* All new development shall comply with the standards set forth in this section. When the use of a building or a structure is extended, enlarged, or reconstructed after the effective date of this chapter, the applicable operations standards shall apply with respect to such extended, enlarged, or reconstructed portion or portions of such use or structure. Temporary construction, excavation, grading, and demolition are exempt from the standards set forth in this section.
 - (3) *Conflicts.* In the case of conflict between the activity type and the operations standards, the latter shall control.
- (b) *Noise.* Noise shall be regulated pursuant to Section 18-3 of this Code of Ordinances.
 - (c) *Vibration.* All uses shall be operated in such a fashion that ground vibration inherently and recurrently generated is not perceptible without instruments at any point along the property line within which the use is located.
 - (d) *Smoke and particulate matter.* Any land use or other activity that involves the emission of smoke, particulate matter, or other air pollutants shall comply with all applicable standards set forth in state and federal regulations regarding the emission of air pollutants.
 - (e) *Toxic, hazardous, and radioactive matter.* Any land use or activity that involves the use of toxic, hazardous, or radioactive materials shall comply with all applicable standards set forth in state and federal regulations regarding the use, storage, transportation, emission, and disposal of such materials.
 - (f) *Odor.* The emissions of noxious gases or particles shall not be permitted in any district so as to exceed the odor threshold as measured beyond the lot lines. The odor threshold is defined as the concentration in the air of a gas or vapor which will just evoke a response in the average human olfactory system.
 - (g) *Fire and explosive hazards.* All flammable solid, liquid, and gaseous substances shall be stored and used in accordance with all applicable state and federal regulations. Storage tanks for flammable liquids and gasses shall be located no closer than forty (40) feet to any property line. The storage of solid materials or products rated as free or active burning to intense burning is permitted in nonresidential districts provided that such material shall be stored or used within completely enclosed buildings having no less than two (2) hour fire resistant

exterior walls and protected with an automatic fire extinguishing system. Or, if stored outdoors, such material shall be not less than fifty (50) feet from the nearest property line. Free or active burning to intense burning is a rate of combustion described by material that burns with a high degree of activity and is consumed rapidly. Examples include sawdust, powdered magnesium, and other solids deemed by the fire chief to have equivalent burning characteristics.

Sec. 26-179. Pedestrian, bicycle, and transit amenities.

(a) *Sidewalks and other pedestrian amenities.*

(1) *Residential districts.* All permitted institutional developments and major subdivisions are required to have sidewalks provided along one (1) side of all roads within and abutting the development, except controlled access facilities. Sidewalks shall have a minimum width of four (4) feet along roads abutting the development and a minimum width of three (3) feet along internal roads. All sidewalks shall be constructed to the specifications of the public works department.

(2) *Commercial, office, industrial, and PDD districts.*

a. *Sidewalks.* All new development within any commercial, office, industrial, or PDD district is required to provide sidewalks along all sides of abutting roads, except along controlled access facilities. Sidewalks shall have a minimum width of five (5) feet and shall be constructed to the specifications of the public works department.

b. *Pedestrian walkways.* Pedestrian walkways must be provided in all parking areas for new developments. It is encouraged that walkways also be provided to adjacent developments.

(3) *Access to schools, greenways, parks, and open space areas from residential developments.* In major residential land developments or subdivisions, accessways shall be provided by the developer to public schools, greenways, parks, and open space areas abutting the residential development and to open space or parks provided as part of a development. Such access shall be provided in conformance with the following:

a. *Where required.*

1. Accessways are required when cul-de-sac roads back up to public schools, greenways, parks, or open space areas.

2. Accessways are required where lots within the development back up to public schools, greenways, parks, and open space areas.

b. *Standards.*

1. *Access.* Access to adjacent public schools, greenways, parks, or open space areas, may be accomplished by direct access from a road, direct access from a cul-de-sac, or a designated access between lots.
2. *Width.* Accessways shall be a minimum of fifteen (15) feet in width.

(b) *Bicycle facilities.* Bicycle parking shall be required for all uses requiring over fifty (50) automobile parking spaces. A minimum of five (5) bicycle parking spaces is required. Bicycle parking facilities shall be standard bicycle racks or other secured lockable facilities.

(c) *Transit facilities.* Any major multi-family land development or major subdivision, and any major commercial, industrial, or office land development (when located along a public transportation transit route) must provide for a transit stop.

Sec. 26-180. Signs.

(a) *Purpose and scope.*

(1) *Purpose.* The purpose of this section and other sign standards contained in this chapter, is to support and complement the various land uses allowed in Richland County by the adoption of standards concerning the placement of signs. These standards are adopted to achieve the following:

- a. To encourage the effective use of signs as a means of communication in the county while preserving the rights of free speech under the First Amendment to the United States Constitution.
- b. To maintain and enhance the aesthetic environment and the county's ability to attract sources of economic development and growth.
- c. To improve pedestrian and traffic safety.
- d. To minimize the possible adverse effect of signs on nearby public and private property.

(2) *Applicability.*

- a. *Permits required.* Except as provided by this section, it shall be unlawful for any person to erect, construct, enlarge, move, or replace any sign without first obtaining a sign permit from the planning department. Additional permits may be required pursuant to regulations in the building code or other sections of this chapter.
- b. *Alteration of sign face.* Repainting of a sign, if in conformance with the applicable standards of this chapter, shall be considered maintenance or repair and shall not require a permit. The changing of tenant name panels on multiple-tenant development signage shall not require a permit.

(b) *General standards.*

(1) *Measurement of sign.*

a. *Computation of sign face.*

- 1. *General.* The area of a sign face shall be measured on one (1) side of the sign and shall be deemed to be the entire area within the smallest square or rectangle that will encompass the extreme limits of the writing, representation, emblem, or other display on the sign.
- 2. *Included in computation.* The area shall also include any material or color forming an integral part of the background of the display or used to differentiate the sign from the backdrop or structure against which it is placed. Frames or structural members shall not be included in computation of the area of a sign face.
- 3. *Signs attached to walls or fences.* Only that portion of a wall or fence onto which sign face or letters are placed shall be calculated in the sign area.

- b. *Computation of height.* The height of a sign shall be measured from the highest point of a sign or its support, whichever is greater, to the base of the sign at grade.

(2) *Standards applicable to all permitted signs.*

- a. *Location.* Signs shall be located outside of the road right-of-way, behind sidewalk areas, outside of the sight visibility triangle, and no closer than five (5) feet to the front property line.
 - b. *Attached signage.* Attached signage may not extend above the vertical wall to which the sign is attached or extend out into the planting area or road side of the sidewalk. Attached signs may not project more than three (3) feet from the façade of the building on which the sign is located. The bottom of any attached sign, if extended from the façade of a building, shall be at least eight (8) feet above any pedestrian walkway.
- (3) *Noncommercial messages.* Any sign, display, or device allowed under this chapter may contain, in lieu of any other copy, any otherwise lawful noncommercial message.
- (4) *Sign illumination.*
- a. External illumination shall be by a steady stationary light source, shielded and directed solely at the sign.
 - b. Light sources illuminating signs shall not cause glare, hazards to pedestrians or vehicle drivers, or nuisances to adjacent properties.
 - c. Intensity of the light shall not exceed twenty (20) foot-candles at any point on the sign face.
 - d. Signs shall not have light reflecting backgrounds, but may use light reflecting lettering.
- (c) *Signs exempt from regulation.* Unless otherwise prohibited or regulated by this chapter, the following signs are exempt from regulation:
- (1) *Governmental signs.* Signs posted by various local, state, and federal agencies in the performance of their duties, such as regulatory signs, welcome signs, and traffic signs.
 - (2) *Flags, etc.* Flags or insignia of any nation, organization of nations, state, county or municipality, any religious, civic or fraternal organization, or any educational or cultural facility and/or any one corporate flag per lot.
 - (3) *Temporary holiday decorations.* Temporary decorations or displays when such are clearly incidental to and are customarily and commonly associated with any national, local, or religious holiday/celebration.

- (4) *Window displays.* Merchandise, pictures, or models of products or services that are incorporated as an integral part of a window display.
 - (5) *Building marker signs.* A sign cut or etched into masonry, bronze, or similar material on a building. The area of a building marker sign shall not exceed four (4) square feet.
 - (6) *Legal and warning signs.* Signs erected to warn of danger or hazardous conditions, such as signs erected by public utility companies or construction companies, and signs required for or specifically authorized for a public purpose by any law, statute, or ordinance. Such signs that display information pertinent to the safety or legal responsibilities of the general public with regard to a particular piece of property must be located on the premises to which the information pertains. No advertising may be affixed to such sign.
 - (7) *Occupant/road number signs.* Signs affixed to structures, mailboxes, decorative light posts, driveway entrances, etc. that serve to identify the address of the structure or occupant. All such signs must be placed in such a manner as to be visible from the road.
 - (8) *Vending machine, automatic teller, and gasoline pump signs.* Signs attached to and made an integral part of a vending machine, automatic teller machine, or gasoline pump if advertising or giving information about the products or services dispensed or vended by that machine.
- (d) *Signs exempt from permit requirements.* The following signs are allowed in all zoning districts (unless otherwise noted below) and shall not require a sign permit. Such signs must conform to the standards set forth below, as well as to other applicable requirements of this chapter.
- (1) *Directional signs.* Directional signs must be located on the premises to which directions are indicated. Such signs may not exceed three (3) feet in height if freestanding. Directional signs may not exceed four (4) square feet per face. Such signs may contain no copy other than directional information. Illumination of such signs shall be as permitted for on-premises signs in the zoning district in which the sign is located. No more than two (2) signs per entrance or exit shall be permitted.
 - (2) *Incidental signs.* Signs containing information necessary or convenient for persons coming onto a premises must be located on the premises to which the information pertains. No advertising may be affixed to such a sign. Such signs must be single-faced only and wholly attached to a building (may be located on windows or doors).

- (3) *Real estate signs.* Only one (1) real estate sign is allowed per five hundred (500) feet of road frontage and shall not be illuminated. Real estate signs shall be no greater than four (4) square feet in area and four (4) feet in height (if freestanding) when located on a residential property. Such signs shall be no greater than thirty-two (32) square feet in area and eight (8) feet in height (if freestanding) for non-residential uses. Real estate signs shall be removed within seven (7) days after the closing of the sale, rental, or lease of the property.
- (4) *Political signs.* Political signs shall not be located within a public road right-of-way and shall not be attached to trees, utility poles, or publicly owned property. Such signs shall not be illuminated. Such signs shall not exceed six (6) square feet in area and four (4) feet in height, if freestanding. Political signs may be displayed during a period beginning sixty (60) days prior to an election, but must be removed within seven (7) days after the election or referendum has been decided. It shall be the responsibility of the candidate to have such signs removed.
- (5) *Construction signs.* Construction signs shall be allowed, provided that such signs do not exceed two (2) signs per road frontage with a maximum of four (4) signs per construction site. Such signs shall not exceed four (4) square feet in area and four (4) feet in height for single-family or two-family residential construction or thirty-two (32) square feet in area and eight (8) feet in height for other construction. Construction signs shall not be erected prior to the issuance of a building permit and shall be removed within seven (7) days after the completion of the work on the project.
- (6) *Yard sale signs.* Yard sale signs shall be located on-premises only and shall not be located within a public right-of-way nor placed on a tree, road sign, or utility pole. Such signs shall not be illuminated and are limited to four (4) square feet in size and four (4) feet in height. One (1) yard sale sign is allowed per road frontage. All yard sale signs shall be removed within twenty-four (24) hours of completion of the activity being advertised.
- (7) *Subdivision development signs.* Signs advertising a subdivision development shall be erected on-premises only, provided that such signs do not exceed fifty (50) square feet in area, are set back at least twenty (20) feet from any property line, are spaced at least five hundred (500) feet apart, and are removed not more than thirty (30) days from such time as seventy-five (75%) percent of the subdivision lots are conveyed (unless a permanent sign permit is obtained).
- (8) *Special event signs.* Signs may be erected by public or non-profit organizations, such as schools or places of worship, for promoting special events as follows. Signs shall be displayed for a period of no more than

thirty (30) consecutive days and shall be allowed no more than two (2) periods a year on any property. Such signs shall not be illuminated and shall not be located within a road right-of-way. Such signs shall be limited to eighteen (18) square feet in size and six (6) feet in height.

- (9) *Home occupation signs.* One non-illuminated sign shall be permitted for a home occupation. Such sign shall be mounted flat against the wall of the principal structure in which the home occupation is conducted or, if is in an RU or RR zoning district, it may be on a freestanding post (up to a height of four (4) feet, inclusive of the sign) that is located on the property of the structure in which the home occupation is conducted; provided, however, such sign shall not exceed two (2) square feet in area. Home occupation signs are only allowed in those zoning districts in which home occupations are allowed (see Section 26-141. Table of Permitted Uses, Permitted Uses with Special Requirements, and Special Exceptions).
- (e) *Prohibited signs.* The following signs are prohibited in the unincorporated areas of Richland County:
- (1) *Off-premises signs.* All off-premises signs, unless specifically allowed elsewhere in this chapter.
 - (2) *Roof signs.* Roof signs; provided, however, that signs on the surfaces of a mansard roof or on parapets shall not be prohibited if the signs do not extend above the mansard roof or parapet to which they are attached.
 - (3) *Animated/flushing signs and signs of illusion.* Signs displaying blinking, flashing, or intermittent lights, or animation, moving parts, or signs giving the illusion of movement.
 - (4) *Signs resembling traffic signals.* Signs that approximate official highway signs, warning signs, or regulatory devices.
 - (5) *Signs on roadside appurtenances.* Signs attached to or painted on utility poles, trees, parking meters, bridges, overpasses, rocks, other signs, benches, refuse containers, etc., unless specifically allowed elsewhere in this chapter.
 - (6) *Abandoned signs and sign structures.* Signs that advertise an activity or business that is no longer conducted on the property on which the sign is located. Such signs or sign structures must be removed within thirty (30) days of becoming an abandoned sign or sign structure.
 - (7) *Pennants, streamers, balloons, etc.* Signs containing or consisting of pennants, ribbons, streamers, balloons, or spinners.

- (8) *Signs obstructing access.* Signs that obstruct free ingress or egress from a driveway, or a required door, window, fire escape, or other required exitway.
 - (9) *Signs located in the right-of-way.*
 - (10) *Inflatable signs or balloons.*
- (f) *Temporary signs requiring permits.* The following signs are allowed in all zoning districts, but shall require a sign permit. Such signs must conform to the standards set forth below as well as to other applicable requirements of this chapter.
- (1) *Portable signs.* Portable signs shall be located on-premises only. Such signs shall be displayed for a period of no more than thirty (30) consecutive days and shall be allowed no more than two (2) periods per year.
 - (2) *Grand opening signs.* A business may have one (1) sign per street frontage that is used exclusively to announce a grand opening, as well as new or improved products, sales, changes in management, hours of operation or changes thereto, or the availability of employment. Such signs shall be displayed for a period of no more than thirty (30) consecutive days. The sign face areas shall not exceed thirty-two (32) square feet, and shall not be illuminated.
 - (3) *Seasonal signs.* Christmas tree lots, pumpkin lots, fireworks stands, produce or flower stands, or other similar seasonal and temporary commercial uses may have one (1) sign per street frontage. Such signs shall be displayed for a period of no more than forty-five (45) consecutive days, commencing from the corresponding business license's date of issuance or start of business date, whichever is later. The sign face areas shall not exceed forty-eight (48) square feet, and shall not be illuminated.
- (g) *On-premises signs permitted in rural and residential districts.* Signs are permitted in the RU, RR, RS-E, RS-LD, RS-MD, RS-HD, RM-LD, RM-HD, and MH Districts, subject to the following regulations:
- (1) *Permanent subdivision signs.* Permanent subdivision signs displaying no information other than the name of the residential land subdivision in which they are located shall be permitted. Such signs shall not exceed fifty (50) square feet in area, shall not encroach upon vision clearances established in Section 26-181(c) of this chapter, and shall only be located on property that is part of the subdivision.

- (2) *Signs for multi-family residential uses and nonresidential uses.* Signs relating to permitted multi-family housing developments, manufactured home parks, or permitted nonresidential uses may be erected, subject to the following provisions:
 - a. *Maximum size.* Fifty (50) square feet of total surface area per side per road frontage.
 - b. *Number.* One (1) sign per road entrance. Two (2) sides permitted per road frontage if affixed to masonry, brick, or wood fences. Such signs shall be limited to twenty (20) square feet each.
 - c. *Type.* Freestanding or wall.
 - d. *Height.* Wall signs shall not project above the roofline. Freestanding signs shall not exceed four (4) feet above the ground level when located in required front yards, or six (6) feet above ground level when located elsewhere.
 - e. *Location.* Vision clearances established in Section 26-181(c) of this chapter shall be observed.
 - f. *Additional signs allowed.* In addition to those signs permitted above, one bulletin or notice board displaying information related to activities or services conducted or offered on the premises may be erected per lot frontage. The display surface area of such bulletin board or notice board shall not exceed twenty (20) square feet.

- (h) *On-premises signs permitted in the Rural Commercial, Office and Institutional and Neighborhood Commercial Districts.* Signs are permitted in the RC, OI, and NC Districts, subject to the following regulations:
 - (1) *Number of signs.* Freestanding and attached on-premises signs are allowed in the RC, OI, and NC Districts. Only one (1) freestanding sign is allowed per road frontage per lot. There is no limit to the number of attached signs permitted on a lot so long as the allowable area for attached signs is not exceeded.
 - (2) *Allowable area for freestanding signs.*
 - a. *Total allowable area for freestanding signs.* The total allowable area for a freestanding sign on a lot shall be related to the linear footage of the road frontage of the lot. Property owners are allowed one (1) square foot of sign face area per linear foot of road frontage for the first one hundred (100) feet of road frontage and

one-half ($\frac{1}{2}$) square foot of sign face area per linear foot of road frontage in excess of one hundred (100) feet. However, in no event shall the square footage limitations for freestanding signs, set forth in subsection (2)b. below, be exceeded.

- b. *Maximum size for all freestanding signs.* Regardless of the amount of road frontage on a lot, the following maximum sizes for freestanding signs shall not be exceeded. For a lot with one (1) road frontage, the total maximum sign face area allowed is one hundred (100) square feet. For a lot with two (2) road frontages, the maximum sign face area allowed is one hundred and fifty (150) square feet. For a lot with three (3) or more street frontages, the maximum sign face area allowed is two hundred (200) square feet.
- (3) *Allowable area for attached signs.* If there is no freestanding sign on the premises, one and one-half ($1\frac{1}{2}$) square feet of sign face area shall be permitted for each linear front foot of the principal building for attached signage. If there is a freestanding sign on the premises, only one (1) square foot of sign face area shall be permitted for each linear front foot of the principal building for attached signage
- (4) *Height.* In the RC and NC districts, no part of any freestanding sign or its supporting structure may exceed fifteen (15) feet in height. In the OI district, no part of any freestanding sign or its supporting structure may exceed twenty-five (25) feet in height. No projecting sign shall project more than twelve (12) feet above the highest point of the roof of the structure to which it is attached.
- (5) *Location.* Freestanding signs may be located anywhere on the property unless specifically restricted otherwise in this chapter. Vision clearances established in Section 26-181(c) of this chapter shall be observed. No part of any freestanding sign permitted in required setbacks shall be located less than five (5) feet from any property line. Wall signs may be located anywhere on the wall of a building. No sign shall be erected within ten (10) feet of any residential district boundary line unless such sign would meet the sign requirements for nonresidential uses permitted within the residential district to which it is adjacent.
- (i) *On-premises signs permitted in the General Commercial District.* Signs are permitted in the GC District, subject to the following regulations:
 - (1) *Number of signs.* Freestanding and attached signs are allowed in the GC District. Only one (1) freestanding sign is allowed per road frontage per lot. There is no limit to the number of attached signs permitted on a lot so long as the allowable area for attached signs is not exceeded.

- (2) *Allowable area for freestanding signs.*
 - a. *Total allowable area for freestanding signs.* The total allowable area for a freestanding sign on a lot shall be related to the linear footage of the road frontage of the lot. A property owner is allowed one (1) square foot of sign face area per linear foot of road frontage for the first one hundred (100) feet of road frontage and one-half ($\frac{1}{2}$) square foot of sign face area per linear foot of road frontage in excess of one hundred (100) feet. However, in no event shall the square footage limitations for freestanding signs, set forth in subsection (2) b. below, be exceeded.
 - b. *Maximum size for all freestanding signs.* Regardless of the amount of road frontage on a lot, the following maximum sizes for freestanding signs shall not be exceeded. For a lot with one (1) road frontage, the total maximum sign face area allowed is two hundred and fifty (250) square feet. For a lot with two (2) road frontages, the maximum sign face area allowed is four hundred (400) square feet. For a lot with three (3) road frontages, the maximum sign face area is five hundred (500) square feet.
 - (3) *Allowable area for attached signs.* If there is no freestanding sign on the premises, one and one-half ($1\frac{1}{2}$) square feet of sign face shall be permitted for each linear front foot of the principal building for attached signage. If there is a freestanding sign on the premises, only one (1) square foot of sign face area shall be permitted for each linear foot of the principal building for attached signage.
 - (4) *Height.* No part of any freestanding sign or its supporting structure shall exceed fifty (50) feet in height. No projecting sign may project more than twenty (20) feet above the highest point of the roof of the structure to which it is attached.
 - (5) *Location.* Signs may be located anywhere on the property unless specifically restricted otherwise in this chapter. Vision clearances established in Section 26-181(c) of this chapter shall be observed. No part of any freestanding sign permitted in required setbacks shall be located less than five (5) feet from any property line. Wall signs may be located anywhere on the wall of a building. No sign shall be erected within ten (10) feet of any residential district boundary line unless such sign would meet the sign requirements for nonresidential uses permitted within the residential district to which it is adjacent.
- (j) *On-premises signs permitted in the Light Industrial and Heavy Industrial Districts.* Signs are permitted in the M-1, LI, and HI Districts, subject to the following regulations:

- (1) *Number of signs.* Freestanding and attached on-premises signs are allowed in the M-1, LI, and HI Districts. Only one (1) freestanding sign is allowed per road frontage per lot. There is no limit to the number of attached signs permitted on a lot so long as the allowable area for attached signs is not exceeded.
- (2) *Allowable area for freestanding signs.*
 - a. *Total allowable area for freestanding signs.* The total allowable area for a freestanding sign on a lot shall be related to the linear footage of the road frontage of the lot. A property owner is allowed one (1) square foot of sign face area per linear foot of road frontage for the first one hundred (100) feet of road frontage and one-half ($\frac{1}{2}$) square foot of sign area per linear foot of road frontage in excess of one hundred (100) feet. However, in no event shall the square footage limitations for freestanding signs, set forth in subsection (2)b. below, be exceeded.
 - b. *Maximum size for all freestanding signs.* Regardless of the amount of road frontage on a lot, the following maximum sizes for freestanding signs shall not be exceeded. For a lot with one (1) road frontage, the total maximum sign face area allowed is three hundred (300) square feet. For a lot with two (2) road frontages, the maximum sign face area allowed is four hundred and fifty (450) square feet. For a lot with three (3) street frontages, the maximum sign face area is six hundred (600) square feet.
- (3) *Allowable area for attached signs.* If there is no freestanding sign on the premises, one and one-half ($1\frac{1}{2}$) square feet of sign face areas shall be permitted for each linear front foot of the principal building for attached signage. If there is a freestanding sign on the premises, only one (1) square foot of sign face area shall be permitted for each linear foot of the principal building for attached signage.
- (4) *Height.* No part of any freestanding sign or its supporting structure shall exceed thirty-five (35) feet in height. However, the maximum height for signs on lots located adjacent to the right-of-way for interstate interchanges is fifty (50) feet.
- (5) *Location.* Signs may be located anywhere on the property unless specifically restricted otherwise in this chapter. Vision clearances established in Section 26-181(c) of this chapter shall be observed. No part of any freestanding sign permitted in required setbacks shall be located less than five (5) feet from any property line. Wall signs may be located anywhere on the wall of a building. No sign shall be erected within ten

(10) feet of any residential district boundary line unless such sign would meet the sign requirements for nonresidential uses permitted within the residential district to which it is adjacent.

(k) *Off-premises combined development signs permitted in the Office and Institutional, General Commercial, Light Industrial, and Heavy Industrial Districts.* Off-premises combined development signs are permitted in the OI, GC, M-1, LI, and HI Districts, subject to the following regulations:

(1) *Number.* One (1) off-premises freestanding combined development sign is allowed per development street frontage.

(2) *Allowable area.*

a. *Maximum size.* The maximum sign face area for a permitted combined development sign is one hundred and fifty (150) square feet if the sign is located within the required front yard setback for the lot on which it is located. The maximum sign face area is three hundred (300) square feet if the sign is not located within the required front yard setback.

b. *Allowable area for any one business or establishment.* Individual businesses identified on the combined development sign shall be limited to no more than twenty percent (20%) of the total allowable square footage of the sign.

(3) *Height.* No part of any off-premises freestanding combined development sign or its supporting structure may exceed ten (10) feet in height if located within the required front yard setback for the lot on which it is located. The sign may not exceed fifteen (15) feet in height if not located within the required front yard setback.

(4) *Location.* Permitted off-premises freestanding combined development signs must be located on lots that are adjacent to a principal driveway entrance to the combined development and that are zoned for the type of development for which the sign is being erected. Vision clearances established in Section 26-181(c) of this chapter shall be observed. No part of any freestanding sign permitted in required setbacks shall be located less than five (5) feet from the front property line. No sign shall be erected within ten (10) feet of any residential district boundary line unless such sign would meet the sign requirements for nonresidential uses permitted within the residential district to which it is adjacent.

(l) *Additional regulations in all districts.* Where the following uses are permitted in a district, the standards listed below apply:

- (1) *Places of worship and schools.* In addition to signs permitted in the district in which a place of worship or school is located, such places of worship or schools shall be permitted one bulletin or notice board displaying information related to activities or services conducted or offered on the premises per lot frontage.
 - (2) *Signs on marquees and canopies.* Signs on marquees or canopies projecting into a public right-of-way are subject to the provisions concerning attached signs in subsection (b)(2)b. above. In no case shall the length of the sign projection exceed the length of projection of the marquee or canopy to which it is attached. Additionally, such signs may not extend more than twenty-four (24) inches below or more than four (4) feet above the marquee or canopy to which they are attached. The sign face area for signs on canopies shall be limited as part of the allowable area for freestanding, on-premises signs in the respective zoning district.
 - (3) *Service stations.* Service stations are permitted, in addition to the signage permitted in subsection (2) above, one sign not exceeding five (5) square feet in area and located over the doorway to each service bay of the service station. Such signs must identify the service provided therein. These signs shall be subject to inclusion within the limitations upon display surface area.
- (m) *Signs permitted in the Planned Development and Town and Country Districts..*
- (1) *Signs for residential uses.* Within a PDD or TC District, signs for residential uses shall comply with the sign regulations set forth for residential uses in residential districts contained in subsection (g) above.
 - (2) *Signs for nonresidential uses.* Signs for nonresidential uses in a PDD or TC district shall comply with the sign regulations set forth in subsection (i) above for the General Commercial (GC) District.
- (n) *Maintenance.* To ensure that signs are maintained in a safe and aesthetically satisfactory manner, the following maintenance requirements shall apply to all signs:
- (1) No sign shall have more than twenty percent (20%) of its display area or structure or reverse side covered with disfigured, chipped, cracked, ripped, or peeling paint or poster paper for a period of more than thirty (30) successive days.
 - (2) No sign shall remain with a bent or broken display area, broken supports, loose appendages or struts or stand more than fifteen (15) degrees from the perpendicular for a period of more than thirty (30) successive days.

- (3) No sign shall be allowed to have weeds, vines, or other vegetation growing upon it for a period of more than thirty (30) successive days.
 - (4) No indirect or internally illuminated sign shall have only partial illumination for a period of more than sixty (60) successive days.
- (o) *Nonconforming signs.* All legal nonconforming signs in existence as of the effective date of this chapter may be continued and shall be maintained in good condition. However, a nonconforming sign shall not be:
- (1) Changed to another type or shape of nonconforming sign; provided, however, the copy, content, or message of the sign may be changed so long as the shape or size of the sign is not altered.
 - (2) Structurally altered so as to prolong the life of the sign.
 - (3) Expanded.
 - (4) Reestablished after discontinuance for sixty (60) or more successive days.
 - (5) Reestablished after damage or destruction, where the estimated expense of reconstruction exceeds fifty percent (50%) of the appraised replacement cost of the sign in its entirety.

Sec. 26-181. Road standards.

- (a) *Purpose/general requirements.*
- (1) *Purpose.* The purpose of this section is to prescribe minimum design standards for new public and/or private roads.
 - (2) *General requirements.* All required road improvements set forth in this section shall be installed or constructed by the developer at no cost to the county, except as may otherwise be specifically provided. The developer shall be responsible for obtaining all permits. Required improvements under this section shall not be installed or constructed until required site plans have been approved by the planning department and an order to proceed has been issued.
 - (3) *Phasing.* Development may be designated to be constructed and/or platted in phases. Provided, however, the planning department may not approve a phasing plan when in its opinion such phasing will not provide for

adequate roadway facilities to support any such phase or phases independent of the overall development plan. In approving phases, the planning department may require that additional roads be constructed as part of the phase or phases in order to ensure that sufficient public facilities will be in place to support such phase or phases independent of any future development.

(b) *Design standards for public or private roads.*

(1) *Right-of-way and pavement widths.*

- a. *Minimum standards.* Minimum rights-of-way and pavement widths shall be as follows, unless reduced by the planning commission during land development or subdivision review and approval:

<i>Road Classification</i>	<i>Minimum ROW (ft)</i>	<i>Minimum Pavement Width (ft)</i>
Rural	66	22
Minor Residential	50	21
Local Residential	50	25
Local Commercial	66	36
Collector	66	36
Industrial	80	36
Arterial	100	53

Pavement width for rural roads shall be measured from pavement edge to pavement edge. Residential, commercial, collector, and industrial roads shall measure pavement width from back-of-curb to back-of-curb or from low-point-of-valley to low-point-of-valley. The mixing of rural and any other road classification is prohibited. Roads without curb and gutter shall have a minimum right-of-way of sixty-six (66) feet, although curb and gutters shall be installed on all paved roads unless the county engineer determines that another system is acceptable.

- b. *Additional right-of-way.* In the event the development of property includes or abuts an existing platted county road that does not conform to the minimum requirements set forth in this chapter, or in the event that the development will result in an increase in the average daily traffic using the road to the extent that the classification of the road will change under these regulations, or the road is shown on the county's thoroughfare plan, the preliminary land development (land development or subdivision) plan must provide for sufficient right-of-way to increase the size of

the right-of-way to the width needed under the new classification. In the event that the development abuts only one (1) side of such a road, the additional right-of-way reserved shall not exceed one-half ($\frac{1}{2}$) of the additional right-of-way required under the new classification, measured from the centerline of the existing right-of-way. The plat shall clearly denote that any subject right-of-way described above is reserved for future road widening. Lot area requirements and setback requirements shall not use the reserved right-of-way area in their measurements.

(2) *Connectivity.*

- a. *Extension of existing roads.* The arrangement of roads in a subdivision shall provide for the alignment and continuation or extension of existing roads in adjoining areas in compliance with the standards set forth in this section. Greater widths may be required if the existing road is identified for widening in the county's thoroughfare plan.
- b. *Access to undeveloped property.* Where it is deemed necessary to the development of a logical road pattern and transportation network, roads and rights-of-way shall be extended to the boundary of adjoining property. Incompatible characteristics of adjoining property shall be given due consideration in making a determination of what shall constitute a logical road pattern. Reserve strips adjoining road rights-of-way for the purpose of preventing access to adjacent property shall not be permitted.
 1. *Construction of road connections.* Where required for a logical road pattern, road extensions or connections may be built. In the event that the adjoining property is later developed in such a manner that it is determined that the connection will not be necessary for a logical road pattern, the connection may be abandoned and divided proportionally among adjoining landowners. Temporary dead end roads shall be provided with a temporary turnaround having a roadway surface diameter of eighty (80) feet, or other approved type of turnaround.
 2. *Reservation of road connections.* In certain situations, the planning commission may permit a platted lot to be "reserved for future connection" in lieu of construction of the road connection, in which case an escrow account will be established in favor of the county for a ten (10) year period in an amount determined by the county engineer to cover the cost of construction. In the event the connection

is constructed, any remaining property shall be conveyed to adjoining property owners and the balance of the escrow account refunded to the developer. In the event that the adjoining property is later developed in such a manner that it is determined that the connection is not required or desirable, the reservation will be terminated, ownership of the lot will remain with the developer and the escrow account refunded to the developer. If the extension has not been constructed within the ten (10) year period, the planning commission will determine the continued necessity of the extension and either extend the time of the escrow account or recommend that the reservation be terminated, with ownership of the lot remaining with the developer and the escrow account being refunded to the developer.

- c. *Gated communities.* Gated communities are discouraged but are permitted. Roads within gated communities will not be taken over by the county for road maintenance.

(3) *Cul-de-sacs.*

- a. *General.* Cul-de-sacs shall not be used to avoid connection with an existing road or to avoid connection to adjoining property. In general, cul-de-sacs shall not be used to provide access to development on the boundary of the development except where, in the opinion of the planning commission, a cul-de-sac is necessitated by topography or property accessibility, or is appropriate for land use separation.
- b. *Cul-de-sac length.* Cul-de-sacs shall not exceed eight hundred (800) feet in length unless necessitated by topography or property accessibility, and are approved by the planning commission. Measurement shall be from the point where the centerline of the dead end road intersects with the centerline of a general circulation road to the center of the turnaround of the cul-de-sac. Where one cul-de-sac extends from another cul-de-sac, the end of each cul-de-sac shall be no more than eight hundred (800) feet from a general circulation road as measured by the centerline of the roads.
- c. *Cul-de-sac design.* Cul-de-sacs shall terminate in a circular turnaround having a minimum right-of-way of at least one hundred (100) feet in diameter and a paved turnaround with a minimum outside diameter of eighty (80) feet, or other approved type of turnaround, including T's, Y's or landscaped islands with a minimum right-of-way sufficient for county maintenance.

(4) *Temporary dead-end road and half roads.*

- a. *Temporary dead-end roads.* Temporary dead-end roads shall be provided with a temporary turnaround having a roadway surface diameter of eighty (80) feet, or other type of approved turnaround.
- b. *Half roads.* Half roads of less than two (2) lanes are prohibited. Whenever a road is planned adjacent to the proposed development tract boundary, the entire road right-of-way shall be platted within the proposed development, or a portion of the road may be platted and reserved with adequate provision for the concurrent dedication of the remaining portion of the right-of-way by the adjacent landowner, evidence of which shall be furnished by the developer through an acquired and recorded easement.

(5) *Intersections.*

- a. *Intersection design.* The center lines of no more than two (2) roads shall intersect at any one point. Roads shall be laid out so as to intersect as nearly as feasible at right angles and no road shall intersect any other road at an angle of less than sixty (60) degrees. The angle of intersections shall be measured at the intersection of road centerlines. Where curved roads intersect, the lesser traveled road (based on current studies) shall have a minimum tangent of one hundred (100) feet at the intersection, with no more than sixty (60) degrees deflection from radial.
- b. *Intersection spacing.* Road intersections shall have a centerline offset of not less than two hundred (200) feet, except that road intersections on minor or local residential roads shall have a centerline offset of not less than one hundred twenty-five (125) feet.

(6) *Other design standards.*

- a. *Reverse curves.* On state maintained roads, tangent distances shall be determined by the use of South Carolina Department of Transportation standards. On other roads, the Richland County design standards shall apply.
- b. *Road grades.* Grades on roads not classified shall be established by the South Carolina Department of Transportation or by the

county engineer. Grades on collector roads shall not exceed eight percent (8%) unless topographic conditions make this impractical. Grades on residential roads shall not exceed fifteen percent (15%), unless topographic conditions make this impractical. All roads shall have a minimum grade of not less than one-half ($\frac{1}{2}$) of one percent (1%).

- c. *Horizontal curves.* Where a deflection angle of more than ten (10) degrees occurs in the alignment of a road, a curve of reasonable radius shall be introduced. On roads not classified, the center line radius of curvature shall be determined by the South Carolina Department of Transportation or by the county engineer. On collector, industrial, or commercial roads, the center line radius of curvature shall not be less than three hundred and fifty (350) feet. On local residential roads, the center line radius of curvature shall not be less than one hundred and fifty (150) feet unless the topography of the land to be subdivided makes this impractical.
- d. *Vertical curves.* Minimum stopping sight distance on roads not classified shall be determined by the South Carolina Department of Transportation or by the county engineer. On collector, industrial, or commercial service roads, the minimum stopping sight distance shall be two hundred and seventy-five (275) feet (forty miles per hour) and on minor residential roads, one hundred sixty (160) feet (twenty-five miles per hour). Stopping sight distances shall be measured from a height of eye of three (3) feet, nine (9) inches to an object with a height of six (6) inches, both distances measured above the centerline of the road or road. Stopping sight distance shall be determined in accordance with the standards of the American Association of State Highway Officials.
- e. *Split-level roads.* Roads that are constructed so as to have two (2) traffic ways, each at a different level within the same right-of-way, shall provide a paved traffic surface of at least twenty (20) feet on each level and a slope between the two (2) traffic ways of 6:1 or flatter.
- f. *Alleys.* Alleys shall only be permitted as approved by the county engineer.
- g. *Access to parks, schools, etc.* Convenient access to places of public assembly must be ensured in all development. See also Section 26-179 of this chapter for pedestrian amenity requirements.

- h. *Railroad rights-of-way.* Developments adjacent to railroad rights-of-way shall be required to provide for future railroad crossings.
 - i. *Marginal access roads.* In order to reduce traffic congestion, marginal access roads shall be required between arterial roads and the adjacent development. Additionally, the planning commission may require marginal access roads between collector roads and adjacent development, if the conditions warrant.
 - j. *Grading and paving.* All grading and paving work done on new roads or road improvements must be approved by the county engineer.
 - k. *Road signs/traffic control devices.* Road signs, in conformance with the requirements of the addressing coordinating specialist, shall be located at all intersections in a manner approved by the county engineer. All traffic control devices required by the *SC Manual on Uniform Traffic Control Devices for Roads and Highways* may be installed at the developer's expense. If the county purchases such devices on behalf of the developer, all costs shall be paid in full prior to approval of the final plat of a subdivision or a certificate of zoning compliance for other developments.
- (c) *Visibility at intersections.*
- (1) *Sight clearance to be maintained.* At each corner of each road or driveway/road intersection, a sight area shall be maintained. Within the sight area, no fence, wall, sign, slope, embankment, parked vehicle, hedge, foliage, planting, object, or structure shall be placed, erected, or maintained that will obstruct visibility within the sight area.
 - (2) *Dimensions of the sight area.* The horizontal dimensions of sight areas are defined as triangular areas formed by the intersecting right-of-way lines and a straight line joining the right-of-way lines at points that are measured along the right-of-way lines as follows:
 - a. Fifteen (15) feet distant from the point of the intersection of the right-of-way lines in commercial and industrial districts.
 - b. Twenty-five (25) feet distant from the point of the intersection of the right-of-way lines in residential districts.

Those sight areas shall be established regardless of the angle of intersection of the right-of-way lines.

For the intersection of a driveway and a road, the triangular area is that formed by the right-of-way and the edge of the driveway and a straight line joining the right-of-way and driveway edge at points that are fifteen (15) feet distant from the point of intersection.

The vertical dimensions (cross-visibility) of sight areas are defined as the vertical space between the heights of two and one-half (2½) feet and ten (10) feet in elevation above the nearest edge of the road pavement of a paved road or above the nearest edge of the riding surface of an unpaved road. Trees having limbs and foliage trimmed so that the cross-visibility within the triangle is not obscured shall be allowed to overhang the sight triangle, provided the location of any tree does not create a traffic hazard.

Sec. 26-182. Easements and utilities.

(a) *Easements.*

- (1) *Depiction on plan or plat.* All existing and/or proposed easements shall be depicted on the development plan or subdivision plat.
- (2) *Location and size of utility easements.* All above-ground utilities, to the maximum extent possible, shall be along the rear lot line. Easements for streams, stormwater facilities, or other watercourses shall follow the contours of the facility and shall comply with the requirements set forth in Section 26-102 of this chapter. Rear lot line easements shall be a minimum of twelve (12) feet wide and side lot line easements shall be a minimum of ten (10) feet wide.

(b) *Water and sewer.*

- (1) *General.* The method of providing water and sewer service to any development shall be shown on the development application. The developer shall obtain all appropriate construction permits from the county and state health departments.
- (2) *Water utilities.* Water lines, valves, and hydrants shall be installed and/or dedicated according to the requirements of the provider. When required by the provider, water lines shall be stubbed out at the abutting property line or easement line.
- (3) *Sewer systems.* When required by the provider, sewer lines shall be installed and/or dedicated according to the requirements of the provider. In addition, when required by the provider, sewer lines shall be stubbed out at the abutting property line or easement line.

- (4) *Natural gas.* If supplied, natural gas lines shall be located outside the pavement to the extent possible but within the right-of-way.

Sec. 26-183. Road naming and addressing.

(a) *General provisions.*

- (1) *Uniform system.* A uniform system of naming roads and numbering properties and principal buildings, called “Guidelines for Road Naming and Addressing in Richland County”, will be maintained by the planning and development services department.
- (2) *Addresses, generally.* An address shall be available for all principal dwellings and buildings within the unincorporated area of the county. Addresses will be provided only on those roads that have been assigned a name in accordance with the guidelines set forth by the planning department.
- (3) *Road naming, generally.* Upon recommendation of the planning department, the planning commission, in conjunction with the requirements set forth in Section 6-29-1200 of the S.C. Code of Laws, as amended, will be responsible for naming all roads in the unincorporated areas of the county. New road names will not be allowed if they duplicate existing county road names, including road names within zip code areas that cross county boundaries into neighboring counties. Existing duplicate road names shall be changed as necessary to ensure the efficiency of the emergency response system.

(b) *Assignment of numbers.*

- (1) *Basis for assignment.* The planning department, in conjunction with the county assessor’s office, shall assign all numbers on the basis of one number for each fifty (50) feet of frontage along the road. All buildings north of the east-west roads and east of north-south roads shall bear even numbers, and likewise, all buildings south of east-west roads and west of north-south roads shall bear odd numbers. All roads running more nearly north-south shall be numbered as north-south roads, and all roads running more nearly east-west shall be numbered as east-west roads.
- (2) *Number to be assigned.* No building shall have more than one number. If multiple buildings have frontage within one or more assigned forty (40) foot frontage area(s) so that sufficient numbers are not available to give each building a separate number designation, then all such buildings at that location will be assigned the same number and each one of such buildings will carry a sub-designation in addition to the assigned number.

- (3) *Location of numbers.* When each dwelling or building has been assigned its respective number or numbers, the owner, occupant, or agent shall be required to immediately attach the assigned number or numbers in accordance with the following provisions. The cost of the numbers shall be paid for by the property owner.
 - a. *Size/material.* Residential numbers shall not be less than three (3) inches in height, and business numbers shall not be less than four (4) inches in height. Numbers shall be made of a durable and clearly visible material that is in a contrasting color to the building.
 - b. *Placement.* The numbers shall be conspicuously placed immediately above, on, or at the side of the proper door of each building so that the number can be seen plainly from the road line. Whenever the building is more than fifty (50) feet from the road line, the numbers must be placed near the walk, driveway, or common entrance to the building, and upon a mailbox, gate post, fence, or other appropriate place so as to be easily read from the road line.
 - c. *Digits.* The number or numbers assigned to each dwelling or building shall not exceed five (5) digits.

- (4) *Administration.*
 - a. *Application.* Whenever any principal dwelling or building is erected or located in the county, it will be the duty of the owner or owners to obtain the correct address for the property as designated by the planning department, and to immediately attach the number or numbers to the building as provided in this subsection. No building permit will be issued for any dwelling or building until the owner has obtained the official address from the planning department.
 - b. *Final approval on construction.* Final approval of any principal structure erected, altered, repaired, or modified shall be withheld by the building inspections division until the address is posted on said structure as outlined in this subsection.

Sec. 26-184. Parks and open space.

- (a) *Purpose and applicability.*
 - (1) *Purpose.* The common open space and park standards contained herein are established to provide an option for the reservation of open space in

residential development in Richland County. Preservation of open space and parks in developing areas serves a variety of purposes, including meeting the recreational needs of residents, reducing stormwater runoff, and enhancing air quality.

- (2) *Applicability.* The parks and open space options contained in this section shall apply to minor and major residential land developments and to minor and major residential subdivisions.

(b) *General parks and open space requirements.*

- (1) *Minimum amount of park land or open space to be reserved.* Developers wishing to use the design flexibility standards of subsection (c) below, must reserve at least ten percent (10%) of the total project area as park land or open space. In addition, at least 50% of the reserved park areas or open space shall be usable, i.e. made accessible for pedestrian and/or aquatic use, or consists of land that could otherwise be developed and does not slope more than 33°.

- (2) *Acceptable land for park land or open space reservation.* Land reserved to meet the requirements of this section shall be subject to the following standards:

- a. *Water features.* Bodies of water, such as ponds, lakes, streams, wetlands, and flood plains, may be used to fulfill the open space requirement.
- b. *Land burdened with easements.* Land that is burdened with easements may be used, provided that the easements do not interfere with the use of the land for open space and recreation purposes and do not permit future development.
- c. *Minimum required yards.* Minimum required yards may provide up to fifty percent (50%) of the required open space.

- (3) *Unacceptable land for park or open space reservation.* The following types of land are unacceptable for park or open space reservation:

- a. *Occupied land.* Land occupied by roads, drives, parking areas, or structures, other than those related to recreational structures or parks.
- b. *Land with hazardous materials.* Land containing or contaminated by hazardous materials.

- c. *Narrow areas.* Land with a minimum width of less than ten (10) feet, unless specifically approved by the planning department.
- (c) *Design flexibility for additional open space reservation.* It is the intent of this subsection to encourage variety and flexibility in design and development of residential areas and to provide a means of preserving larger areas of open space. This development design relaxes conventional zoning and/or subdivision standards to permit modifications in lot size and shape by concentrating single-family dwellings in specific areas of an overall tract, leaving more open space in which to preserve natural features, such as woodlands and streams, and in so doing, to provide for the active or passive use of such lands as recreational space for the residents of these developments. Depending on the zoning district in which the development is located, housing may be detached or attached if building code standards are met. This flexibility in design shall be available to any major residential development or major subdivision in which ten percent (10%) of the project area is reserved for open space. This flexibility shall take the form of reductions in the dimensional standards (lot area, minimum lot width, and setback) for the applicable zoning district. Reductions shall be as follows:
- (1) *Open space of more than ten percent (10%) but less than fifteen percent (15%).* If the total open space provided, in meeting the standards listed in (b)(2) and (b)(3) above, is more than ten percent (10%) and less than fifteen percent (15%) of the total project area, each dimensional requirement may be reduced ten percent (10%).
 - (2) *Open space of fifteen percent (15%) or more, but less than twenty percent (20%).* If the total open space provided, in meeting the standards listed in (b)(2) and (b)(3) above, is fifteen percent (15%) or more, but less than twenty percent (20%) of the total project area, each dimensional requirement may be reduced by fifteen percent (15%).
 - (3) *Open space of twenty percent (20%) or more, but less than twenty-five percent (25%).* If the total open space provided, meeting the standards listed in (b)(2) and (b)(3) above, is twenty percent (20%) or more, but less than twenty-five percent (25%) of the total project area, each dimensional requirement may be reduced by twenty percent (20%).
 - (4) *Open space of twenty-five percent (25%) or more.* If the total open space provided, meeting the standards listed in (b)(2) and (b)(3) above, is twenty-five percent (25%) or more of the total project area, the zoning district dimensional requirements may be waived. The then newly established minimum lot size, lot coverage, and setback requirements must be approved by the planning staff and development review team.
- (d) *Maintenance.* Arrangements for the perpetual maintenance of open space that meet these requirements must be approved by the planning department. Any

conveyance to a homeowner's association shall be subject to appropriately recorded and filed restrictive covenants and easements. The covenants and easements shall prohibit future development of the open space for other than open space and recreation purposes and shall provide for continued maintenance of the open space and recreation facilities. Failure to maintain the area designated for open space shall constitute a violation of this chapter.

Sec. 26-185. Temporary and accessory uses.

(a) *Temporary uses.*

(1) *General standards and permit requirement.*

- a. *Permit required.* All permitted temporary uses listed in this section require a temporary use permit. Temporary use permits shall be reviewed and issued by the planning department. A temporary use permit may only be issued when all applicable criteria set forth in this section have been met. All additional permits and inspections required by the building code or fire officials must be received. Special events and activities conducted on public property, such as school sites and public parks, shall be exempt from the provisions of this section but must comply with any guidelines, regulations, and permitting processes required by the authorizing agency.
- b. *Time limitations.* Temporary use permits shall be issued for no more than sixty (60) days within a calendar year on any individual lot.
- c. *General standards.*
 1. The property on which a temporary use is proposed must contain sufficient space to support the temporary use.
 2. No temporary use shall be located closer than two hundred (200) feet to a dwelling unit.
 3. Parking must be adequate to support the proposed temporary use.
 4. Restroom facilities, if needed, must be provided. Plans for security and safety must be provided.

(2) *Permitted temporary uses.*

- a. *Permitted uses.*

1. *Temporary events.* Temporary uses, such as circuses, carnivals, fairs, and religious events in a temporary structure, and similar types of events, shall be allowed in all nonresidential zoning districts in accordance with the other standards set forth in this section.
 2. *Temporary sales.* Temporary sales structures or areas (i.e., Christmas tree sales) are permitted in all nonresidential zoning districts in accordance with the other standards set forth in this section.
- b. *Temporary uses with specific requirements.*
1. *Contractor's office and equipment storage sheds.* A contractor's office and/or equipment storage shed(s) may be placed temporarily on the site of construction of a development for which a land development permit or preliminary subdivision plat approval has been issued. Such structures shall be allowed in all zoning districts. Placement of such temporary use is limited to a period of time determined by an estimated project completion date, with the option of an extension of up to one (1) year, as and if approved by the planning department. All temporary construction buildings and trailers shall be completely removed from the site within thirty (30) days of issuance of a certificate of zoning compliance or completion of the project, whichever comes first.
 2. *Real estate office in a construction trailer or temporary modular unit.* One (1) temporary structure, such a construction trailer or temporary modular unit, may be used as a real estate sales office in any new construction project. Such structure shall be allowed in all zoning districts. Temporary real estate offices in construction trailers or temporary modular units may remain on the site for no more than twelve (12) months or until one-half ($\frac{1}{2}$) of the units for the project are completed, whichever occurs first.
 3. *Real estate offices in model home.* A model dwelling may be used as a real estate sales office in a new residential development. Such temporary use shall be allowed in all zoning districts. Temporary real estate offices in model homes may be permitted until ninety percent (90%) of the homes in the development have been sold. The number of

employees utilizing the office at any one time may not exceed four (4).

- c. *Similar and compatible uses not specified.* If a particular temporary use is listed in this chapter, the zoning administrator shall have the authority to grant a temporary use permit for a “similar and compatible” use. Similar and compatible uses not specified are those uses that are similar and compatible to those allowed as temporary uses in this section. Determination of what constitutes similar and compatible shall be made by the zoning administrator looking at the type of use, the number of employees, the parking/circulation needs, the hours of operation, etc.

(b) *Accessory uses and structures (customary).*

(1) *General standards and limitations.*

- a. *General standards.* All customary accessory uses and accessory structures shall conform to the applicable requirements of this chapter. The provisions of this subsection establish additional requirements and restrictions for these uses and structures. Except as otherwise provided in this chapter, any accessory use or accessory structure shall be treated as a permitted use in the zoning district in which it is located.

b. *Yard requirements.*

1. *Front yard requirements.* Except as otherwise provided in this section, an accessory structure or use shall not be located in front of the building line of the principal structure.
2. *Side yard requirements.* Accessory uses and structures may be permitted in side yards, provided that their placement shall not exceed the minimum side yard requirement of that district.
3. *Rear yard requirement.* Accessory uses and structures may be permitted in rear yards, provided that they are located not less than ten (10) feet from any property line.

- c. *Height restrictions.* Accessory structures shall not exceed the height limitations of the district in which they are located, unless otherwise exempted.

- d. *Size restrictions.* Accessory structures in residential districts shall not exceed a maximum total area of fifty percent (50%) of the gross floor area of the principal building or one thousand two hundred (1,200) square feet, whichever is greater, and shall not cover more than thirty percent (30%) of the yard.

Secs. 26-186 – 26-200. Reserved.

ARTICLE VIII. RESOURCE PROTECTION STANDARDS

Sec. 26-201. General.

- (a) *Purpose.* In order to protect the general health, safety and welfare of the people of Richland County, and to protect the natural assets and resources for posterity, this article is enacted to protect the lands and waters from the effects of excessive soil erosion and sedimentation, to prevent siltation of streams and lakes, to prevent clogging of drainage channels, and to prevent damages to the property of adjacent landowners. It is furthermore the purpose of this article to provide proper drainage channels, clear of obstruction, for stormwater runoff; to control pollution of streams and drainage channels by urban stormwater runoff; and to prevent encroachment into natural drainage channels by buildings or other land improvements. Proper management of the quality and quantity of stormwater runoff will minimize damage to public and private property, ensure a functional drainage system, promote the attainment and maintenance of property, ensure a functional drainage system, promote the attainment and maintenance of water quality standards, enhance the local environment associated with the drainage system, maintain as nearly as possible the predevelopment runoff characteristics of the area, and facilitate economic development while mitigating associated flooding and drainage impacts.
- (b) *Jurisdiction.* The provisions of this article dealing with stormwater management and erosion and sediment control (Section 26-202 of this chapter) shall apply to all land in the unincorporated areas of Richland County, South Carolina and to all land within the jurisdiction of those municipalities that agree, in writing, to have these provisions administered within their corporate limits.

Sec. 26-202. Stormwater management and SWPPPs.

- (a) *Applicability.*
 - (1) *General applicability.* Unless otherwise provided in this chapter, the surface of land in the county shall not be disturbed or changed for any purpose, except in accordance with this section and other applicable sections of this chapter.

- (b) *Guidelines.* For all sites subject to this section, a Stormwater Pollution Prevention Plan (SWPPP) shall be prepared based on the following guidelines (see Section 26-64 of this chapter for procedural requirements for review). Plans shall include appropriate measures and practices for erosion and sediment control, installed in a timely sequence during the development process, and maintained to ensure their proper function.
- (1) *Land selection for development.* Land should be selected where the drainage pattern, topography, and soils are favorable for the intended use. Tracts of land vary in suitability for different uses. Consideration shall be given to the major characteristics of the land area and the kinds of soil (identifying and evaluating potential erosion and sediment problems) and to the selection of appropriate control measures and practices.
 - (2) *Land exposure.* The erosion and sediment control plan shall expose the smallest practical area of land for the least possible time during development.
 - (3) *Retention of vegetation and topsoil.* When feasible, natural vegetation shall be retained and protected. Topsoil, where practical, shall be saved for replacing on graded areas.
 - (4) *Temporary measures.* Temporary plant cover, mulching and/or structures shall be utilized to protect areas subject to erosion during construction.
 - (5) *Provisions for increased runoff.* Provisions shall be made for the increased runoff caused by changed soil and surface conditions. Emphasis should be placed on conservation of existing on-site soil. Effective means include the use of diversion ditches, grassed or surfaced waterways and outlets, enlarged and protected drainage channels, grade control structures, and effective use of road gutters and storm sewers.
 - (6) *Silt traps.* Sediment basins or other forms of silt traps shall be used, where practical, to remove heavy sediment loads from runoff waters leaving the disturbed area.
 - (7) *Long-term measures.* Permanent vegetative cover and long-term erosion protection measures or structures shall be installed as soon as practical in the development process.
- (c) *Requirements and standards.*
- (1) *Methods of calculating stream flow and runoff.* SWPPPs shall be based on stream flow and runoff for the site to be developed. Formulas and values as prescribed in the county's "Storm Drainage Design Standards" shall be used for calculating all stream flow and runoff. Copies of the

Storm Drainage Design Standards may be obtained through the county engineer's office.

- a. *Rainfall frequencies.* The following rainfall frequencies shall be used in the calculations for stormwater runoff and stormwater management facility design, depending upon the size of the watershed:

<i>Size-Acres</i>	<i>Frequency-Years</i>
300 +	50 year
40 – 299	25 year
0-39	10 year

The two (2) year, twenty-four (24) hour rainfall shall also be used as prescribed in the “Storm Drainage Design Standards”.

- b. *Future development.* Calculations used in the design of proposed stormwater management facilities shall reflect the anticipated future development of the entire watershed.
- c. *Inlet and outlet control curves.* Appropriate inlet control and outlet control curves shall be used to determine headwater depths, where applicable.

(2) *Primary drainage channel requirements.*

- a. *General.* All primary drainage channels located within or immediately adjacent to any improvement, development or subdivision shall be protected or improved by the applicant in accordance with the following requirements. The applicant shall be responsible for carrying out the proposed work in accordance with the approved SWPPP, and in compliance with the requirements of this section. The applicant shall plan and carry out his/her developments in a manner that will not interfere with or restrict the flow of water, nor increase the 100-year flood elevation by more than one (1) foot. The developer shall be responsible for any improvements to such channels, as needed to handle increased runoff or other changes resulting from his/her development, in accordance with the provisions of this section.
- b. *Dedication of primary drainage channels.* All land adjacent to a primary drainage channel and not protected by levees, dikes, or fill shall be dedicated for the purpose of providing drainage right-of-way as follows:

1. *Commercial and/or residential subdivisions.* In commercial and/or residential subdivisions, drainage easements of satisfactory width to provide working room for construction and maintenance equipment shall be deeded to the county for all drainage improvements, including stormwater management facilities, and shall be separate and apart from adjoining lots.
 2. *Planned developments or town and country developments.*
In Planned Development Districts or Town and Country Districts, the property owner(s) or homeowners' association shall be responsible for maintenance of drainage channels and easements. The final plat approved for recordation shall indicate the available public easements for drainage channels. The county shall have the right to encroach onto these public easements or permit others to encroach for any purpose deemed appropriate by the county engineer. In no way does this right of encroachment lessen the obligation of the property owner(s) or the responsibility of the homeowners' association for maintenance of the drainage channels and easements.
- c. *Existing channel modifications.* The existing channel lying within or contiguous to a subdivision or parcel of land proposed for development or redevelopment may be:
1. Cleaned to provide for free flow of water; and
 2. Straightened, widened, and improved to prevent overflow resulting from the 50-year frequency rainfall beyond the limits of the dedicated drainage easement provided for in subsection b. above; provided:
 - i. The **SWPPP** contains details of the proposed channel modifications and includes either:
 - [1] A mitigation plan for water quality impacts, including best management practices to be implemented as part of the channel modification and overall project; or
 - [2] An engineering analysis demonstrating no water quality impacts resulting from the proposed modifications.

- ii. The **SWPPP** must be approved in accordance with this section prior to commencing any channel modifications.

Whenever existing channel modifications are made, sodding, backsloping, cribbing, and other bank protection shall be designed and constructed to control erosion for the anticipated conditions and flow resulting from a 50-year rainfall.

- d. *Areas of special flood hazard.* In areas of special flood hazard, final grading of all lots and building sites for new construction or substantial improvement shall provide for elevation on fill, pilings, or earth filled curtain walls of the lowest habitable floor to at least two (2) feet above the 100-year flood elevation. Where fill is used to meet this requirement, the area two (2) feet above the 100-year flood elevation shall extend at least ten (10) feet from each side of the building pad. Certain types of non-residential structures are permitted within the floodplain if properly "flood-proofed" in compliance with Section 26-104(d) of this chapter and all applicable building code requirements.
- e. *Primary channels located within road easements.* Primary drainage channels located within road easements shall be placed in enclosed storm sewers, except under the following conditions:
 - 1. Where a paved road surface at least two (2) lanes wide is provided on both sides of an improved channel so as to provide access to abutting properties.
 - 2. For lots with a double-road frontage, an open drainage channel is permitted between the rear lot line and the paved road, provided that access from the road to the lot is prohibited both at the time of construction and in the future.
 - 3. When a condition outlined in either 1. or 2. above is present, adequate width shall be dedicated as right-of-way to provide for the maintenance of an improved drainage channel and its bank.
- f. *Levees protecting structures.* All levees protecting residential structures or non-residential structures that are not flood-proofed shall be designed, constructed, and maintained to provide protection against the 500-year flood, plus three (3) feet of freeboard. Flood elevations shall be as shown on the latest Flood Insurance Rate Maps or as determined by appropriate hydrologic

methods. Any levee constructed or improved under this subsection shall also comply with the other provisions of this article, including, but not limited to, subsection g. below.

g. *Structures or obstructions in regulatory floodway.* Notwithstanding any other provision of this chapter, no levees, dikes, fill materials, structures or obstructions that will impede the free flow of water during times of flood will be permitted in the regulatory floodway, unless:

1. Such proposed impediment is a permitted use pursuant to Section 26-104(d)(2)i. of this chapter; or
2. Such impediment was approved by the County Engineer under this subsection g., or under any predecessor provision, before January 1, 2001;

PROVIDED, HOWEVER, that any specified activity permitted above must comply with all applicable federal, state, and local requirements, including, but not limited to, 44 C.F.R. 60.3(d)(3), as amended. Nothing in this subsection g. shall limit provisions in this Chapter or elsewhere authorizing or requiring the maintenance and repair of levees, dikes, dams, and similar structures; provided, however, that this sentence shall not be construed as authorizing or requiring the repair or maintenance of any such structure to the extent that such repair or maintenance would result in a structure that would be higher or wider than it was before the need arose for such repair or maintenance.

h. *National Flood Insurance Program.* All applicable regulations of the National Flood Insurance Program are incorporated by reference herein.

(3) *Secondary drainage channel and surface requirements.*

a. *General.* All secondary drainage channels that are within or immediately adjacent to an improvement, development, or subdivision shall be protected and improved by the applicant in accordance with the following requirements.

b. *Drainage maintenance.* Drainage easements of satisfactory width to provide working room for construction and maintenance equipment shall be dedicated to the county for all drainage improvements in subdivision developments, including stormwater management facilities. Drainage improvement maintenance for planned developments, town and country developments, and

commercial buildings shall be the responsibility of the property owner(s) or home owner's association.

c. *Improvements.*

1. Secondary drainage channels having a primary function of, 1) collecting surface water from adjacent properties, or 2) intercepting and diverting side hill drainage, shall be improved open channels.
2. Secondary drainage channels having a primary function of, 1) transporting surface water through a block or development; or 2) collecting surface water from cross channels, shall be improved as follows:
 - i. Secondary drainage channels having drainage basins forty (40) acres or larger shall be improved with either a closed storm sewer or improved open channel designed to carry the runoff resulting from a 25-year frequency rainfall. A natural stream may be approved by the county engineer for environmental or aesthetic purposes, provided that it has the required carrying capacity and that flood protection requirements are met.
 - ii. Secondary drainage channels having less than forty (40) acres shall be improved with closed storm sewers designed to carry the runoff resulting from a 10-year frequency rainfall. Variation from this requirement may be approved by the county engineer for environmental or aesthetic purposes, provided that it has the required carrying capacity and that flood protection requirements are met.
3. All improvements to drainage channels shall be carried out such that waters protected by the Federal Clean Water Act are not degraded.

- d. *Areas of special flood hazard.* In areas of special flood hazard, final grading of all lots and building sites for new construction, or substantial improvement of residential structures, shall provide for elevation on fill, pilings, or earth filled curtain walls of the lowest habitable floor to at least two (2) feet above the 100-year flood elevation. Where fill is added to meet this requirement, the area two (2) feet above the 100-year flood elevation shall extend at least ten (10) feet from each side of the building pad. Certain types of

structures are permitted within the floodplain if properly "flood-proofed" in compliance with Section 26-104(d) of this chapter and all applicable building code requirements.

- e. *Secondary drainage channels within road easements.* Secondary drainage channels located within road easements shall be placed in enclosed storm sewers, except under the following conditions:
 - 1. Where a paved road surface at least two (2) lanes wide is provided on both sides of an improved channel so as to provide access to abutting properties.
 - 2. For lots with a double-road frontage, an open drainage channel is permitted between the rear lot line and the paved road, provided that access from the road to the lot is prohibited both at the time of construction and in the future.
 - 3. When a condition outlined in either 1. or 2. above is present, adequate width shall be dedicated as right-of-way to provide for the maintenance of an improved drainage channel and its bank.

- f. *Off-site discharges.* Off-site discharges from closed storm sewers or improved open channels will only be permitted at natural streams or man-made drainage channels acceptable to the county engineer, unless a drainage easement is obtained from the adjoining landowner. Adequate provisions shall be made to reduce discharge velocities such that the receiving channel is not degraded. When off-site drainage channels are not adequate to accept the additional runoff resulting from development, the developer shall install on-site facilities for controlled release of stormwater runoff. These on-site drainage facilities shall be designed to limit the runoff rate to predevelopment levels during the design storm and the two-year storm.

- g. *Additional development requirements.*
 - 1. *Single-family residential, duplex or manufactured home development.* Site grading for single-family, duplex, or manufactured home development shall be carried out in such a manner that surface water from each dwelling lot will flow directly to a storm sewer, improved channel, sodded swale, or paved road without running more than two hundred (200) feet.

2. *Commercial, industrial, multi-family, and institutional development.* For commercial, industrial, multi-family, and institutional development, roofs, paved areas, yards, courts, courtyards, and other impervious surfaces shall be drained into a stormwater management facility, with the exception that such drainage may flow directly into a road, curb and gutter system, or improved channel when of small area and approved by the county engineer. Construction of buildings over storm drainage improvements is not permitted.
 - h. *Surface water on roads.* Surface water collected on roads shall be diverted to enclosed storm sewers or drainage channels at satisfactory intervals to prevent overflow of the road and its curbs and gutters, where provided, during a 10-year frequency rainfall.
- (4) *Minimum water quality requirements.*
- a. *Minimum water quality requirements.* “Storm Drainage Design Standards” and a “BMP Manual” shall be established by the county engineer, and shall provide for minimum quality control requirements for development. Such requirements shall be adhered to unless waived by the county engineer after a determination that both of the following have occurred:
 1. It can be shown, by engineering calculations acceptable to the county engineer, that stormwater management facilities are not needed to control developed peak discharge rates and meet water quality requirements.
 2. It can be shown that installing such facilities would not be in the best interest of local citizens or the county.
 - b. *Additional requirements.* The county engineer may determine that additional stormwater management facilities, beyond those required under this section, are necessary for on-site stormwater management. Additional facilities may be needed to enhance or provide for the general health, safety, and welfare; to correct unacceptable or undesirable existing conditions; or to provide protection for future development in a more desirable fashion. If such a determination is made, the county engineer may do the following:
 1. Require that the owner/applicant grant any necessary easements to provide access to or drainage from the stormwater management facility.

2. Develop an agreement with the owner/applicant for the over-design of the stormwater management facility to provide additional water quality benefits beyond that required by this section.
3. Recommend financial participation by the county in construction of the stormwater management facility, to the extent that such facility exceeds the on-site stormwater management requirements, as determined by the county engineer. The county may pay the additional expenses incurred in providing the additional storage capacity or water quality benefits, including land costs and increased design and construction costs.

(5) *Design criteria for improvements.*

- a. *Open channels.* Open channels shall be provided with an improved section that will carry runoff from the appropriate design storm and preclude the creation of backwater inundating any areas outside of dedicated drainage easements. The channel shall be designed to minimize negative water quality impacts and protect against erosion in accordance with standards adopted by the county engineer.
- b. *Closed storm sewers and culverts.* Closed storm sewers and culverts shall be constructed of pre-cast or prefabricated pipe or box culvert or built in place, of closed box design, in conformity with county specifications. They shall be sized to carry the runoff from the appropriate design storm and to preclude the creation of headwater inundating any areas outside of dedicated drainage easements.
- c. *Bridges.* Bridges shall be designed in accordance with standards adopted by the county engineer. Construction shall be in accordance with South Carolina Department of Transportation specifications.
- d. *Levees.* Levees shall be designed, constructed, and maintained as follows:
 1. *U.S. Army Corps of Engineers Manuals.* Design and construction shall be in accordance with U.S. Army Corps of Engineers' Manual EM 1110-2-1913 (31 March 1978) *Design and Construction of Levees*. The design and construction of drainage systems within levees shall be in accordance with the U.S. Army Corps of Engineers'

Manual EM 1110-2-1413 (15 Jan 1987) *Hydrologic Analysis of Interior Areas*. A South Carolina Registered Professional Engineer shall certify that he/she has been involved in the design, construction, and inspection phases and shall certify that the construction meets requirements of the corps of engineers.

2. *Maintenance*. Owners of levees will perform the necessary and required maintenance and provide appropriate records to the county engineer. These records shall include all of the following:
 - i. Signed agreements of perpetual operation and maintenance between the constructor and/or owner and the county.
 - ii. As-built construction plans sealed by a South Carolina Registered Professional Engineer.
 - iii. A levee maintenance program in accordance with the Levee Maintenance Standards and Procedures of the county.
 - iv. Periodic maintenance reports as required by the county engineer.

e. *Stormwater management facilities*.

1. *General*. Stormwater management facilities may include both structural and non-structural elements incorporating quantity and/or quality control. A variety of different types of stormwater management facilities exist and can be used to satisfy the minimum quantity and/or quality control requirements. All proposed stormwater control measures shall be in accordance with the county's "Storm Drainage Design Standards". The county engineer may reject a SWPPP if it incorporates structures and facilities that do not meet the requirements of this section or if the plan utilizes numerous small structures where other alternatives are physically possible.
2. *Restriction of runoff rate*. Stormwater management facilities shall restrict the peak post-development runoff rate to the peak pre-development rate for the design storm. The design storm shall be ten (10), twenty-five (25), or fifty

- (50) years, depending on the size of the drainage basin. Overflow structures and emergency spillways shall be designed to accommodate the 100-year rainfall.
3. *Wet ponds.* Wet ponds (retention structures with a permanent pool) shall be utilized for drainage areas of twenty-five (25) acres or more, in accordance with the county's "Storm Drainage Design Standards". Wet ponds may be required for smaller drainage areas, as determined by the county engineer on a case-by-case basis. In all cases, wet ponds shall be located at least fifteen (15) feet from the property line of adjacent property.
 4. *Wet (retention) and dry (detention) facilities.* Where wet (retention) and dry (detention) facilities are used, designs that consolidate them into a limited number of large structures are preferred over designs utilizing a large number of smaller structures. Additional state and/or federal permits may be required for larger stormwater management facilities impacting waters of the state protected by the Federal Clean Water Act.
 5. *Landscaping.* Landscaping of stormwater management areas shall conform to all requirements of this chapter and to the design approved by the public works department for any particular development. Retention/detention areas shall be landscaped with trees, shrubs, ground covers, and native perennials appropriate to the function as a wet or dry basin. If the landscaped area is also designed to meet on-site stormwater management requirements, one of the following must be met:
 - i. The area must be designed to provide an aesthetic focal point, such as a lake, creek or other water feature; to preserve a tree grouping; or to utilize the existing terrain and/or geological features of the site; or
 - ii. The landscaping for the basin shall be integrated within the entire landscape plan.
 6. *Stormwater facilities records requirements.* Drainage system and all stormwater management structures within the county (including public and private portions) shall be designed to the same engineering and technical criteria and standards. Owners of stormwater management facilities

shall perform the required maintenance and provide appropriate records to the county engineer. These records shall include all of the following:

- i. As-built construction plans certified by a South Carolina Registered Civil Engineer, Registered Landscape Architect, or Tier B. Land Surveyor; and
- ii. Periodic maintenance reports as required by the county engineer.

(6) *Maintenance of stormwater management facilities.*

- a. *General maintenance requirements.* All stormwater management facilities shall be maintained by the owner(s) in such a manner as to maintain and enhance the general health, safety, and welfare; to reduce and minimize damage to public and private property; to reduce and minimize the impact of such facilities on land and stream channel erosion; to promote the attainment and maintenance of water quality standards; and to maintain, as nearly as possible, the pre-development runoff characteristics of the area. All maintenance of privately owned stormwater management facilities shall be at the sole cost and expense of the owner(s) of such facilities.
- b. *Failure to maintain stormwater management facilities.* It shall be unlawful for the owner or occupant of any property upon which a stormwater management facility is located, to fail to maintain the facility in such a manner that the facility creates a danger to the general health, safety, and welfare. Should the owner fail to so maintain the stormwater management facility, this failure shall constitute a public nuisance.
- c. *County assistance in maintenance.* All stormwater management facilities shall be privately owned and/or maintained unless the County accepts the facility for county ownership and/or maintenance. The County may assist with maintenance only if the County has entered into a maintenance agreement and the owner provides an easement provided the County has available resources.

(d) *Inspection of stormwater facilities.*

- (1) *Inspection during construction.* The county engineer shall periodically inspect the work completed under the approved **SWPPP**. Upon completion of such work, he/she shall make a final inspection, and if the work has

been carried out in accordance with the plan, he/she shall issue a letter of satisfactory completion upon receipt of the as-built drawings.

(2) *Right of entry.*

- a. *General.* The county engineer shall have a right-of-entry on or upon the property of any person subject to this section. The county engineer shall be provided ready access to all parts of the premises for the purposes of inspection, monitoring, sampling, inventory, examination and copying of records, and the performance of any other duties necessary to determine compliance with this section.
- b. *Security.* Where a person has security measures in force requiring proper identification and clearance before entry onto the premises, the person shall make necessary arrangements with security guards so that, upon presentation of suitable identification, the county engineer will be permitted to enter without delay for the purposes of performing specific responsibilities.
- c. *Sampling.* The county engineer shall have the right to set up on the person's property such devices as are necessary to conduct sampling and/or metering of the property as it relate to stormwater management
- d. *Obstruction to access.* Any temporary or permanent obstruction to safe and easy access to the areas to be inspected and/or monitored shall be removed promptly by the person at the written or verbal request of the county engineer. The costs of clearing such access shall be borne by the person.
- e. *Imminent threat to health and/or safety.* In cases where an imminent threat to the health or safety of the general public or the environment is suspected, the county engineer or the director of emergency services shall inspect existing stormwater management facilities to determine if immediate action is necessary. Such inspection shall be made with or without the consent of the owner, manager, or signatory official. If such consent is refused, the county engineer may seek issuance of an administrative search warrant.

(e) *Levees.*

- (1) *General.* Adequate levee maintenance is essential and cannot be overemphasized. Failure to properly maintain levees may render the levees inoperative during periods when their protection is needed. For safety in times of high water or floods, levee maintenance will be thorough and

continuous. This requires a balanced maintenance program based on defined standards and procedures.

- (2) *Maintenance standards and procedures.* Levees in Richland County will be maintained in accordance with the following standards to ensure serviceability against floods at all times.
 - (a) *Sod growth.* Maintenance of a sturdy sod growth on levee embankments is highly important, as sod is one of the most effective means of protecting the levee against erosion from rain, current, and wavewash. Periodic mowing with tractor-operated equipment is essential to maintaining a good sod growth, and shall be done at such intervals as necessary to keep down weeds and other noxious growth and to prevent the grass height from exceeding twelve (12) inches. The grass shall be mowed to a height of no less than two (2) inches but no greater than twelve (12) inches. The number of mowings required each season will depend on local conditions. The last mowing of the season shall be accomplished under conditions that allow the grass to obtain a height of approximately eight (8) inches to ten (10) inches entering the winter season. Mowing shall be performed to a distance of at least five (5) feet beyond the toe of the levee or berm. Burning grass and weeds is not permitted in the levee maintenance program, except during appropriate seasons when it is not detrimental to sod growth. During the growing season, spraying with herbicides on an as-needed basis is permissible and desirable for weed and brush control on levees and berms. Reseeding and fertilizing shall be completed frequently enough to sustain sod growth on levee embankments for erosion control.
 - (b) *Earth embankments.* Levee embankments shall be maintained to not less than the design grade and section by replacing any material lost from the crown or slopes. Ruts, washes, slides and subsidence shall be promptly repaired and the entire embankment maintained sufficiently smooth for power mowing. Levee crowns shall be graded as necessary to drain freely and prevent impoundment of rainwater. All brush, trees, and other undesirable growth shall be removed from the levee embankment.
 - (c) *Animal burrows.* Levees and adjacent landward areas shall be maintained free of all types of animal burrows. Animal burrows, when found, will be backfilled with compacted material and sodded. To prevent recurrence, efforts will be made to exterminate the burrowing animals.

- (d) *Prevention of encroachment.* Care must be taken to assure that levees are not encroached upon. Buildings, structures, and storage of materials or equipment shall not be permitted on the levee. Refuse dumps are an item of frequent concern and will not be permitted. Following each high water, any debris deposited on the riverside slope of the levee shall be removed promptly.
 - (e) *Roads and ramps.* Access roads to and on the levees, including ramps, shall be bladed as necessary to keep the roadway shaped properly and free of ruts, pockets, and washes. Ramp embankments shall be maintained to their design section and design grade. Maintenance shall be performed as necessary to correct any encroachment into the levee crown where roads cross levees. Road surfacing material shall be replaced as necessary to maintain the road surface in good condition.
 - (f) *Miscellaneous levee facilities and appurtenances.* Levee facilities and appurtenances that are constructed on, over, or through the levee shall be maintained in a good state of repair and/or inspected at least annually. Facilities and appurtenances that operate only during high water must be checked carefully and repaired as necessary, immediately prior to high water season. Relief wells shall be checked during periods of high water. Wells that do not flow for an extended period of time may have to be tested by pumping to determine the extent of deterioration. Critically deteriorated wells shall be rehabilitated by cleaning, surging, and pumping. Check valves shall be inspected to ensure that they open freely and that the gaskets are in good condition. The most common of the facilities and appurtenances referred to herein are:
 - 1. Drainage structures through the levee.
 - 2. Toe drainage systems.
 - 3. Relief wells.
 - 4. Levee slope protection and protection on dike ends.
 - 5. Gates, cattle guards, and fences.
 - 6. Siphons and pipe crossings.
- (3) *Inspection.* Frequent inspections are essential to a good levee maintenance program. In addition to the formal inspections required by the engineer, inspections shall be made prior to the beginning of the flood season, during and immediately following each high water period, and at

such intermediate times as necessary to ensure satisfactory care of the levee.

- (f) *Supplemental regulations.* All applicable provisions of the Standards for Stormwater Management and Sediment Reduction (Sections 72-301, 302, 305, 307, 308, 312, 313, 314, 315, 316) administered by the South Carolina Department of Health and Environmental Control pursuant to the South Carolina Stormwater Management and Sediment Reduction Act of 1991 are incorporated by reference herein.

Sec. 26-203. NPDES Municipal Separate Storm Sewer System (MS4) Program

- (a) *Purpose and applicability*

- (1) *Purpose.* The primary intent of this section is to minimize the introduction of pollutants into stormwater runoff and subsequently into surface waters of the state. This will be accomplished through the implementation of programs developed to address specific activities that contribute to the contamination of stormwater. Richland County is required by its NPDES permit to regulate all discharges within the political boundary of the County, as well as the political boundaries of its co-permittees of the Town of Arcadia Lakes and the City of Forest Acres; therefore, the County will take any measures necessary to comply with its permit and protect water quality within the jurisdictional areas defined with the NPDES permit. Discharge of pollutants shall be reduced to the Maximum Extent Practicable (MEP), shall not cause, nor contribute to, violations of South Carolina Water Quality Standards, and shall be in compliance with Total Maximum Daily Loads (TMDLs) where applicable.
- (2) *General Applicability.* The Land Development Ordinance adopts SCDHEC re-issued National Pollutant Discharge Elimination System (NPDES) permit in its entirety. This adoption includes individual programs developed as part of the implementation of the NPDES permit. The current NPDES permit became effective on September 11, 2006 and expires on September 10, 2011. The duration of the adoption of the NPDES permit will be for a term of five (5) years, and will be automatically renewed for a like term unless the Ordinance is amended by Council for an intent to terminate. Richland County Personnel, Director of Public Works, Stormwater Management Personnel or designee may enforce any of the violations in regards to SCDHEC delegated Richland County's NPDES storm water discharge permit programs or language. In addition, Richland County Personnel, Director of Public Works, Stormwater Management Personnel or designee may also enforce these programs within the jurisdictional areas of the Town of Arcadia Lakes and the City of Forest Acres as co-permittees under this NPDES Permit and

through inter-local agreements currently in force. The individual programs and their legalities are further discussed through Sec 26-203.

(b) *Components of NPDES MS4 Program*

(1) *Pesticide, Herbicide and Fertilizer (PHF) Program.* The intent of the Pesticide, Herbicide and Fertilizer (PHF) Program is to aid Richland County in reducing the discharge of pollutants related to the storage and application of PHFs applied by County employees or residents or contractors to public rights-of-way, parks, and other property.

a. All commercial and non-commercial application of pesticides is regulated in the state of South Carolina by the Department of Pesticide Regulation (DPR). The DPR requires mandatory licensing for applicators involved in pest control activities in structural, landscape and turf, aquatic, and public health areas.

b. Only Richland County staff members who are properly licensed by the DPR, or who are directly supervised by a licensed applicator, will be permitted to apply pesticides and herbicides.

c. *Commercial Applicators.*

1. Richland County will only contract for pesticide and herbicide application with commercial applicators that are licensed through the DPR.

2. All commercial applicators who are contracted by the County will maintain current licensing through the DPR throughout the entire contract with the County.

3. Commercial applicators contracted by the County to apply pesticides and herbicides must provide written notification to the appropriate County divisional manager, Public Works Director, or Vector Control Director (or their designee) prior to commencement of any work involving PHF application,

d. Inspections may be conducted within the County by Stormwater Manager or designee to ensure compliance with the PHF Program. The County may require monitoring if deemed necessary to protect water quality within the County.

(2) *Illicit Connections, Illegal Discharges, Illegal Dumping, Improper Disposal, Organic Waste and Spills.* The intent of this section is to aid Richland County in reducing and eliminating the discharge of pollutants to the County's MS4 related to illicit/illegal discharges, illegal dumping,

destruction of stormwater facilities, improper disposal, organic waste and spills. This section will also fulfill one of the Minimum Control Measures of the Phase II Rule: Illicit Discharge Detection and Elimination (IDDE). The County shall have the authority to carry out all inspection, surveillance and monitoring procedures necessary to determine compliance and noncompliance with permit conditions including the prohibition on illicit discharges to the County's municipal separate storm sewer as well as the stormwater systems within the jurisdictional areas of its NPDES co-permittees.

a. *Illicit Connections.*

1. It shall be unlawful to connect or allow connection to any sanitary sewer. This includes existing connections.
2. It shall be unlawful to cause or allow an illicit discharge to the stormwater system, or any component thereof, or onto driveways, sidewalks, parking lots, sinkholes, creek banks, or other areas draining to the stormwater system.
3. Building permits shall be required before the construction of any connection to the county's publicly owned stormwater management system.

b. *Improper Disposal.* It shall be unlawful to use any stream or watercourse to carry off water from any kitchen sink, bathtub, or privy, or to carry off any fluid of an offensive or dangerous nature. No water or refuse from any industrial, commercial, or institutional process, including water used for heating or cooling, shall be discharged in any stream or watercourse by any person until such person has obtained the appropriate local, state, and/or federal permits. Richland County shall be allowed on-site if there is a suspected illegal discharge for inspection and monitoring as deemed appropriate for the protection of water quality.

c. *Illegal Dumping.* It shall be unlawful to dispose of any trash or wastes in an unpermitted area or by disposing of such trash or waste into any storm drain or stormwater conveyance. Richland County shall be allowed on-site if there is suspected illegal dumping for inspection and monitoring as deemed appropriate. In addition, all provisions and authority contained within Richland County Code §§ 12 – Garbage, Trash and Refuse and 13 – Hazardous Materials applicable to the protection of water quality shall be incorporated by reference to this section.

d. *Destruction of Stormwater Facilities.* It shall be unlawful, either willfully or negligently, to injure, deface, mutilate, destroy, tamper or interfere with any county-owned property or any property used in the county's publicly owned stormwater management system.

e. *Illegal Discharges.* It shall be unlawful for any person to discharge non-stormwater to any stormwater conveyance. The following non-storm water discharges to the MS4, wherever they are not a source of pollutants, are permitted:

1. Water line flushing.
2. Diverted stream flows.
3. Rising ground water.
4. Uncontaminated ground water infiltration (as defined at 40 CFR 35.2005 [20]) to separate storm sewers.
5. Uncontaminated pumped ground water discharges from potable water sources.
6. Foundation drains.
7. Air conditioning condensation.
8. Irrigation water.
9. Springs.
10. Water from crawl space pumps.
11. Footing drains.
12. Lawn watering.
13. Car washing at one's residence, not for hire.
14. Flows from riparian habitats and wetlands.
15. Dechlorinated swimming pool discharges.
16. Road wash water.
17. Discharges from fire fighting.

18. Dye Testing is an allowable discharge provided that the Director of Public Works, Stormwater Management Personnel or designee is verbally notified prior to the time of testing.

f. *Oils, Toxics and Household Hazardous Wastes.* It shall be unlawful to discharge or dispose of used motor vehicle fluids and household hazardous wastes into the MS4.

g. *Organic Waste.*

1. *Yard waste.* It shall be the duty of the property owner to keep grass clippings, leaves, tree and shrub clippings, stumps, organic materials, or any other yard trash out of gutters, inlets, catch basins, and side ditches. It shall be unlawful to place grass clippings, leaves, tree and shrub clippings, stumps, organic materials, or any other yard trash in any road, storm drain, stream, storm water conveyance, or any other location where concentrated flows could wash such wastes into the storm sewer system. All yard waste shall be bagged and set out for collection weekly.

2. *Human and animal waste.* Privies, pigpens, and stables of all kinds shall be placed far enough away from any stream, ditch, drain, or other stormwater conveyance that human and/or animal waste(s) will not run into them. The Stormwater Manager (or his/her designee) shall have the authority to determine whether a privy, pigpen or stable is deemed "far enough away" from stormwater conveyances in order that the human or animal waste(s) will not adversely impact the receiving conveyance.

h. *Spill Response.*

1. *General.* The Richland County Director of Emergency Services, or an authorized fire official, shall have the authority to summarily abate, control and contain hazardous materials that are emitted into the environment and endanger the health or safety of the general public or the environment. The director of emergency services or an authorized fire official shall have the authority to enter public or private property with or without the owner's consent, to respond to such hazardous materials emergencies. The director of emergency services or authorized fire official shall determine the type, amount, and quantity of equipment and personnel required to

adequately abate, control, and contain all hazardous materials emitted into the environment.

2. *Liability for hazardous spill.* The property owner and/or person responsible for the hazardous materials spill or release shall be held financially liable for the response, control, containment, equipment and materials costs, including legal fees, incurred by the county and supporting agencies. The property owner and/or person responsible for the hazardous material spill may provide personnel to assist abatement, removal and remedial measures, provided such personnel have been adequately equipped and trained pursuant to the requirements of local, state and federal laws. The county shall not be liable for the use of outside personnel. Assistance shall consist of any or all of the following:

i. Informing Richland County Emergency Services Department personnel of all matters pertaining to the incident.

ii. Supplying emergency response plan information for the site.

iii. Supplying emergency response equipment, personnel and materials.

iv. Charges for hazardous materials emergency response shall be based upon the actual costs of response, control, containment, equipment and materials, including legal fees. All fees -collected shall be turned in to the county treasurer and credited to the county's general fund.

3. *Fire incidents.* In fire incidents involving hazardous materials or exposure to hazardous materials, no fee will be assessed for resources normally associated with fire fighting operations. Fees shall be assessed for those activities and resources associated with abatement, control and containment of the hazardous materials involvement or exposure.

i. *Sanitary Sewer Overflows (SSO) and Inflow/Infiltration (I/I)*

1. Every person, firm, corporation or other entity using the sanitary sewer system of the County, or pipelines connected to said system, shall maintain all sewer lines connected to the County's sewer system, or privately

owned sewer collection systems which are connected to the County's system, in good condition so that the sewer will not:

- i. Permit any leakage of stormwater or other surface water or groundwater into the sewer service lines or sewer collection lines system either by visual observation or low pressure leakage test.
 - ii. Receive rainwater flow from roof downspout connections, yard drains, uncovered building area drains, sump pumps or other sources of rainwater flow and any other source of inflow/infiltration.
2. The County shall notify all persons, firms, corporations, or other entities where sewer service lines or sewer collection systems are found to have excessive inflow or infiltration that their service line or sewer collection system must be repaired so as to eliminate such violation. Such repairs must be completed within sixty days of notification by the County, or within such other time schedule as prescribed by the County.
 3. All private and public sanitary sewer systems that are operated within Richland County shall report any incidences of an SSO occurring in Richland County, or has the potential to impact surface waters with untreated wastewater within Richland County, to the Stormwater Management Division of the Richland County Department of Public Works. This reporting requirement shall be in addition to any other state or local SSO reporting requirement and within the same required reporting timeframe.
 4. The Director of Public Works, Stormwater Management Personnel or designee, bearing proper credentials and identification, may enter and inspect all sanitary sewer systems and appurtenances if there is evidence of sanitary sewer overflows which have impacted or have the ability to impact water quality with the County's jurisdictional areas. County personnel shall duly notify the owner of the system or the certified operator on site, and the inspection shall be conducted at a reasonable time.

(3) *Industrial and High Risk Runoff Program.* The intent of the Richland County Industrial and High Risk Runoff Program is to aid Richland County in reducing the amount of stormwater runoff and improving the quality of runoff from industrial and high risk facilities.

The County may review industrial stormwater pollution prevention plan(s), as well as spill prevention control and countermeasure (SPCC) plan(s), as required under the National Pollutant Discharge Elimination System (NPDES) storm water discharge permit, while outfall monitoring indicates a suspected violation, or proactively in its routine water quality checks, as per below guidelines:

- a. The Director of Department of Public Works, Stormwater Management Personnel or designee, bearing proper credentials and identification, may enter and inspect all properties for regular inspections, periodic investigations, monitoring, observation, measurement, enforcement, sampling and testing. The personnel shall duly notify the owner of said property or the representative on site, and the inspection shall be conducted at a reasonable time.
- b. Upon refusal by any property owner to permit an inspector to enter or continue an inspection, the inspector shall terminate the inspection or confine the inspection to areas concerning which no objection is raised. The inspector shall immediately report the refusal and the grounds to the director. The director shall promptly seek issuance of an administrative search warrant.
- c. In the event that the director or the designee reasonably believes that discharges from the property into the Richland County MS4 may cause an imminent and substantial threat to human health or the environment, the inspection may take place at any time and without notice to the owner of the property or a representative on site. The inspector shall present proper credentials upon reasonable request by the owner or representative.
- d. Inspection reports shall be maintained in a permanent file located in the Storm Water Management Division.
- e. At any time during an inspection or at such other times as the director or his/her designee may request information from an owner or representative, the owner or representative may identify areas of its facility or establishment, material or processes which contains or which might reveal a trade secret. If the director or his designee has no clear and convincing reason to question such identification, all material, processes and all information obtained within such areas shall be conspicuously labeled "CONFIDENTIAL TRADE SECRET." The trade secret designation shall be freely granted to any material claimed to be such by the owner or representative unless there is clear and convincing evidence for denying such designation. In the event

the director does not agree with the trade secret designation, the material shall be temporarily designated a trade secret, and the owner or representative may request an appeal of the director's decision in the manner in which all such appeals are handled in this article.

f. All trade secret material which are prepared or obtained by or for the director shall be marked as such and filed in a secure place separate from regular, non-secret files, and documents. Reports from samples prepared or obtained by or for the director or submitted for laboratory analysis shall be marked as such and treated in the same manner as other trade secret material. Trade secret material shall not be divulged by the director to anyone other than:

1. Other employees of the County or employees of the state or federal governments engaged in an inspection or enforcement proceeding involving the designated material; and
2. To administrative or judicial courts upon order to so divulge the material to the court.

g. *Monitoring.* The director/stormwater personal or designee may require the person responsible for any private property or premises, including, but not limited to, any private property or premises which is or may be the source of a stormwater discharge associated with industrial activity, or the source of a discharge from a site of industrial activity, or the source of a discharge from a high-risk facility, or the source of an illicit discharge, at that person's expense, to establish and maintain such records, make such reports, install, use and maintain such monitoring equipment or methods, sample such discharge in accordance with such methods, at such locations, and intervals as the director shall prescribe, and provide periodic reports relating to the discharge. To the extent practicable, the director/stormwater personal or designee shall recognize and approve the sampling procedures and test methods established by 40 CFR 136.

h. *Best management practices.* Industrial facilities and high risk facilities may be required to implement, at their own expense, structural and/or nonstructural BMPs, as appropriate, to prevent the discharge of pollutants to the Richland County MS4. To the extent practicable, the director shall recognize that storage and handling of significant materials, material handling equipment or activities, intermediate products or industrial machinery in such a manner

that they are not exposed to stormwater is an effective BMP. Compliance with all terms and conditions of a valid NPDES permit authorizing the discharge of stormwater associated with industrial activity, to the extent practicable, shall be deemed in compliance with the provisions of this section.

i. *Violations.* Upon determination that a violation of any of the provisions of this article or the Storm Water Management Plan (SWMP) has occurred, the director may give timely actual notice at the property where the violation has occurred and shall give written notice to the violator. This notice shall specify: the nature of the violation, the proposed penalty, and the amount of time in which to correct deficiencies, if appropriate. It shall be sufficient notification to deliver the notice to the person to whom it is addressed, or to deposit a copy of such in the United States Mail, properly stamped, certified and addressed to the address used for tax purposes.

j. *Providing false information and tampering prohibited.*

1. It shall be unlawful for any person to provide false information to the director or anyone working under the director's supervision when such person knows or has reason to know that the information provided is false, whether such information is required by this article or any inspection, recordkeeping or monitoring requirement carried out or imposed under this article.

2. It shall be unlawful for any person to falsify, tamper with or knowingly render inaccurate any monitoring device or method required under this article.

(4) *Construction Site Runoff Control Program.* The intent of the Construction Site Runoff Control Program is to aid Richland County in reducing and controlling the discharge of pollutants from construction sites. Construction sites have potential to introduce large volumes of soil and sediment to stormwater runoff, as well as discarded building materials, concrete truck washout, chemicals, litter and sanitary waste.

a. The individual requirements that make up the Construction Site Runoff Control Program are contained in Sections 26-64 and 26-202 of this Chapter.

(5) *Post-Construction Maintenance Program.* The intent of the Post-Construction Maintenance Program is to aid Richland County in reducing the discharge of pollutants from permanent water quality BMPs that are left in place after construction is complete. If not operated and maintained properly, permanent water quality BMPs can become sources of

pollutants; the goal of this program is to prevent this from occurring by requiring BMP maintenance to ensure these BMPs are operating as designed.

- a. The individual requirements that make up the Post-Construction Maintenance Program are contained in Sections 26-64 and 26-202.
- b. Regular maintenance of permanent structural BMPs (i.e., ditches, ponds, etc.) will be the responsibility of Richland County if the County has an easement allowing it to access the BMP, and if the County has accepted maintenance responsibilities for the BMP. If the BMP is privately owned, all maintenance will be the responsibility of the owner.

(6) *Accidental Discharges or Damages.* In the event of any accidental discharge or damage to the municipal separate stormwater systems of Richland County or its co-permittees, immediate notification (not to exceed 24 hours) shall be given to the Director of Department of Public Works, Stormwater Management Personnel or designee, regarding the nature, quantity (if applicable) and time of the occurrence. In addition to this notification, the responsible entity shall take immediate measures to contain and/or eliminate the discharge and minimize its effects on the receiving waters. The responsible entity shall also take steps to eliminate the recurrence of such events. The Director of Public Works, Stormwater Management Personnel or designee shall have the authority to inspect, monitor and approve any remedial actions taken by the responsible entity. Failure to notify Richland County as outlined above shall result in the action being deemed an illegal or illicit activity as described in this Section and appropriate enforcement action shall be taken as set out in §206.23(d) and the Enforcement Response Guide.

(7) *Water Quality Controls for Impaired Water Bodies and Consistency with Total Maximum Daily Loads (TMDLs).* The County may take action to provide reasonable assurance that discharges will not cause or contribute to violations of water quality standards in Impaired Water Bodies identified on the South Carolina 303(d) list. If a TMDL has been established for a water body, the County may also require additional conditions necessary to ensure consistency with the TMDL.

(c) *MS4 Authority*

(1) The Director of Department of Public Works, Stormwater Management Personnel or designee, bearing proper credentials and identification, may enter and inspect all properties for regular inspections, periodic investigations, monitoring, observation, measurement, enforcement, sampling and testing, and any other NPDES related tasks. The personnel shall duly notify the owner of said property or the representative on site, and the inspection shall be conducted at reasonable times.

- (2) In the event that the Richland County or the designee reasonably believes that discharges from the property into the Richland County MS4 may cause an imminent and substantial threat to human health or the environment, the inspection may take place at any time and without notice to the owner of the property or a representative on site. The inspector shall present proper credentials upon reasonable request by the owner or representative. In addition, the inspector may take such action as to abate or eliminate the discharge and begin remedial steps necessary to protect human health and/or the environment.
 - (3) This authority shall extend to the jurisdictional areas of the Town of Arcadia Lakes and the City of Forest Acres as co-permittees under Richland County's NPDES Stormwater Permit and through inter-local agreements currently in effect.
- (d) *Violations.* Upon determination that a violation of any of the provisions of this article or the NPDES permit has occurred, Richland County personnel will respond according to the procedures in the current *Enforcement Response Guide*, which includes timely personal notice at the property where the violation has occurred and written notice to the violator. This notice shall specify: the nature of the violation, the proposed penalty, and the time line (depending on the violation and is left to the discretion of the inspector) to correct deficiencies, if appropriate. There shall be sufficient notification to deliver the notice to the person to whom it is addressed, or to deposit a copy of such in the United States Mail, properly stamped, certified and addressed to the address used for tax purposes.
- (1) *Civil Penalties.* Any person violating any provision of this article shall be subject to a civil penalty of not more than \$500 for each violation. Each separate day of a violation, constitutes a new and separate violation.
 - (2) *Criminal Penalties.* In addition to any applicable civil penalties, any person who negligently, willfully or intentionally violates any provision of this article shall be guilty of a misdemeanor and shall be punished within the jurisdictional limits of magistrate's court. Each day of a violation shall constitute a new and separate offense.
 - (3) *Emergency Actions.* Richland County reserves the right to seek reimbursement of costs required to abate, eliminate and/or remediate discharges that have been deemed an imminent threat to human health and/or the environment. Such reimbursement shall be in addition to other appropriate enforcement actions including, but not limited to, civil or criminal penalties.

- (e) *Supplemental regulations.* All applicable provisions of the standards for Stormwater Management and Sediment Reduction (Section 72-301, 302, 305, 307, 308, 312, 313, 314, 315 and 316) administered by the South Carolina Department of Health and Environmental Control pursuant to the South Carolina Stormwater Management and Sediment Reduction Act of 1991 are incorporated by reference herein. All applicable provisions of the NPDES and Land Application Permits Regulation (Section 61-9.122 Part A 122.2, 122.3, 122.4 and Part B 122.26) administered by the South Carolina Department of Health and Environmental Control pursuant to the South Carolina Pollution Control Act of 1976 are incorporated by reference herein.

Secs. 26-204 – 26-220. Reserved.

ARTICLE IX. SUBDIVISION REGULATIONS

Sec. 26-221. Purpose.

The purpose of these subdivision regulations is to provide criteria for the development of subdivisions within Richland County. These regulations shall be applied, in addition to other relevant sections of this chapter (see in particular Article VII.), when a subdivision is proposed in the county, and are based on and implement the requirements of Section 6-29-1110, et. seq., of the South Carolina Code of Laws. These regulations also implement the objectives and policies of the comprehensive plan for the county.

Sec. 26-222. General requirements.

- (a) *Improvements.* All proposed improvements in the development of a subdivision shall comply with the relevant standards set forth in this chapter.
- (b) *Septic tank and well systems.* Persons using septic tanks and/or wells shall obtain, prior to sketch plan review by the planning commission, at least preliminary or conceptual approval from DHEC, as required by Section 61-57 of the South Carolina Code of Regulations.
- (c) *Subdivision and road names.* Subdivision names, approved by the county addressing coordinating specialist, and road names, approved by the planning commission, will be issued at the preliminary plan review stage.
- (d) *Access requirement for subdivision.* All subdivisions, and/or subdivision lots, shall have direct access to a public or private road, with a minimum fifty (50) foot right-of-way and a minimum twenty (20) foot wide passable surface approved by the county engineer's office. Except for minor subdivisions, all subdivision lots shall have access only to interior subdivision roads.
- (e) *Lots.*

- (1) *DHEC requirements.* If the South Carolina Department of Health and Environmental Control requires a lot size for a subdivision different from what is required in this chapter, then the project shall conform to the DHEC standards.
 - (2) *Restriction on jurisdictional lines.* Lots hereinafter developed shall not be divided by city or county lines.
 - (3) *Lot lines.* In so far as is practical, side lot lines shall be at right angles to straight road lines and radial to curved road lines.
 - (4) *Zoning district standards.* All subdivision lots must comply with the applicable standards for the zoning district(s) in which the subdivision is located.
- (f) *Blocks.*
- (1) *Block size.*
 - a. *Nonresidential block size.* Nonresidential blocks shall be of such length and width as may be suitable for their prospective use, including adequate provision for off-street parking and service areas.
 - b. *Residential block size.* Residential blocks shall not be greater than one thousand eight hundred (1,800) feet in length nor less than six hundred (600) feet in length. Where practical, the width of any residential block shall be sufficient to permit at least two (2) tiers of lots.
 - (2) *Dead-end roads.* Dead-end roads, within a subdivision, including cul-de-sacs, shall not be greater than eight hundred (800) feet in length.

Sec. 26-223. Financial surety.

In lieu of the completion of a subdivision development previous to final plat approval, the county may accept a bond, in an amount and with surety and conditions satisfactory to it, providing for and securing to the county the actual construction and installation of all improvements within a specified time period as expressed in the bond documents. The following types of bonds shall be acceptable to the county, subject to review and approval by the Richland County Legal Department and/or the county engineer.

- (a) *Surety bond.* A surety bond issued by a company licensed to do business in the State of South Carolina in an amount equal to one hundred twenty-five percent

(125%) of the estimated cost of improvements. The county engineer shall determine the estimated cost of improvements.

- (b) *Escrow funds.* Escrow funds in an account in the name of Richland County in an amount equal to one hundred twenty-five percent (125%) of the estimated cost of improvements. The county engineer shall determine the estimated cost of improvements. The contract may authorize a reduction of the escrow account upon completion of a portion of the improvements, but at no time shall the escrow account be less than one hundred twenty-five percent (125%) of the remaining improvements.
- (c) *Securities.* The developer may pledge securities in the form of negotiable stocks or bonds in favor of the county in an amount at least two (2) times the estimated cost of improvements. The county engineer shall determine the estimated cost of improvements.
- (d) *Performance bond for easements and right-of-way.* In the event the developer elects to dedicate easements and right-of-way to the public, the developer shall arrange for the contractor to post a performance bond in the amount of one hundred percent (100%) of the estimated construction cost holding the construction contractor liable for any problems for a minimum of twelve (12) months and a maximum of eighteen (18) months following the date of such dedication.
- (e) *Letter of credit.* An irrevocable letter of credit issued by a responsible financial institution, in an amount equal to one hundred twenty-five percent (125%) of the estimated cost of improvements. The estimated cost of improvements shall be determined by the county engineer.

Secs. 26-224 – 26-250. Reserved.

ARTICLE X. NONCONFORMITIES.

Sec. 26-251. General.

- (a) *Purpose.* The purpose of this article is to establish regulations that govern uses, structures, lots, and other current circumstances that come into being lawfully, but that do not conform to one or more requirements of this chapter and/or amendments thereto. Such nonconformities could be created by the adoption of this chapter, or could have been created by a change in the classification of property or a change in the text of this chapter.
- (b) *Nonconformities – continuation.* Any nonconforming use, structure, or lot that lawfully existed as of the effective date of this chapter and that remains nonconforming may be continued only in accordance with the terms of this article. Any use, structure, or lot that has become nonconforming as a result of the

adoption of this chapter, or any subsequent amendment to the text or official zoning map, may be continued and maintained only in accordance with the terms of this article. As used in this article, the term “effective date of this chapter, or any amendment thereto,” refers to the date of the ordinance that first rendered a use, structure, or lot nonconforming.

Sec. 26-252. Nonconforming vacant lots.

- (a) *General.* A nonconforming vacant lot is a lot that was lawfully created prior to the effective date of this chapter, or any amendment thereto, but which does not conform to the dimensional or area requirements for the zoning district in which it is located.
- (b) *Standards.* A nonconforming vacant lot may be used for any of the uses permitted by Article V. of this chapter in the zoning district in which it is located if the use of the lot meets the following standards:
 - (1) All other minimum requirements for the particular zoning district and proposed use must be met or a variance obtained from these requirements.
 - (2) The nonconforming vacant lot does not adjoin and have continuous frontage with one or more other vacant lots in the same ownership. If a nonconforming lot does adjoin and have continuous frontage with one or more other vacant lots in the same ownership, such lots shall be combined or recombined as necessary to form a conforming lot or lots. This subsection shall not apply to a nonconforming vacant lot if a majority of the developed lots located on either side of the road where such a lot is located and within five hundred (500) feet of such lot are also nonconforming. The intent of this subsection is to require nonconforming lots to be combined with other lots to create conforming lots under the circumstances specified herein, but not to require such combination when that would be out of character with the way the neighborhood has been previously developed.

Sec. 26-253. Nonconforming occupied lots.

- (a) *General.* A nonconforming occupied lot is a lot which contained a structure prior to the effective date of this chapter or any amendment thereto, but which does not conform to the dimensional or area requirements for the zoning district in which it is located.
- (b) *Standards.* A nonconforming occupied lot may be used for any of the uses permitted by this chapter in the zoning district in which it is located if the use of the lot meets the following standards:

- (1) Any improvement, erection, or extension of buildings or structures on such a lot shall comply with all other minimum requirements of this chapter or a variance must be obtained from these requirements.
- (2) The nonconforming occupied lot does not adjoin and have continuous frontage with one or more other vacant lots in the same ownership. If a nonconforming lot does adjoin and have continuous frontage with one or more other vacant lots in the same ownership, such lots shall be combined or recombined as necessary to form a conforming lot or lots. This subsection shall not apply to a nonconforming occupied lot if a majority of the developed lots located on either side of the road where such a lot is located and within five hundred (500) feet of such lot are also nonconforming. The intent of this subsection is to require nonconforming lots to be combined with other lots to create conforming lots under the circumstances specified herein, but not to require such combination when that would be out of character with the way the neighborhood has been previously developed.

Sec. 26-254. Nonconforming structures occupying conforming lots.

- (a) *General.* A nonconforming structure occupying a conforming lot is a structure which lawfully existed prior to the effective date of this chapter, or any amendment thereto, which does not meet the minimum requirements for the zoning district in which it is located. It is a structure, however, that is located on a lot that does conform to the zoning district requirements.
- (b) *Standards.* A nonconforming structure on a conforming lot may be used for any of the uses permitted by this chapter in the zoning district in which it is located if the use of the lot meets the following standards:
 - (1) A nonconforming structure may undergo a change of use or renovation without having to bring the structure into conformity with the requirements of these regulations provided that:
 - a. The change in use or renovation involves a permitted use within the district, and
 - b. The number of parking spaces provided for the use is in conformity with the requirements of these regulations or a variance is obtained from the board of zoning appeals.
 - (2) A nonconforming structure may be expanded, without bringing the nonconforming structure into conformity with these regulations, only if the part of the structure to be expanded and the area of the lot into which the expansion is taking place are both brought into conformity with the requirements of this chapter. However, a structure that is nonconforming only because of setback standards may be enlarged along the nonconforming setback up to ten (10) feet in residential districts or thirty

(30) feet in other districts so long as all other aspects of the structure conform to the regulations in this chapter.

Sec. 26-255. Nonconforming open uses of land.

- (a) *General.* A nonconforming open use of land is an open use that was in existence prior to the effective date of this chapter, or any amendment thereto, and which would not be permitted by this chapter in the zoning district in which it is located. For open uses of land, any structures associated with the use are incidental and accessory to the actual use.
- (b) *Standards.* A legally established nonconforming open use of land may be continued subject to the following limitations:
 - (1) When a nonconforming open use of land has been changed to a conforming use, it shall not thereafter be used for any nonconforming use.
 - (2) Nonconforming open uses of land may be converted to another nonconforming use if the board of zoning appeals finds that the new use is more in character with the uses permitted in the zoning district in which the property is located and grants a special exception. In granting such a change, the board may require appropriate conditions and safeguards in accordance with the purposes of this chapter.
 - (3) A nonconforming open use of land shall not be enlarged to cover more land than was occupied by that use when it became nonconforming.
 - (4) When any nonconforming open use of land is discontinued for a period in excess of twelve (12) months, any future use of the land shall be limited to those uses permitted in the district in which the land is located.

Sec. 26-256. Nonconforming uses of structures.

- (a) *General.* A nonconforming use of a structure is a use that was lawfully created in a structure prior to the effective date of this chapter, or any amendment thereto, and which would not be permitted by this chapter in the zoning district in which it is located.
- (b) *Standards.* A legally established nonconforming use of a structure may be continued subject to the following limitations:
 - (1) When a nonconforming use of a structure has been changed to a conforming use, it shall not thereafter be used for any nonconforming use.
 - (2) A nonconforming use of a structure may be converted to another nonconforming use if the board of zoning appeals finds that the new use is

more in character with the uses permitted in the zoning district in which the property is located and grants a special exception. In granting such a change, the board may require appropriate conditions and safeguards in accordance with the purposes of this chapter.

- (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 except:
 - a. Where such alteration does not enlarge the structure.
 - b. Where such alteration is required by law or by an order from the county building inspector, fire marshal, or zoning administrator to insure the safety of the structure.
 - c. Where such alteration is of a residential structure as set forth in subsection (4) below.
- (4) Nonconforming existing residential structures in either commercial or industrial districts may be enlarged, extended, or structurally altered, provided that no additional dwelling units result from such enlargement, extension, or alteration. Any such enlargement, extension, or alteration shall comply with the dimensional or area requirements of the Residential, Single-Family, High Density District.
- (5) When any nonconforming use of a structure is discontinued for a period in excess of twelve (12) months, any future use of the land shall be limited to those uses permitted in the district in which the structure is located.

Sec. 26-257. Other nonconforming issues.

- (a) *Standards for replacement of nonconforming manufactured housing.* Any manufactured home used for single-family residential purposes and maintained as a nonconforming use may be enlarged or replaced with a post-1976 manufactured home of the same or larger size, so long as the enlargement or replacement does not create new nonconformities with respect to such matters as yard or parking requirements. Any replacement authorized by this subsection can only take place if said replacement occurs within one hundred eighty (180) days of the removal of the initial manufactured home.
- (b) *Discontinuance.*
 - (1) *When discontinued.* A nonconforming use shall be presumed discontinued when any of the following has occurred:

- a. The owner has in writing or by public statement indicated intent to abandon the use.
 - b. A conforming use or a nonconforming use of lesser impact has replaced the original nonconforming use.
 - c. The building or structure housing the nonconforming use has been removed.
 - d. The owner has physically changed the building or structure or its permanent equipment in such a way as to indicate clearly a change in use or activity to something other than the nonconforming use.
 - e. The property, structure, or use has been vacant or completely inactive for twelve (12) or more months.
- (2) *Overcoming presumption of abandonment.* A presumption of abandonment for a nonconforming use in a structure, based solely on the length of time the use of the structure has remained vacant or inactive, may be rebutted. Such a presumption may be overcome upon a showing, to the satisfaction of the zoning administrator, that during such period, the owner of the land has done both of the following:
- a. The owner has been maintaining the land and structure in accordance with the building code; and
 - b. The owner has been actively and continuously marketing the land or structure for sale or lease or has been making necessary improvements in order to continue the use.

Sec. 26-258. Maintenance and nonconformities.

- (a) *Maintenance and required alterations or remodeling.* In the interest of public safety and health, structural alterations or remodeling of nonconforming structures or conforming structures on nonconforming lots that are required by any public law, and so ordered by a public officer in authority, shall be permitted. Routine maintenance shall also be permitted for nonconforming situations so long as no expansion of the nonconformity occurs as a result of the maintenance.
- (b) *Repair/reconstruction of damaged structures.* Any nonconforming use that has been damaged by fire, wind, flood, or other casualty may be repaired and used as before, provided that such repair and reconstruction shall be accomplished:
 - (1) Without any increase in structural dimensions or area devoted to the nonconforming use.

- (2) Without any change in location except to provide greater conformance with the requirements of this chapter.
- (3) With initiation of the repairs/reconstruction within twenty-four (24) months of the damage.
- (4) With completion of the repairs/reconstruction within three (3) years of the damage.

Secs. 26-259 – 26-270. Reserved.

ARTICLE XI. CODE COMPLIANCE

Sec. 26-271. Duties regarding enforcement.

The Richland County Zoning Administrator, unless specifically set forth otherwise in this chapter, is hereby authorized to enforce the provisions of this chapter. The administrator shall be entitled to inspect all properties subject to this chapter at all reasonable times in order to determine compliance or non-compliance with the terms and provisions hereof.

Sec. 26-272. Penalties for violations.

- (a) *Liabilities for violations.* Any person who erects, constructs, reconstructs, alters, repairs, converts, or maintains any buildings, structure, sign or sign structure, or develops, grades, or otherwise alters property in violation of this chapter shall be subject to penalties in accordance with this article.
- (b) *Criminal penalties.* Any person who violates the terms of this chapter or fails to comply with any of the requirements of this chapter shall be deemed guilty of a misdemeanor and, upon conviction, shall be fined not more than five hundred (\$500.00) dollars or imprisoned for not more than thirty (30) days, or both. Each day such violation continues after due notice shall be considered a separate offense. The owner or tenant of any building, structure, sign, use premises or part thereof, and any architect, surveyor, engineer, builder, contractor, agent, or other person who commits, participates in, assists in, or maintains that violation may each be found guilty of a separate offense and suffer the penalties set forth herein.
- (c) *Injunctive relief and other remedies.* In addition to, or in lieu of, the other remedies set forth in this article, the zoning administrator, in the event of a violation of this chapter, or other appropriate authority of the county, or an adjacent or neighboring property owner who would be specially damaged by a violation, may institute injunction, mandamus, or other appropriate action or proceeding to prevent the unlawful erection, construction, reconstruction, alteration, conversion, maintenance, or use, or to correct or abate the violation, or to prevent the occupancy of the building, structure, or land. In case a building, structure, or land is or is proposed to be used in violation of this chapter, the

county zoning administrator may, in addition to other remedies, issue and serve upon a person pursuing the activity a stop work order requiring such person to stop all activities in violation of this chapter.

Sec. 26-273. Enforcement procedure.

- (a) *Notice of violation.* When an authorized county official finds violations of this chapter, it shall be the duty of said official to notify the person alleged to be in violation. Such notice of violation shall be in writing and sent by certified or registered mail or delivered by personal service. If the violator cannot be ascertained, then the notice of violation shall be sent to the record owner of the land on which the violation occurs. The notice of violation shall include an opportunity to cure the violation within a prescribed period of time. For violations of the floodplain regulations contained in this chapter, the notice shall also indicate that a hearing will be held before the flood coordinator at a designated place and time. Such place and time shall be no later than twenty (20) days after the date of the notice, at which time the owner or occupant shall be entitled to be heard in person or by counsel and to present arguments and evidence pertaining to the matter.
- (b) *Extension of time to cure.* Upon receipt of a written request from the alleged violator or the property owner for an extension of time to cure or correct the violation, the county official charged with the duty of enforcing the regulation(s) being violated may grant a single extension of time, not to exceed a period of thirty (30) days, in which the alleged violator may cure or correct the violation before the county takes further action.
- (c) *Failure to cure.* If the violator (or land owner if the violator cannot be ascertained) fails to take prompt corrective action in the prescribed time, then the county may pursue the penalties and remedies set forth above.
- (d) *Revocation of permits.* In the event of a violation of any regulation of this chapter, the county official charged with the duty of enforcing the particular regulations, may stop any development of, use of, or activity on property by the revocation of applicable permits.

Secs. 26-274 – 26-290. Reserved.

SECTION VI. Interim Procedures.

- (a) *Notice.* Within ninety (90) days of the adoption of this ordinance, the county shall mail written notice to all real property owners of record in the unincorporated areas of the county, informing them that a new land development code has been adopted and that a map amendment ordinance will soon be adopted, both of which will become effective on July 1, 2005, and that the uses of their property could be affected by the adoption of these ordinances. In addition, the notice will provide

contact information for those persons who desire additional information and/or have questions.

- (b) *Economic impact study.* Within three (3) months of the adoption of this ordinance, a study will be completed that assesses the economic impact of adopting the new land development code regulations.
- (c) *Staff reports.* Upon adoption of this ordinance, the planning and development department staff shall begin to provide monthly written reports to county council on the progress of implementing the new land development code. The reports shall include, but not be limited to, the number of inquiries the department has received concerning the land development code and the number of rezoning requests received. Monthly reports shall continue for the first twelve (12) months after adoption of this ordinance and thereafter at the discretion of county council.
- (d) *Administrative documents.* On or before April 1, 2005, the planning and development department staff shall submit copies of the "Development Design Manual", the "Storm Drainage Design Standards", and any checklists that are referenced in this ordinance, to Richland County Council for their information.
- (e) *Compliance.* All standards and regulations of the new land development code, which is incorporated herein, must be complied with beginning on July 1, 2005, unless final plans have been approved or a building permit has been issued prior to said date.

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

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

SECTION IX. Effective Date. The provisions of Section VI. (Interim Procedures) of this ordinance shall be effective from and after November 9, 2004. All other provisions of this ordinance shall be effective from and after July 1, 2005.

RICHLAND COUNTY COUNCIL

BY: _____
Bernice G. Scott, Chair

ATTEST THIS THE _____ DAY
OF _____, 2004.

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 Public Hearing: February 10, 2004

Second Public Hearing: March 16, 2004

First Reading: March 16, 2004

Third Public Hearing: July 13, 2004

Second Reading: October 19, 2004

Third Reading: November 9, 2004

Richland County Council Request of Action

Subject

Discussion of modifications to Hobart Road

Purpose

The committee is requested to consider a request to make certain improvements to Hobart Road.

Background / Discussion

This item was referred to the D&S Committee for discussion by Councilwoman Joyce Dickerson. Additional information from the County Engineer is attached.

Discussion of this item was deferred during the D&S Committee meeting on May 27, 2008.

Financial Impact

N/A - Discussion only.

Alternatives

1. Bring back for action.
2. Table.
3. Defer.
4. Take no action / Discussion only.
- 5.

Recommendation

This request is at council's discretion.

Recommended By:
Council Motion (Joyce
Dickerson)

Department:
County Council

Date:
March 18, 2008

Reviews

From: Howard Boyd
Sent: Tuesday, April 15, 2008 4:49 PM
To: TONY MCDONALD
Cc: Teresa Smith; Stacy Culbreath
Subject: Hobart Road estimates

Tony:

The attachment is consist of two estimates. First one is an estimate of costs that R. Pearson supplied to CTC in a letter dated 9/1/04.

The second spreadsheet is my update to those costs. Of note is the \$374,000 figure for the County's portion of improvements to Hobart, west of the RR track and a portion of the work within the RR crossing.

To generate this update, I simply compared what we provided in our budget in 2004 costs of paving One mile (\$500,000) to current numbers supplied for this fiscal year 2009 budget (\$1,000,000).

In reviewing the documents it appears there was an intricate negotiation to establish who paid for what, and given the increase in the costs it may again be subject to negotiation.

The breakdown in responsibility for the work was as follows:
Developer to construct road from RR to the east
County to construct Road from RR to the west
RR crossing- Joint cost share.

HB

Original Estimate – 9/14/2004

<u>Work Item/Entity</u>	<u>Longtown</u>	<u>Brickyard-Longtown</u>	<u>County</u>	<u>Totals (by Tasks)</u>
Road Const. (dev.)	\$77,000	\$102,000	\$0	\$179,000
RR crossing	\$40,000	\$60,000	\$65,000	\$165,000
Hobart Rd Modifications	\$0	\$0	\$107,000	\$107,000
Contingencies.	<u>\$0</u>	<u>\$0</u>	<u>\$15,000</u>	<u>\$15,000</u>
Totals	\$117,000	\$162,000	\$187,000	\$466,000

Revised Estimate – 4/15/2008

<u>Work Item/Entity</u>	<u>Longtown</u>	<u>Brickyard-Longtown</u>	<u>County</u>	<u>Totals (by Tasks)</u>
Road Const. (dev.)	\$154,000	\$204,000	\$0	\$358,000
RR crossing	\$80,000	\$120,000	\$130,000	\$330,000
Hobart Rd Modifications	\$0	\$0	\$214,000	\$214,000
Contingencies.	<u>\$0</u>	<u>\$0</u>	<u>\$30,000</u>	<u>\$30,000</u>
Totals	\$234,000	\$324,000	<i>\$374,000</i>	\$932,000

Richland County Council Request of Action

Subject

Discussion of a request to install a turn lane on Longtown Road for the Holly Ridge subdivision

Purpose

Council is requested to consider installing a turn lane on Longtown Road for the Holly Ridge Subdivision.

Background / Discussion

This item was referred to the D&S Committee for discussion by Councilwoman Joyce Dickerson. Additional information regarding this item is attached.

Discussion of this item was deferred during the D&S Committee meeting on May 27, 2008.

Financial Impact

N/A - Discussion only.

Alternatives

1. Bring back for action.
2. Table.
3. Defer.
4. No action / Discussion only.
- 5.

Recommendation

This request is left to council's discretion.

Recommended By:

Council Motion (Joyce Dickerson)

Department:

County Council

Date:

March 18, 2008

Reviews

To: Joe Cronin
From: Tony McDonald
Sent: Wed 4/23/2008 10:45 AM
Subject: D & S Agenda: Discussion of Turn Lane Installation at Holly Ridge Lane

The developer of the Holly Ridge Subdivision, located off of Longtown Road in northeast Richland County, has agreed to donate a fifteen (15) foot right-of-way for the construction of a turn lane into Holly Ridge. Under this plan, the turn lane would be constructed on Longtown Road, which is a State Department of Transportation (DOT) road. The intent would be to provide easier access from Longtown onto Holly Ridge Lane, the subdivision's main entrance.

Because Longtown Road is a DOT road, this would be a State project and would have to be approved, engineered and constructed by DOT. This request has been submitted to DOT for consideration.

Richland County Council Request of Action

Subject

Discussion of location requirements for community residential care facilities

Purpose

The D&S Committee requested additional information from staff regarding the county's location requirements for community residential care facilities.

Background / Discussion

This item was forwarded to the D&S Committee for discussion by Councilwoman Bernice Scott.

During the May D&S Committee meeting, Mr. Shelton Elliot from SCDHEC was on hand to present information to council regarding the licensing and location requirements for Community Residential Care Facilities. At that time, the committee requested a report from staff regarding the county's process as it relates to the location of CRCF's, and an overview of any recommended changes to the process.

Staff from the Legal and Planning departments will be available during the committee meeting to answer questions from council regarding the county's process as it relates to CRCF's.

Financial Impact

N/A - Discussion only.

Alternatives

1. Bring back as an action item.
2. Table.
3. Defer.
4. No action / Discussion only.
- 5.

Recommendation

N/A - This item is for discussion only.

Recommended

By:

Staff

Department:

Administration

Date:

05-20-2008

Reviews

Richland County Council Request of Action

Subject

Request to limit the number of daycares and nurseries in residential neighborhoods

Purpose

The D&S Committee is requested to consider placing regulations on the number of daycares and nurseries permitted in residential neighborhoods.

Background / Discussion

This item was forwarded to the D&S Committee for consideration by Councilwoman Joyce Dickerson during the motion period on May 20, 2008.

Since that time, staff has met with Ms. Dickerson to discuss her request. A memorandum from Geo Price, Zoning Administrator, is attached for council's consideration.

Financial Impact

N/A - This item is for discussion only at this time.

Alternatives

1. Bring back as an action item.
2. Table.
3. Defer.
4. No action / Discussion only.
- 5.

Recommendation

This request is at council's discretion.

Recommended By:
Council Motion (Joyce
Dickerson)

Department:
County Council

Date:
05-20-2008

Reviews

Memorandum

To: J. Milton Pope, County Administrator

From: Geonard H. Price, Zoning Administrator

Date: 11 June 2008

Re: Councilmember Dickerson's motion about limiting the number of daycares and nurseries in neighborhoods

Staff met with Mrs. Dickerson on Monday, June 9, 2008 to further discuss her motion regarding daycares and nurseries in neighborhoods.

It is staff's understanding that Mrs. Dickerson has concerns over the number of daycares allowed within neighborhoods and the potential adverse affect that this type of use may have on these neighborhoods. Based on Mrs. Dickerson's concerns, staff has proposed the following amendments to the Richland County Land Development Code (LDC):

1. **Change the maximum number of children allowed in a home occupation – family daycare from five (5) to six (6).**

This change will allow the LDC to mirror the regulations of the Department of Social Services, regarding category types.

2. **Restrict the maximum number of children that can be kept in a home to six (6).**

The Department of Social Services requires an assistant if four (4) or more children under the age of 24 months are kept in the home. However, according to section 26-151 (c) (33) (d) of the LDC, employees of the home occupation must be residents of the home. This provision of the LDC should serve to restrict the number of potential daycare sites and/or the number of children that are kept in the home.

3. **Allow home occupation daycares by special requirements rather than by special exception.**

Daycares will be allowed as permitted uses, subject to special requirements (the full range of special requirements is still under review by staff). This will eliminate the subjectivity of the special exception review, and allow staff to objectively permit or prohibit the establishment of a daycare based on the applicable requirements of the LDC.

Richland County Council Request of Action

Subject

Request to create a Community Development Corporation.

Purpose

The D&S Committee is requested to consider the creation of a Community Development Corporation.

Background / Discussion

This item was referred to the D&S Committee for consideration by Councilman Norman Jackson during the motion period on June 3, 2008.

Staff from the Community Development Department has prepared a memo outlining the purpose of Community Development Corporations, as well as a brief explanation of their pros and cons. (See attachment)

Financial Impact

N/A - This item is on the agenda for discussion only at this time.

Alternatives

1. Bring back as an action item.
2. Table.
3. Defer.
4. No action / Discussion only.
- 5.

Recommendation

This request is at council's discretion.

Recommended By:

Council Motion
(Norman Jackson)

Department:

County Council

Date:

05-20-2008

Reviews

MEMORANDUM

To: Members of Richland County Council

Through: Tony McDonald

From: Frank Frierson

Date: June 20, 2008

Subject: Examine Possible Creation of Community Development Corporation

At the June 3, 2008 Council meeting a motion was put forward by Councilman Norman Jackson to “Examine the possibility of Richland County creating a Community Development Corporation.”

A Community Development Corporation (CDC) is a broad term referring to not-for-profit organizations incorporated to provide programs, offer services and engage in other activities that promote and support a community. CDCs usually serve a geographic location such as a neighborhood, a town, or a county. They often focus on serving lower-income residents or struggling neighborhoods. They can be involved in a variety of activities including economic development, housing development, social services and development of community facilities. These organizations are often associated with the development of affordable housing.

The creation of a CDC is legally the same as any other non-profit entity organized under section 501 (c) (3) of the Internal Revenue Code. Steps would include: develop a set of by-laws, file for incorporation with the state and once that is completed apply to the federal Internal Revenue Service for designation as a tax exempt non-profit organization. The IRS designation is necessary in order for the CDC to obtain grants and gifts from any government, corporate, foundation sources or from individuals.

Since the establishment of Richland County as an Entitlement Community (CDBG designation) and a Participating Jurisdiction (HOME designation) in 2002 the county has been awarded over \$9.6 million in CDBG funds, over \$3.7 million in HOME funds, and over \$149,000 in ADDI funds. During this period members of administration, council, and community development have discussed **if** the creation of a CDC would assist the county in expending these funds in a more efficient and timely manner and assist in establishing additional partnerships and funding sources.

The first step in creating a CDC is to decide on a mission. What does the County want to do accomplish with this organization? Does it want to provide affordable housing or focus on economic development or something else? Once the mission of the CDC is established then you can look at ways to provide funding that is tailored to your mission. The financial impact on the County of creating a CDC could be considerable. There would be the need for office space (separate from the county), additional staff, start-up money, and a consistent funding source.

The alternatives to this proposal are for Richland County Council to:

1. Examine the possibility of creating a Community Development Corporation.
2. Do not examine the possibility of creating a Community Development Corporation.

I recommend that Council examine the possibility of Richland County creating a Community Development Corporation.

Richland County Council Request of Action

Subject

Report from the Citizens' Committee for Animal Issues regarding amendments to the county's vicious dog ordinance

Purpose

This update is being provided by the Citizens' Committee for Animal Issues at the request of the D&S Committee.

Background / Discussion

On November 20, 2007, Councilwoman Val Hutchinson made a motion for the D&S Committee to review the county's vicious animal regulations. This item was discussed by the committee in March 2008. At that time, the committee requested that the county's Citizens' Committee for Animal Issues review the issue and present their recommendations back to council for consideration. The committee met on April 23rd. A letter from Peggy Wilson, Chair of the Citizens' Committee for Animal Issues, is attached. This letter outlines the committee's recommendations.

This item was on the May D&S agenda for discussion; however due to time constraints, discussion of this item was deferred to the June meeting.

Financial Impact

N/A - Discussion only.

Alternatives

1. Bring back for action.
2. Table.
3. Defer.
4. Take no action / Discussion only.
- 5.

Recommendation

This item is left to council's discretion.

Recommended By: Staff **Department:** Administration

Date: 05-20-2008

Reviews

Citizen's Committee for Animal Issues
908 Cedar Springs Road
Blythewood, SC 29016

April 30, 2008

The Honorable Norman Jackson, Chairman
Development and Services Committee
Richland County Council
PO Box 192
Columbia, SC 29202

Dear Councilman Jackson:

At the request of Richland County Council, the County's Citizen's Committee for Animal Issues met April 23, 2008. All committee members were present; also attending were Sandra Haynes, Richland County Animal Care & Control Director, and Clark Frady, Assistant Animal Care Director.

The Animal Care Committee re-affirmed that it does not advise or support a breed ban in the County. In February the Committee reported its position to the Development and Services Committee and provided County Council materials from respected animal organizations that support this position. Although a recent newspaper article indicated the County might consider a breed ban, it is this committee's belief, based on the advice of staff, that the Council is no longer considering banning specific breeds.

The Committee focused its deliberations on a proposal for the County to limit the number of dogs that County residents may own. The Committee does not advise or support a number limitation.

We reviewed several examples from other jurisdictions that limit dog ownership including the requirement for kennel construction for three or more dogs as is the case in the City of Columbia along with other city and county ordinances that impose limits based on zoning, population density, type of residence, dog size, and case-by-case approval by a governing body. We also reviewed position statements on dog number limits from the American Kennel Club, the Humane Society of the US and the American Society for the Prevention of Cruelty to Animals.

Our committee takes the position that limiting the number of dogs an individual may own is ineffective because it fails to address the root problem of irresponsible pet ownership. Whether they own fifteen dogs, five or one, irresponsible owners will still allow their animals to run loose, fight, leave a mess in a neighbor's yard, or bark all night. The County's existing vicious dog, nuisance, and sanitation ordinances already can be enforced when a dog owner allows one or more dogs to create a problem.

Limit laws require a great deal of manpower to enforce uniformly and can be evaded by irresponsible pet owners. If an owner decides to exceed the limit, the individual will

deliberately fail to register his dogs with the County or get rabies shots from his veterinarian to evade detection. Without a grandfather clause, another awful consequence for law-abiding citizens is to force responsible owners to surrender their excess animals to shelters that already are overcrowded, leading to even higher euthanasia rates. Over 19,000 unwanted pets are euthanized each year in Richland and Lexington Counties. A limit on dog ownership will only drive that number up. A grandfather clause would require every dog in the county to be microchipped or tattooed and tracked with a unique identifier, which would be costly to the County and to pet owners.

One of the most serious problems for Richland County's Animal Care & Control has not yet been addressed by Council; it is the need for additional animal care/control officers and personnel. In 1998, at the request of this committee, and with the approval of County Council, the National Animal Control Association (NACA) prepared a needs assessment report of Richland County's Animal Care Department. Ten years ago, the NACA assessment stated the following: p10-6, #5.02, "The agency should allocate enough field positions as to ensure the needs of citizens are met without undue delays. All calls should be answered before the end of each day. Based on the "calls for service" model, the agency should have a minimum of eleven officers on duty, per shift."

Please consider the growth that has occurred in the County since 1998! The Committee believes the Richland County's Animal Care Department is doing remarkable work for our community. They are, however, critically understaffed and experience frequent personnel turnover.

The Animal Care Committee strongly recommends that County Council address the county's need for additional officers and allocate the funding for such staff increases. With adequate staffing and enforcement of existing ordinances, we believe many of the problems associated with irresponsible pet ownership will be addressed in a fair and cost-effective manner.

This committee appreciates your concern for our citizens and their pets.

Sincerely,



Peggy O'N. Wilson, Chair
Citizens' Subcommittee for Animal Control Issues

cc: Richland County Council
Milton Pope

Enclosure



NATIONAL ANIMAL CONTROL ASSOCIATION

Johnnie W. Mays
Executive Director
P.O. Box 480851
Kansas City, MO 64148

February 23, 1998

Debby Elousson
Research Analyst
Richland County
P.O. Box 192
Columbia, SC 29202

Dear Debby,

Please find attached a copy of our NACA Needs Assessment Report based on a management and staffing study of Richland County Animal Control.

The Study Team appreciates the cooperation and support from members of Richland County Animal Control, County Administration, local humane groups and the community at large.

If you need any further information, or have any comments or questions, please do not hesitate to contact me at 913-768-1319.

Sincerely,

A handwritten signature in black ink, appearing to read 'J.W. Mays', written in a cursive style.

Johnnie W. Mays
National Animal Control Association

4.02 Both Animal Control and the City of Columbia Animal Shelter should provide more detailed financial and statistical data to verify costs and/or support claims.

4.03 Any County employee who fails to follow proper policies/procedures should be subjected to disciplinary action or termination.

4.04 The agency should secure the services of an outside professional to mediate and resolve the internal conflicts which influence its relationship with the City of Columbia Animal Shelter.

4.05 Animal Control should improve the level of communication between itself and the SPCA and City of Columbia Animal Shelter. Weekly or monthly meetings should occur to stimulate discussion.

Field Operations

5.01 Animal Control should reevaluate its call prioritization program to assure timely response to important calls and a reasonable response to non-priority calls. Citizens should be informed of the approximate time for calls that are not critical.

5.02 The agency should allocate enough field positions as to ensure the needs of citizens are met without undue delays. All calls should be answered before the end of each day. Based on the "calls for service" model, the agency should have a minimum of eleven officers on duty, per shift.

5.03 The agency should abolish its procedure of ignoring or pushing back non-priority calls until the next day.

5.04 With an increase in staffing levels, the agency should introduce evening and weekend service. Shift coverage should also begin earlier in the day.

5.05 The agency should reclassify the following positions:

- "Animal Control Officers" to "Field Supervisors."
- "Animal Control Technicians" to "Animal Control Officers."

5.06 Field personnel should be properly trained in emergency euthanasia techniques, public relations, animal behavior, capture and handling, equipment usage, animal first aid, report writing, investigative skills and courtroom procedures. All training should be documented.

Richland County Council Request of Action

Subject

Request to impose fees and licensing requirements for sites with waste storage [*Eligible for Executive Session*]

Purpose

The D&S Committee is requested to consider the imposition of fees and licensing requirements for sites with waste storage.

Background / Discussion

This item was forwarded to the D&S Committee for consideration by Councilman Norman Jackson during the motion period on May 20, 2008.

The Legal Department has drafted an opinion regarding this request. This information is eligible for discussion in executive session.

Financial Impact

N/A - This item is on the agenda for discussion only at this time.

Alternatives

1. Bring back as an action item.
2. Table.
3. Defer.
4. No action / Discussion only.
- 5.

Recommendation

This request is at council's discretion.

Recommended By:

Council Motion (Norman Jackson)

Department:

County Council

Date:

05-20-2008

Reviews