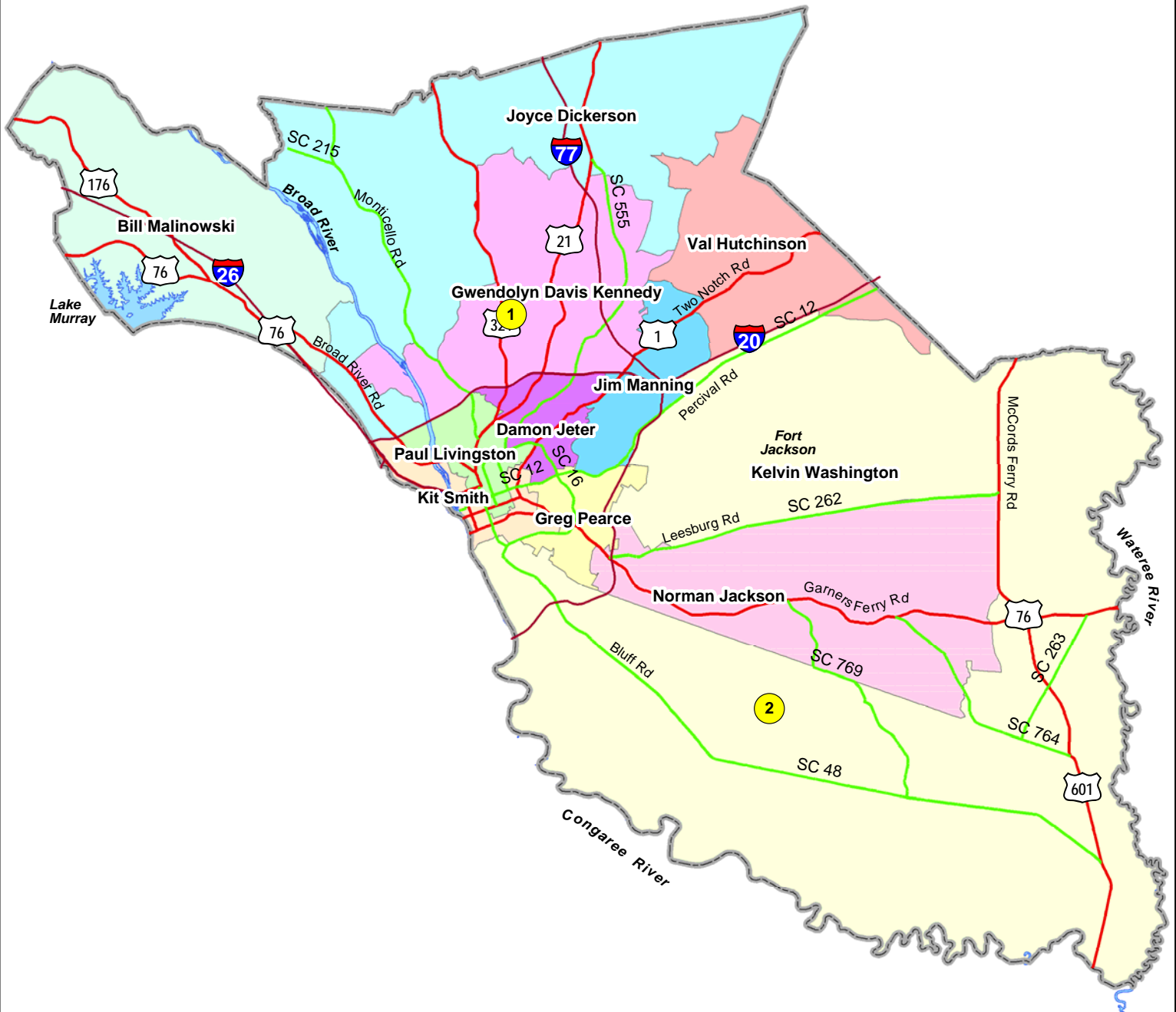


RICHLAND COUNTY
PLANNING COMMISSION



JULY 6, 2009

RICHLAND COUNTY PLANNING COMMISSION JULY 6, 2009



CASE NO.	APPLICANT	TMS NO.	LOCATION	DISTRICT
1. 09-05 MA	A.L. Company, LLC	12000-03-02 & 03	Wessinger Rd.	Kennedy
2. 09-10 MA	Abdalla Yaghy	24400-01-27	Martin Luther King Blvd.	Washington

RICHLAND COUNTY PLANNING COMMISSION

Monday, July 6, 2009

Agenda

1:00 PM

2020 Hampton Street

2nd Floor, Council Chambers

STAFF Joseph Kocy, AICP..... Planning Director
Anna Almeida, AICP Deputy Planning Director
Amelia R. Linder, Esq. Attorney

I. PUBLIC MEETING CALL TO ORDER Christopher Anderson, Chairman

II. PUBLIC NOTICE ANNOUNCEMENT

III. PRESENTATION OF MINUTES FOR APPROVAL

a. April & June Minutes

IV. AGENDA AMENDMENTS

V. SUBDIVISION REVIEW

SD- 05-231		
Project Name:	Ashland @ Lake Carolina Phases 2 A, 2C & 3B	Page 1
TAX MAP SHEET NUMBER	23300-03-01	

VI. MAP AMENDMENTS

CASE # 09-05 MA		
APPLICANT	A.L. Company, LLC	Page 7
REQUESTED AMENDMENT	M-1 to RM-HD (30.43 acres)	
TAX MAP SHEET NUMBER (S)	12000-03-02 & 03	
LOCATION	Wessinger Rd.	

CASE # 09-10 MA		
APPLICANT	Abdalla Yaghy	Page 13
REQUESTED AMENDMENT	RU to LI (63.5 acres)	
TAX MAP SHEET NUMBER (S)	24400-01-27	
LOCATION	Martin Luther King Blvd.	

VII. TEXT AMENDMENTS

DEFINE AND PERMIT "BUS SHELTERS & BENCHES" IN ALL ZONING DISTRICTS, WITH SPECIAL REQUIREMENTS.	Page 21
---------------------------------------------------------------------------------------------------	---------

A RESOLUTION TO ENDORSE AND SUPPORT A “COMPLETE STREETS” POLICY TO PROVIDE SAFE AND CONVENIENT ACCESS FOR ALL USERS OF ARTERIAL STREETS. Page 73

SECTION 26-105, FP FLOODPLAIN OVERLAY DISTRICT; SUBSECTION (B), APPLICABILITY/ESTABLISHMENT; SO AS TO DELETE SPECIFIC REFERENCE TO AREAS ALONG THE CONGAREE RIVER. Page 79

ARTICLE V, ZONING DISTRICTS AND DISTRICT STANDARDS; AND ARTICLE VI, SUPPLEMENTAL USE STANDARDS; SO AS TO PROVIDE FOR A PARKS AND RECREATION DISTRICT. Page 83

INCORPORATING THE STUDY PREPARED BY THE CENTER FOR SOCIAL INCLUSION, ENTITLED “GROWING TOGETHER: THRIVING PEOPLE FOR A THRIVING COLUMBIA” INTO THE IMAGINE RICHLAND 2020 PLAN. Page 93

AMENDING SECTION 26-180, SIGNS; SO AS TO ALLOW LEGAL NONCONFORMING OFF-PREMISES SIGNS IN COMMERCIAL, MANUFACTURING, AND INDUSTRIAL ZONING DISTRICTS TO BE REPLACED BY SURFACE AREA DIGITAL SIGNS. Page 145

SECTION 26-180, SIGNS; SO AS TO CREATE A NEW SECTION THAT WOULD ALLOW DIGITAL DISPLAY DEVICES UNDER CERTAIN CONDITIONS. Page 157

VIII. Presentation

Joint Land Use Study (Ft. Jackson)

IX. ADJOURNMENT

DIGITAL BILLBOARDS & DIGITAL SIGNS WORKSHOP



Richland County Planning & Development Services Department Staff Report

PC MEETING DATE: June 1, 2009
RC PROJECT: SD-05-231
APPLICANT: Ashland at Lake Carolina Phases 2A, 2C, and 3B
LOCATION: Bud Keef Road and Kelly Mill Road
TAX MAP NUMBER: 23300-03-01

ACREAGE: Phase 2A – (6.02)
Phase 2C – (7.27)
Phase 3B – (10.99)

EXISTING ZONING: PDD

NUMBER OF LOTS: Phase 2A – (16)
Phase 2C – (30)
Phase 3B – (42)

LOT SIZE RANGE: Phase 2A – (11,763 SF to 16,013 SF)
Phase 2C – (7,680 SF to 11,668 SF)
Phase 3B – (8,793 SF to 13,738 SF)

GROSS DENSITY: Phase 2A – (2.70 DU/acre)
Phase 2C – (4.10 DU/acre)
Phase 3B – (3.82 DU/acre)

WATER PROVIDER: City of Columbia
SEWER PROVIDER: Palmetto Utilities

PC SIGN POSTING: May 19, 2009

Staff Recommendation

Conditional Approval

Background

An application was submitted to the Richland County Department of Planning and Development Services on January 30, 2007 to incorporate 167.10 acres off of Kelly Mill Road including 21 acres of wetlands into the Lake Carolina Planned Unit Development (PDD). This area, later to be named Ashland at Lake Carolina would be subject to the provisions of the Lake Carolina PDD and the existing Development Agreement. The map amendment request (07-21 MA) and was recommended for approval by the Development Review Team (DRT) on February 15th, 2007. On

March 5, 2007 the Planning Commission recommended approval, and on April 17, 2007 the Richland County Council approved the rezoning request.

To date Ashland at Lake Carolina – Phase 1 has received Preliminary subdivision approval and Bonded Plat approval.

The Ashland at Lake Carolina Phases 2A, 2C, and 3B preliminary plats were transmitted to Richland County Land Development staff from U.S. Group, Inc. on April 16th, 2009. The Phase 2A proposed development consists of 16 residential single-family lots that are located near the intersection of Bud Keefe Road and Ashland Drive. The Phase 2C consists of 30 residential single-family lots that are located near the intersection of Baybridge Drive and Brooksdale Drive. The Phase 3B consists of 42 residential single-family lots that are located near the intersection of Brooksdale Drive and Ashland Drive. The South Carolina Department of Transportation encroachment permit was included as part of the Ashland at Lake Carolina Phase 1.

Roads

The proposed Ashland at Lake Carolina Phase 2A lots have frontage on Abbeywalk Lane, Phase 2C lots have frontage on Baybridge Drive, and Phase 3B lots have frontage on Ashland Drive, all of which are privately maintained rights-of-way fifty (50) feet wide.

Existing Zoning and Land Use

	Existing Zoning	Existing Land Use
Subject Parcels	PDD / PDD	Vacant
Adjacent North	RU/RS-LD	Vacant / Single-Family Residences
Adjacent South	PDD	Vacant / Single-Family Residences
Adjacent East	RU/PDD	Tennis Court / Kelly Mill Middle School
Adjacent West	RU/PDD	Single-Family Residences / Vacant

Plans and Policies

The Lake Carolina Development is located in the North East section of Richland County. This area is projected to experience population growth of 41.6% by 2035. Over the next 10 years, the amount of low density suburban land in this area will continue decreasing while suburban land uses will expand westward across I-77 to the border of the North Central planning area. The suburban areas will accommodate most new development. This development is being led by residential growth and followed by commercial and service oriented uses. Over the last decade, sprawl and inefficient land use has been most prevalent in the North East, resulting in traffic congestion, crowded schools, vacant stores, overextended infrastructure, and the loss of tree cover, prime farmland, and open space. As an alternative to this traditional development pattern and problems, the Future Land Use Map provides a suburban / low density suburban boundary which should be

considered and respected for future land use decisions. The Ashland Subdivision at Lake Carolina is within this suburban boundary.

Traffic Impact

The traffic generated by the Ashland subdivision contributes 4,988 average daily trips (ADTs) to the surrounding area based on the value of (9.5 trips) generated per single-family home. For the Lake Carolina Development, the South Carolina Department of Transportation (SCDOT) transmitted the traffic counts in May 2007 for the nearest count station, which was # 705 located on Kelly Mill Road. The traffic volume at the time was 3,400 ADTs, which would be categorized as a Level-of-Service "A". However, Kelly Mill Road is a two lane undivided collector which based on the SCDOT's Level-of-service "C" can support 8,600 ADTs. Adding 4,988 ADTs to the SCDOT reported 3,400 ADTs yields 8,388 ADTs. Dividing the 8,388 ADTs by 8,600 ADTs yields a volume to capacity (V/C) ratio of .98. This reduces Kelly Mill Road to a Level-of-Service "C". The Ashland subdivision has an ingress/egress to Kelly Mill Road and to Bud Keef Road, which would decrease the demand placed on Kelly Mill Road. However, Bud Keef Road is unpaved between Hartmill Drive and Hardscrabble Road which causes all traffic leaving Ashland Drive and Hartmill Drive to be directed back to Kelly Mill Road. Paving the street between Hardscrabble Road and Hartmill Road would allow traffic to empty either toward Kelly Mill Road or Hardscrabble road decreasing the traffic on both roadways.

Conclusion

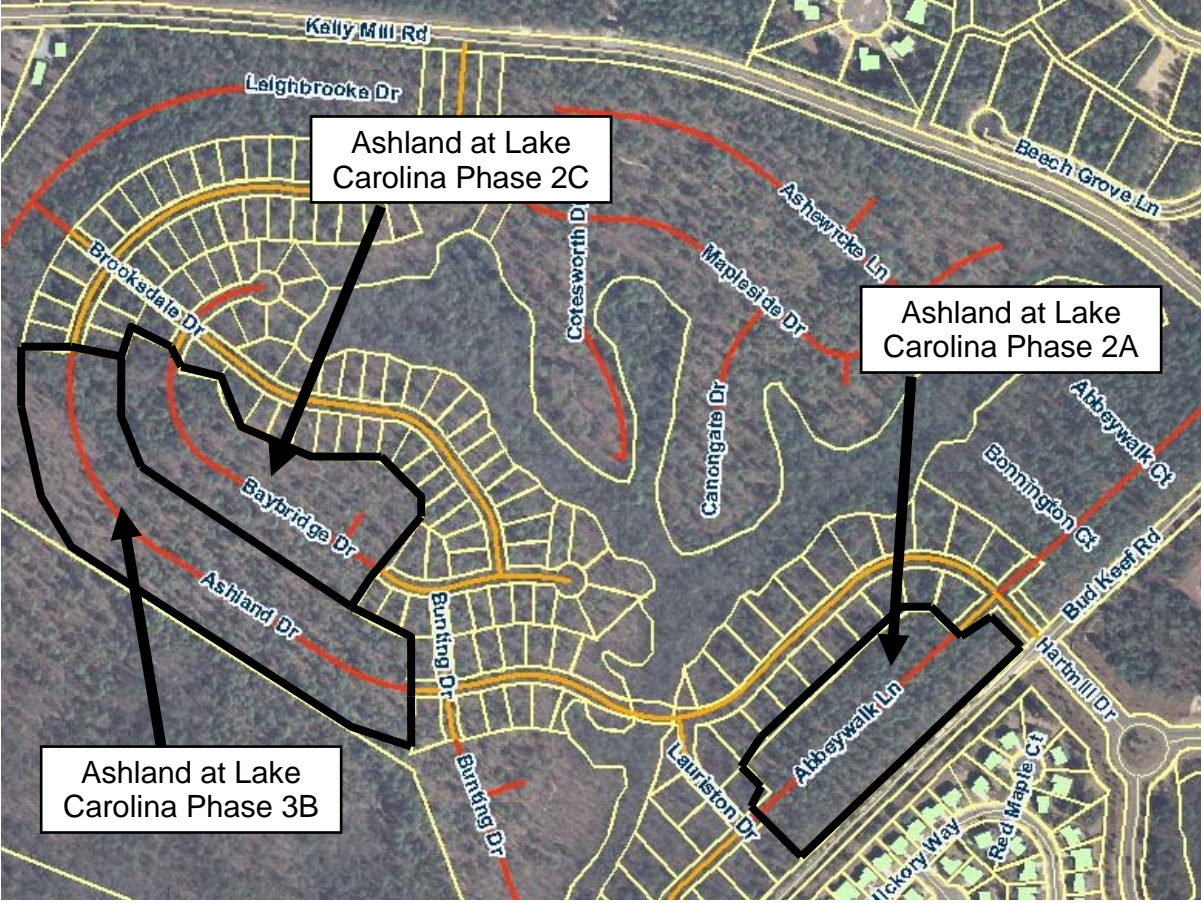
The Ashland at Lake Carolina Phase 2A preliminary plat dated July 23, 2008 with no revisions, the Phase 2C preliminary plat dated July 28, 2008 with revisions through March 19, 2009, and the Phase 3B preliminary plat dated March 21, 2009 with no revisions were given approval for Controlled Clearing, GIS, Flood, and E-911 addressing.

Planning Staff recommends approval of the Ashland at Lake Carolina Phases 2A, 2C, and 3B preliminary plats with the following conditions:

1. Submission of revised plans for the following:
 - a) Include a note on Ashland at Lake Carolina Phase 2A preliminary plat that states lots 49-57 shall have internal access only.
 - b) Provide building envelopes on Ashland at Lake Carolina Phase 2A Preliminary plat.
2. Pave Bud Keef Road to Richland County minimum standards between Hartmill Drive to Hardscrabble Road
3. Approval from the Richland County Public Works
4. Approval from the Richland County Fire Marshal.
5. Submission of a copy of approval from DHEC for the sewer lines.
6. Approval from Palmetto Utilities for all sewer line easements.
7. Adherence to the Lake Carolina Planned Unit Development and Development Agreement including but not limited to sidewalks on all exterior roads except for Kelly Mill Road per Ordinance No. 038-07HR.

Ashland Phase 2A, 2C, and 3B

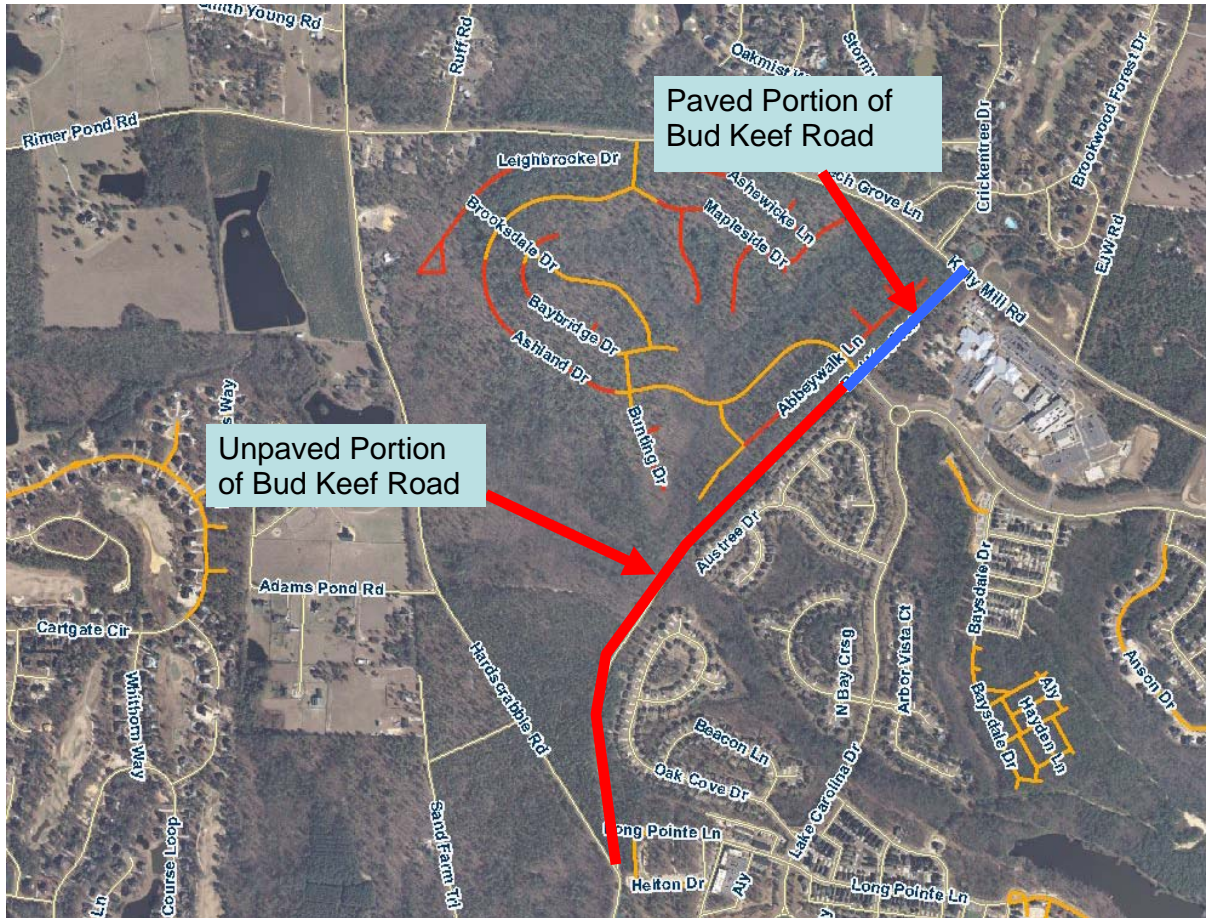




Ashland at Lake Carolina Phase 2C

Ashland at Lake Carolina Phase 2A

Ashland at Lake Carolina Phase 3B





Richland County Planning & Development Services Department

Map Amendment Staff Report

PC MEETING DATE: July 6, 2009
RC PROJECT: 09-05 MA
APPLICANT: A.L. Company, LLC
PROPERTY OWNER: A.L. Company, LLC
LOCATION: Wessinger Road

TAX MAP NUMBER: 12000-03-02 & 03
ACREAGE: 30.73 acres (Parcel: 02 (17.24) & Parcel: 03 (13.48))
ZONING REQUEST: M-1 to RM-HD

PC SIGN POSTING: June 23, 2009

Staff Recommendation

DENIAL

Background /Zoning History

The current zoning, Light Industrial (M-1), reflects the original zoning as adopted September 7, 1977.

In 2002, a Special Exception was granted on this parcel (02-69SE) allowing a manufactured home in an M-1 zoning district. County Code mandates if a building permit or certificate of occupancy is not issued within 12 months, the special exception is null and void. Neither was ever issued for this parcel.

The site contains approximately 2,100 feet of frontage along Wessinger Road.

Summary

The Residential Multi-Family High Density District (RM-HD) is established to provide for high-density residential development, 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.

Minimum lot area: No minimum lot area requirement except as required by DHEC.

Maximum density: No more than 16 units per acre.

- The gross density for this site is approximately: 492 dwelling units
- The net density for this site is approximately: 344 dwelling units

Existing Zoning		
North:	M-1/RU	Undeveloped
South:	HI	Whitaker Containers (Incinerator & Landfill)
East:	M-1/RU	Vacant structures
West:	M-1	Clyde Nettles Roofing and Painting

Plans & Policies Comprehensive Plan Revised through 1994

The Imagine Richland 2020 Comprehensive Plan/"**North Central Area Proposed Land Use Plan**" designates this area as Light Industrial in the Developing Urban Area.

Objective: "Buffer established communities from new, higher density uses through open areas and or compatible land uses."

Non-Compliance: The proposed high density residential development is not compatible with the surrounding light and heavy industrial uses.

Principal: "Residential development should be limited to individual dwellings on individual lots."

Non-Compliance: The proposed residential multi-family high density zoning designation is not proposing one dwelling per lot nor is it complementary to the surrounding residential designation.

Traffic Impact

The proposed project will yield approximately 344 dwelling units; (30.73 acre site minus 30% (9.22 acres) for internal infrastructure times 16 DU/acre). Multi-family dwellings generate 6.6 average daily vehicle trips per day. This project will generate an estimated 2,270 new daily vehicle trips along Wessinger Road.

The nearest SCDOT traffic count station #188 is located approximately 1 mile south of Wessinger Rd on Fairfield Rd (US 321), The current traffic volume is 13,700 average vehicle trips per day which is currently operating at a Level-Of-Service B. US 321 in this location is a four lane divided minor arterial road with a speed limit of 45 mph. Wessinger Road is maintained by SCDOT, but is neither classified nor part of the SCDOT traffic count network. A Traffic Management Plan would be required for any future development on site.

Compliance with Pending Comprehensive Plan - Land Use Element 2009

The pending Land Use Element designates this area as Suburban. Residential areas are encouraged to contain a mix of residential and civic land uses. Existing single family developments may be adjacent to multifamily or a Planned Developments (PDD) requiring buffers from higher intensity uses. Residential developments should occur at medium densities of 4-8 dwelling units per acre.

The proposed Map Amendment rezones the subject parcels to Residential Multi-Family High Density (RM-HD) allowing a maximum of 16 dwelling units per acre. Heavy industrial uses are operating nearby, surrounded by rural zoned property. The area is not compatible with an RM-HD rezoning request.

The proposed Amendment does **not** comply with the Pending 2009 Comprehensive Plan.

Conclusion

The surrounding parcels are zoned Rural (RU), Heavy Industrial (HI), and Light Industrial (M-1). Clyde Nettles Roofing and Painting (west of the site) is zoned Light Industrial (M-1) with several undeveloped light Industrial and rural (M-1/RU) parcels located to the north. South of the site (directly across Wessinger Road) is Whitaker Containers, a Heavy Industrial use on 99 acres housing an incinerator used for burning land clearing debris. The existing vacant and occupied parcels along Wessinger Road are zoned rural (RU), light Industrial (M-1), and heavy Industrial (HI). While many of the surrounding parcels are zoned industrial they are not currently being used for industrial purposes. The Crane Creek subdivision located west of the site (across Fairfield Road) is a single-family neighborhood within the County's Neighborhood Planning Area and being reviewed for a master plan and zoning overlay district for redevelopment. The subject parcels are not within the Crane Creek master planning area, but are located approximately 700 feet (1/10 mile) away.

Approximately 1.6 miles southwest of the subject site is Forest Heights Elementary school, located on Blue Ridge Terrace. The closest fire station is the Crane Creek Station which is approximately 1 mile from the site at the intersection of Crane Church Road and Fairfield Road.

The City of Columbia is the water and sewer service provider for the area; a 12 inch water line exists on the western side of the intersection of Fairfield Road and Wessinger Road and a 12 inch gravity sewer line is located on the southwest side of the intersection of Fairfield Road and Wessinger Road. Information regarding capacity of those lines was not obtained or provided by the applicant and the site currently does not have water and sewer.

Historically this area has been plagued with inadequate infrastructure, transit and support services to adequately address the existing residents. The proposed rezoning request is not compatible with the surrounding heavy and light industrial uses.

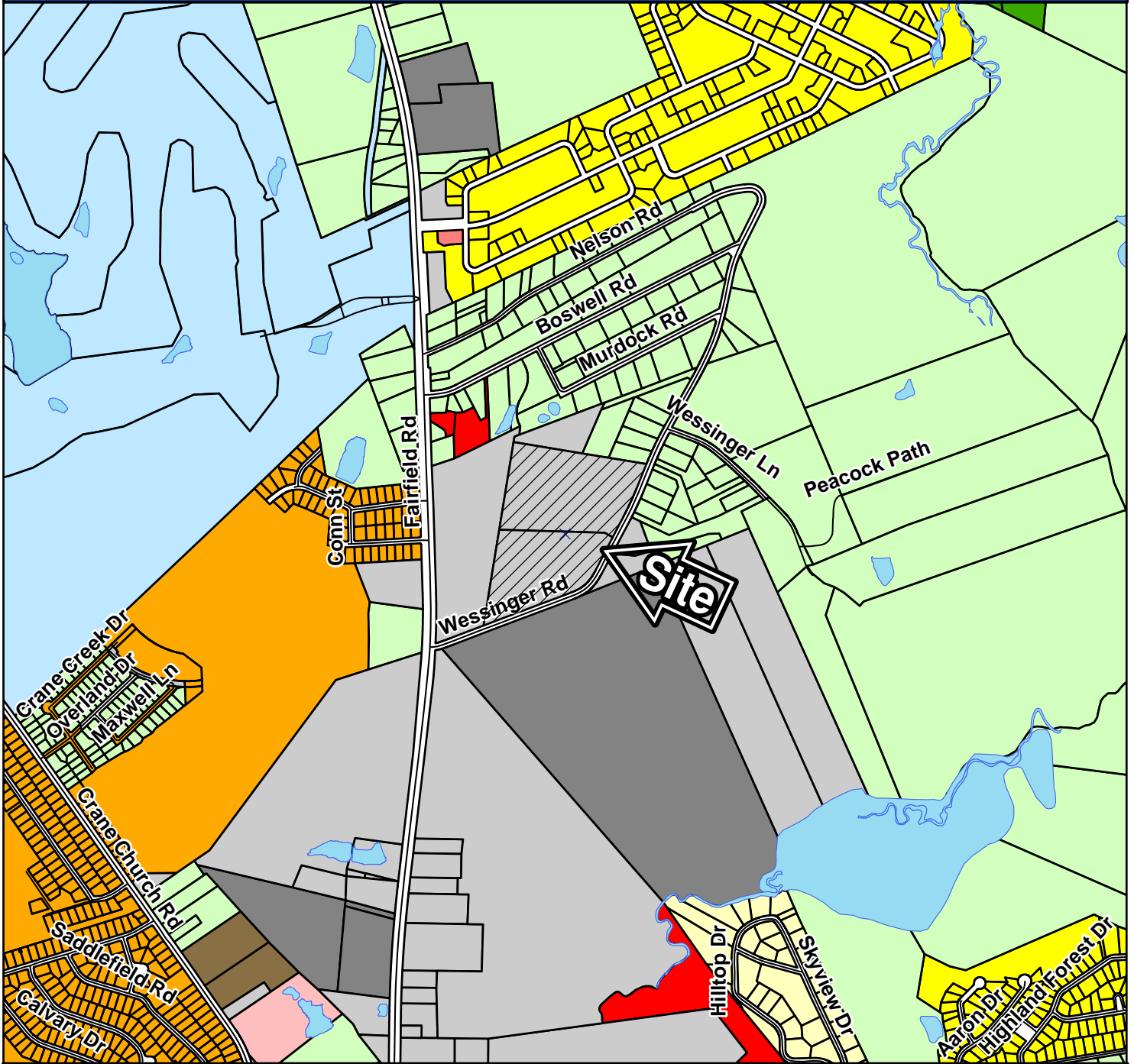
Planning Staff recommends **denial** of this map amendment.

Zoning Public Hearing Date












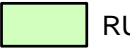




July 28, 2009

Case 09-05 MA

M-1 to RM-HD



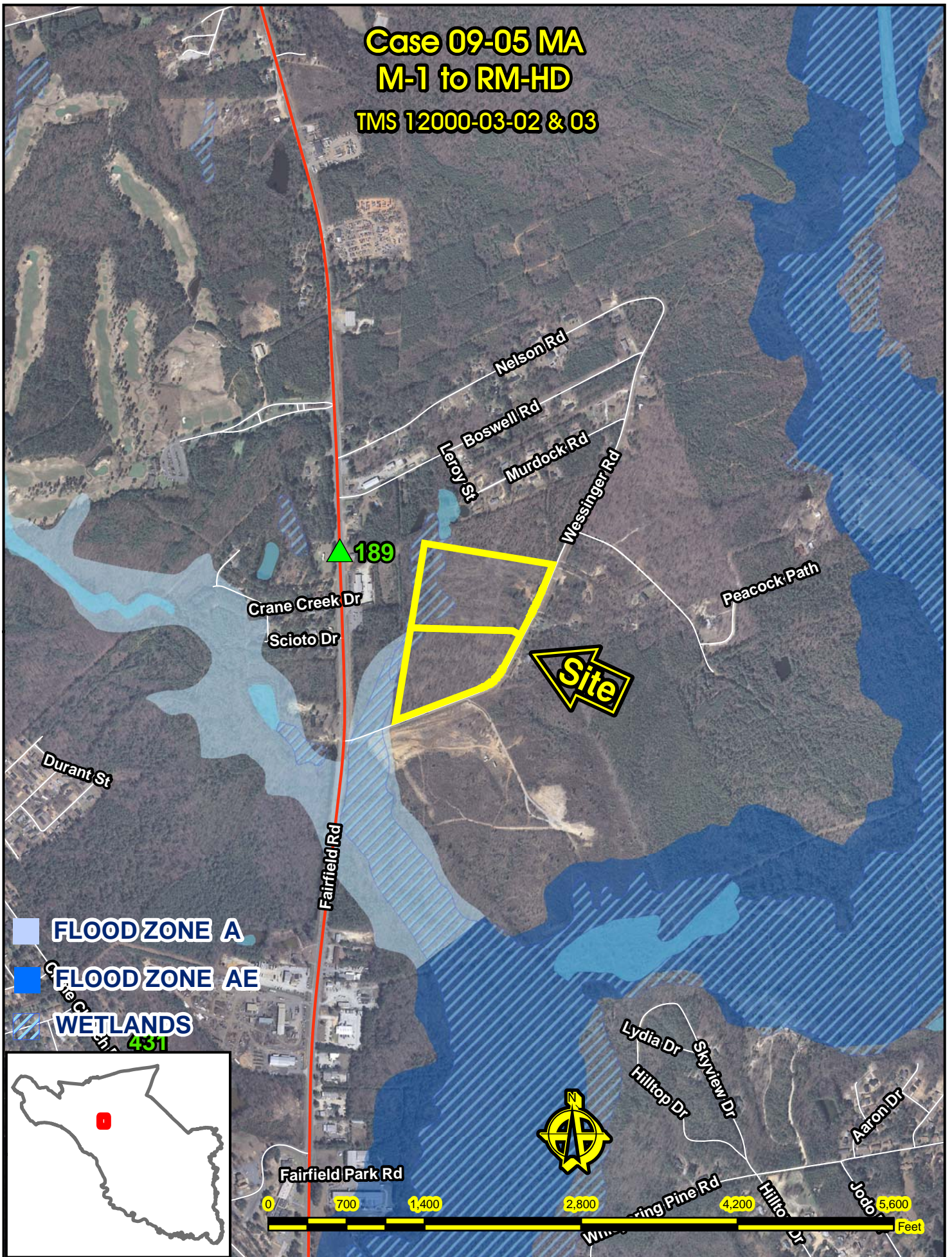
ZONING CLASSIFICATIONS

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

 Subject Property



Case 09-05 MA
M-1 to RM-HD
TMS 12000-03-02 & 03



CASE 09-05 MA

From M-1 to RM-HD

TMS#12000-03-02 & 03

Wessinger Rd





**Richland County Planning & Development Services
Department
Map Amendment Staff Report**

PC MEETING DATE: July 6, 2009
RC PROJECT: 09-10 MA
APPLICANT: Abdalla Yaghy
PROPERTY OWNER: Abdalla Yaghy

LOCATION: Martin Luther King Blvd

TAX MAP NUMBER: 24400-01-27
ACREAGE: 63.5 Acres
EXISTING ZONING: RU
PROPOSED ZONING: LI

PC SIGN POSTING: June 16, 2009

Staff Recommendation

Denial

Background /Zoning History

The current zoning, Rural (RU), reflects the original zoning as adopted September 7, 1977. The parcel contains 239 feet of frontage on Martin Luther King Blvd.

Summary

The Light Industrial (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.

Existing Zoning		
<u>North:</u>	RU	Undeveloped land
<u>South:</u>	RU/RU	Residences
<u>East:</u>	RU/RU	Residences and undeveloped land
<u>West:</u>	NA	Norfolk Southern Rail Road

Plans & Policies

The Imagine Richland 2020 Comprehensive Plan “Lower Richland Land Use Map” designates this area as Rural in the Rural and Open Space District Area.

Objective: “Vary residential densities and development according to the character of the area”

Non-Compliance: Currently, this area is rural, with a residential component. The proposed rezoning would allow an industrial use that does not match or complement the current character.

Principal: “Areas to be considered for rezoning to light industrial activities should have a minimum of five (5) acres to ensure adequate buffering”.

Compliance: The site is approximately 63.5 acres which meets the minimum threshold for consideration.

Traffic Impact

The subject site is located at the northwest corner of Martin Luther King Blvd and the Norfolk Southern RR mainline. The nearest interstate interchange is at Bluff Rd and I-77, approximately 10 miles west of the subject site.

Martin Luther King Blvd is a state road classified as a two lane undivided collector road with an engineering design capacity of 8600 vehicle trips per day. The 2008 SCDOT traffic counts at Station # 409; approximately one mile west of the subject site is 800 vehicle trips per day.

The LI zoning district allows a huge variety of land uses. Among the possible land uses are the following:

Shooting Range	Auditoriums	Correctional Facilities
Places of Worship	Truck /Car Repair & Towing	Recycling Facilities
Mining	Construction Equip Storage	Truck Driving Schools
Most Types of Offices	Most Types of Retail Uses	Septic Tank Services
Convenience Stores	Restaurants	Wholesale Warehouses
Utility Offices & Equipment Storage	Commercial Boat & Truck Repair & Storage	
Car Rental, Towing & Storage	Various Types of Light Manufacturing Uses	

There is a significant variation in the number of daily vehicle trips generated by the uses listed above. For example, a 3000 sq. ft. convenience store with gas pumps will generate 2538 average daily vehicle trips whereas a 100,000 sq. ft. warehouse would generate 356 average daily vehicle trips.

In general, retail and office land uses are the highest per square foot trip generators; they also require the highest traffic volumes on the adjacent roads for economic survival. Such uses are not likely to occur on roads with such low traffic volumes as those currently experienced on this segment of Martin Luther King Blvd.

With the exception of retail and office uses, the remaining possible uses in the LI district are relatively low per square foot traffic generators. While the actual amount of traffic cannot be determined with any degree of certainty until the specific amount and type of land use is

provided by the applicant, the volume of traffic generated by the “most reasonable permitted land uses” on the subject site is not likely to exceed the engineering design capacity of 8600 average daily vehicle trips per day in the near future.

Another traffic consideration is the type of traffic that may be generated by the “most reasonable permitted land uses”. Most of the LI district permitted low traffic land uses will generate heavier, and louder, truck traffic on the adjacent roadways. Other than Garners Ferry Road and Bluff Road, none of the roads in the Hopkins area were designed for heavy truck volumes or for traffic volumes in excess of 8600 trips per day.

Compliance with Pending Comprehensive Plan - Land Use Element 2009

The pending Land Use Element designates this area as Low Density Suburban, indicating that industrial activities should be compatible with the surrounding land uses. Additionally, industrial uses should not locate near residential or commercial uses without adequate space for buffering/setbacks. Proposed industrial uses should consider sites with adequate room for expansion, existing infrastructure, and access to major arterials and/or highways.

The property is surrounded by undeveloped rural and rural residential lots. The parcel does not contain direct access to a major arterial or highway. Water and sewer is not currently available to the site.

The proposed Amendment **does not comply** with the Pending 2009 Comprehensive Plan.

Conclusion

The proposed rezoning to Light Industrial (LI) allows for a more intense use than currently exists in the area. The subject parcel is surrounded by rural land, both undeveloped and residential. All parcels abutting and in close proximity to the subject parcel are zoned Rural (RU).

The subject parcel contains frontage along Martin Luther King Blvd., but does not currently have a curb cut. Access to the parcel is through Days Rd, which is not paved, and runs approximately 65 ft in front of a residential structure. The parcel is currently served by well and septic. Public water and sewer is not available in the area.

The subject parcel does not contain direct access to a major arterial or thoroughfare. The closest major intersection from Martin Luther King Blvd is Lower Richland and Garners Ferry Rd, approximately 5 ½ miles from the site. The majority of surrounding parcels are larger than one acre with the exception of two residential parcels located to the southeast. The Norfolk Southern rail line runs the length of the parcel's southern boundary.

Approximately 20 acres of the northwestern portion of the subject parcel are located in identified National Wetlands Inventory and Flood Zone A, indicating possible 100 year flooding without established Base Flow Elevations. FEMA Flood Zone requirements and regulations will apply to any development within the identified Flood Zone areas.

While staff recognizes that industrial uses are needed throughout the County, this area currently is not compatible with industrial uses. The Light Industrial (LI) zoning district permits the following uses outright: primary metal production, automobile parking (commercial), Rental Centers (with outside storage), hotels and motels, Major Repair and Maintenance Services (commercial and industrial equipment), flea markets (indoor and outdoor) and building supply stores with outside storage. Allowing a 65 acre rezoning to Light Industrial (LI) in this area will potentially allow for future industrial rezonings in this rural part of the County. Permitting this

area to become industrial would be in direct conflict with the surrounding land uses, including residential and institutional uses, located approximately ¼ mile from the site. The lack of access to a major arterial road and an interstate, make this location unfeasible for future industrial growth, even though it is in close proximity to a railroad.

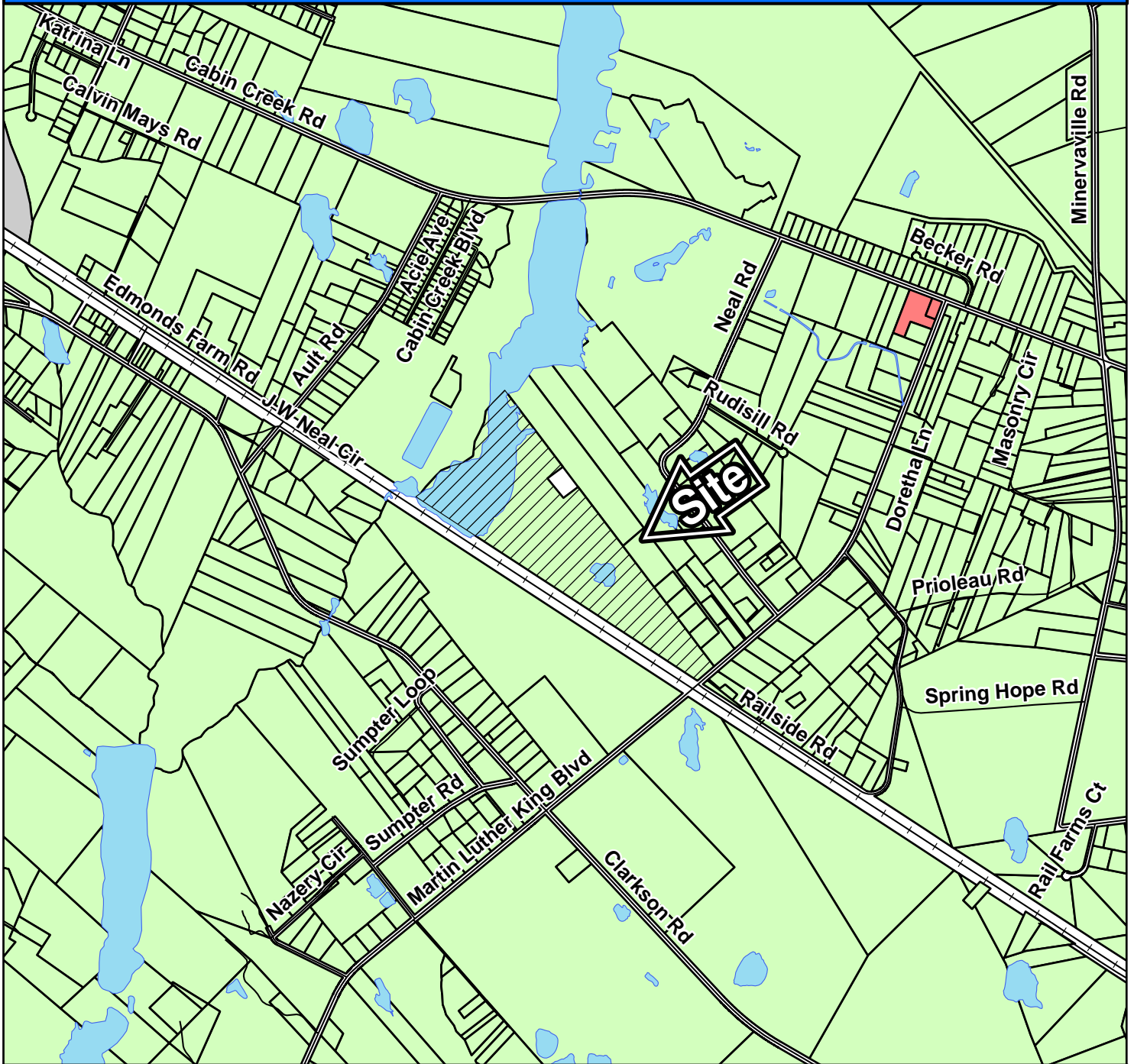
The proposed rezoning request is not compatible with the surrounding rural and residential land uses. Planning Staff recommends **denial** of this map amendment.

Zoning Public Hearing Date





















July 28, 2009

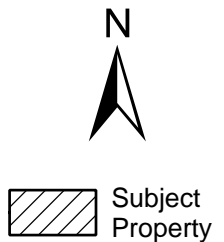
Case 09-10 MA

RU to LI

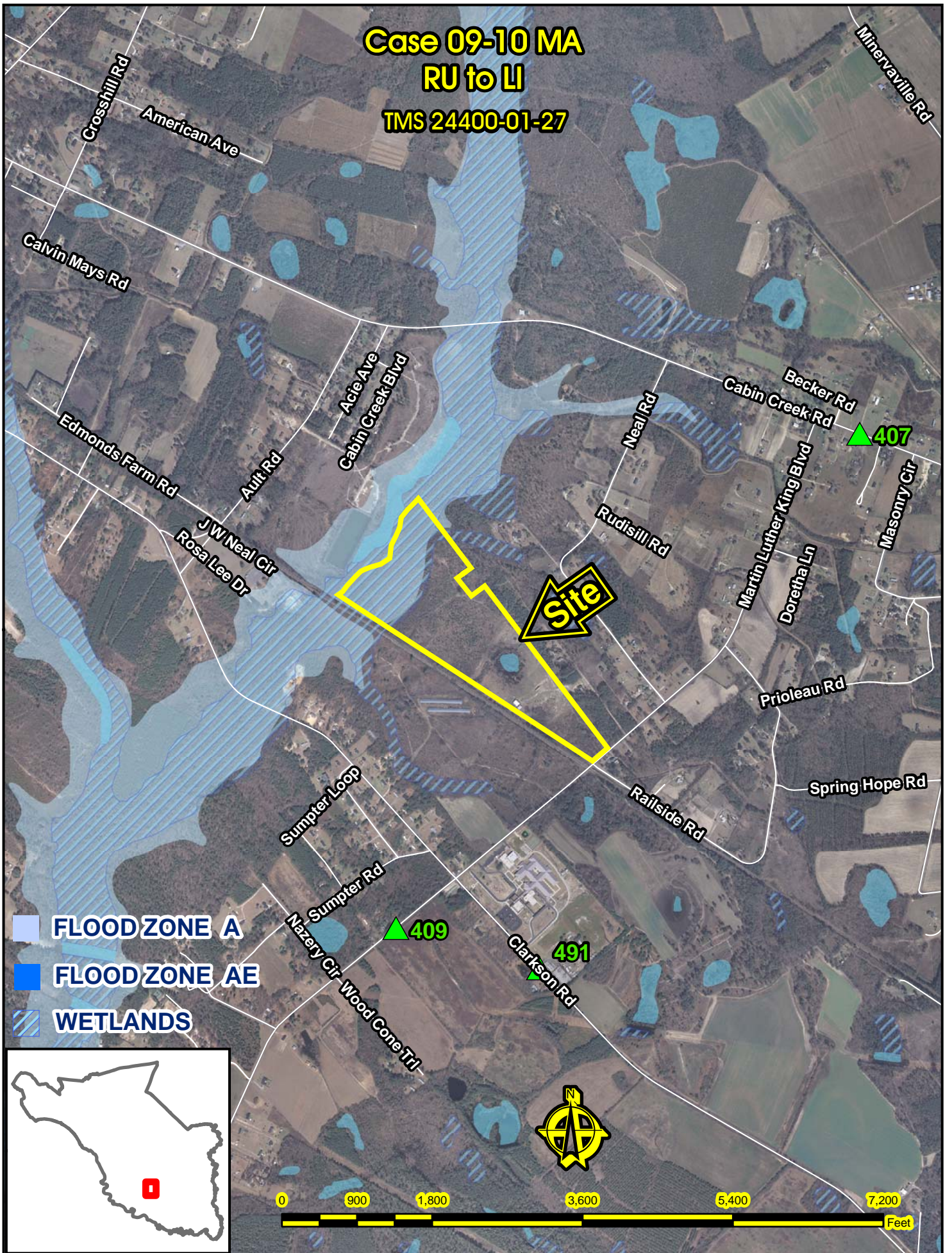


ZONING CLASSIFICATIONS

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



**Case 09-10 MA
RU to LI
TMS 24400-01-27**



CASE 09-10MA

From RU to LI

TMS# 24400-01-27

Martin Luther King Rd





LOOKING SOUTH EAST OF SITE

Title:

AN ORDINANCE AMENDING THE RICHLAND COUNTY CODE OF ORDINANCES, CHAPTER 26, LAND DEVELOPMENT; SO AS TO DEFINE AND PERMIT “BUS SHELTERS” AND “BUS BENCHES” IN ALL ZONING DISTRICTS, WITH SPECIAL REQUIREMENTS.

What this ordinance will do:

The proposed ordinance will add “bus shelters” and “bus benches” as permitted uses with special requirements in all zoning districts. In addition, advertising on the outer side walls of the bus shelter will be allowed and on the forward facing side of the bench back rest.

The special requirements for both bus shelters and bus benches are as follows:

- Any person wishing to erect and maintain a bus shelter or bus bench shall obtain a permit for each shelter from the Planning Department. Each permit shall cost fifty (\$50.00) dollars and shall be valid for one (1) year. The permit may be renewed upon payment of the fifty (\$50.00) dollar renewal fee.
- A shelter or bench may only be located at a designated bus stop that is presently being served by a public transit authority, and only one (1) bus shelter or bus bench shall be allowed per bus stop location.
- If the shelter or bench is proposed to be located within a SCDOT right-of-way, the location of the shelter must be approved by SCDOT prior to obtaining a permit from the Richland County Planning Department.

In addition, to the above requirements, bus shelters must meet the following:

- Design plans for the bus shelter shall be submitted for review and a building permit obtained. The bus shelter must be built to the current and future editions of the International Building Code for commercial structures, except that plumbing and mechanical elements are not required, and the bus shelter must be able to withstand sustained three (3) second wind gusts of up to 95 MPH. All normal review and permit fees apply, along with normal inspections.
- The shelter shall be designed so that it will present an attractive appearance and not detract from the adjacent surroundings. It shall be illuminated and provide protection from weather elements. The shelter design shall include the following:
 - Each shelter shall consist of an aluminum or steel framework suitable for supporting transparent wall panels and opaque roof panels. The shelter must have a rear wall section, two (2) side panels, and a roof. The transparent wall section must be of tempered glass.

- At a minimum, each shelter must have a six (6) foot bench, a bus route and schedule holder, a trash receptacle, and be illuminated during hours of darkness. The shelter must be installed on and attached to a concrete foundation.
 - Each bus shelter must be erected in accordance with ADA specifications and requirements. The permittee is responsible to meet the ADA standards and any complaints of nonconformance must be rectified by permittee at his/her expense within thirty (30) days of notification by the Planning department. Under this subsection, ADA compliance includes, but is not limited to, sidewalk on ramps, tactile warnings, and signage or directional arrows indicating handicap accessibility.
 - Advertising on the shelter shall be limited to the outward side of the side wall panels, and may provide a lighting source contained within the panel cabinet. Only two (2) advertisements will be allowed per shelter, and each advertisement will be limited to a maximum poster dimension of 4' wide by 6' high.
 - The general dimensions of a typical shelter will be at a minimum 9' long by 6' wide by 8' high.
- The route number shall be displayed prominently on the bus shelter.
 - Each bus shelter shall make available printed bus schedules, and shall display a large regional map that includes the bus route.
 - Bus shelters shall be maintained in good repair and the person whose name is on the permit application shall be responsible for the cleaning, repairing or replacement of any part thereof, including advertising materials, sidewalks, walkways, curbs or foundations encompassed by the bus shelter. Such work as is necessary to relocate, alter or maintain the bus shelter will be done in such a manner that it will not in any way interfere with or endanger the safety of the general public in their use of the roads.

Bus benches must meet the following additional requirements:

- The bench shall be designed so that it will present an attractive appearance and not detract from the adjacent surroundings.
- Benches shall be constructed of durable material and shall be securely fastened to the ground.
- Advertising on the bench shall be limited to the forward facing side of the back rest and shall not extend beyond the perimeters of the back rest.

STATE OF SOUTH CAROLINA
COUNTY COUNCIL FOR RICHLAND COUNTY
ORDINANCE NO. ___-09HR

AN ORDINANCE AMENDING THE RICHLAND COUNTY CODE OF ORDINANCES, CHAPTER 26, LAND DEVELOPMENT; SO AS TO DEFINE AND PERMIT “BUS SHELTERS” AND “BUS BENCHES” IN ALL ZONING DISTRICTS, WITH SPECIAL REQUIREMENTS.

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

SECTION I. The Richland County Code of Ordinances, Chapter 26, Land Development; Article II, Rules of Construction/Definitions; Section 26-22, Definitions; is hereby amended to include in the appropriate alphabetical order, the following definitions:

Bus bench. A seating area at a designated bus stop designed for the convenience of bus passengers.

Bus shelter. A small roofed structure, having three (3) transparent walls, located at designated bus stops for the protection and convenience of passengers of public transportation systems.

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

- (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 - (TROS, NC, RC)
 - (6) Banks, Finance, and Insurance Offices – (NC, RC)
 - (7) Barber Shops, Beauty Salons, and Related Services - (RU, RM-MD, RM-HD)
 - (8) Bars and other Drinking Places - (RC, GC, M-1, LI)

- (9) Batting Cages - (GC, M-1, LI)
- (10) Bed and Breakfast Homes/Inns - (RR, RM-MD, RM-HD, RC)
- (11) Beer/Wine/Distilled Alcoholic Beverages – (GC)
- (12) Body Piercing Facilities – (GC)
- (13) Buildings, High-Rise, Four (4) or Five (5) Stories – (RM-HD, OI, GC)
- (14) Bus Shelters/Bus Benches - (All Districts)
- ~~(14)~~15) Car and Light Truck Washes - (RC)
- ~~(15)~~16) Cemeteries and Mausoleums - (OI, NC, RC, GC, M-1, LI, HI)
- ~~(16)~~17) Continued Care Retirement Communities - (RM-MD, RM-HD, OI, RC, GC)
- ~~(17)~~18) Construction, Building, General Contracting, with Outside Storage - (M-1, LI)
- ~~(18)~~19) Construction, Building, Heavy, with Outside Storage - (M-1, LI)
- ~~(19)~~20) Construction, Special Trades, with Outside Storage - (M-1, LI)
- ~~(20)~~21) Country Clubs with Golf Courses - (TROS, RU, GC, M-1, LI)
- ~~(21)~~22) Day Care, Adult, Home Occupation (5 or fewer) – (RU, RR, RS-E, RS-LD, RS-MD, RS-HD, MH, RM-MD, RM-HD, OI, GC)
- ~~(22)~~23) Day Care Centers, Adult - (RU, OI, NC, RC, GC, M-1)
- ~~(23)~~24) Day Care, Child, Family Day Care, Home Occupation (5 or fewer) - (RU, RR, RS-E, RS-LD, RS-MD, RS-HD, MH, RM-MD, RM-HD, OI, GC)
- ~~(24)~~25) Day Care Centers, Child, Licensed Centers - (RU, OI, NC, RC, GC, M-1)
- ~~(25)~~26) Drugs and Druggists' Sundries – (GC)
- ~~(26)~~27) Durable Goods, Not Otherwise Listed – (GC)
- ~~(27)~~28) Dwellings, Manufactured Homes on Individual Lots - (RU, MH)
- ~~(28)~~29) Dwellings, Manufactured Homes on Individual Lots - (RR, RS-E)

- (~~29~~30) 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)
- (~~30~~31) Electrical Goods – (GC)
- (~~31~~32) Fuel Oil Sales (Non-Automotive) - (M-1, HI)
- (~~32~~33) Furniture and Home Furnishings – (GC)
- (~~33~~34) Golf Courses - (TROS, GC, M-1, LI)
- (~~34~~35) Golf Driving Ranges (Freestanding) - (TROS, RC, GC, M-1, LI)
- (~~35~~36) Go-Cart, Motorcycle, and Similar Small Vehicle Tracks - (GC)
- (~~36~~37) Group Homes (9 or Less) - (RU, RR, RS-E, RS-LD, RS-MD, RS-HD, MH, RM-MD, RM-HD)
- (~~37~~38) Home Occupations - (RU, RR, RS-E, RS-LD, RS-MD, RS-HD, MH, RM-MD, RM-HD, OI, NC, RC, GC)
- (~~38~~39) Kennels - (RU, OI, RC, GC, M-1, LI)
- (~~39~~40) Libraries – (RU, RR, RS-E, RS-LD, RS-MD, RS-HD, MH, RM-MD, RM-HD)
- (~~40~~41) Lumber and Other Construction Materials – (GC)
- (~~41~~42) Machinery, Equipment and Supplies – (GC)
- (~~42~~43) Manufactured Home Sales – (GC, M-1)
- (~~43~~44) Manufactured Home Parks – (MH, M-1)
- (~~44~~45) Market Showrooms - (GC)
- (~~45~~46) Motor Vehicles, New Parts and Supplies – (GC)
- (~~46~~47) Motor Vehicles, Tires and Tubes – (GC)
- (~~47~~48) Nondurable Goods, Not Otherwise Listed – (GC)
- (~~48~~49) Paints and Varnishes – (GC)
- (~~49~~50) Pet Care Services – (NC, RC)

- (~~50~~51) Petroleum and Coal Products Manufacturing - (HI)
- (~~51~~52) Petroleum and Petroleum Products - (M-1, HI)
- (~~52~~53) Places of Worship – (RU, RR, RM-MD, RM-HD, RC)
- (~~53~~54) Plumbing and Heating Equipment and Supplies – (GC)
- (~~54~~55) Poultry Farms – (RU)
- (~~55~~56) Produce Stands – (RU)
- (~~56~~57) Public or Private Parks- (All Districts)
- (~~57~~58) Public Recreation Facilities- (All Districts)
- (~~58~~59) Radio, Television, and Other Similar Transmitting Towers – (M-1)
- (~~59~~60) Recreational Vehicle Parks and Recreation Camps – (RU)
- (~~60~~61) Rental Centers, With Outside Storage – (GC)
- (~~61~~62) Repair and Maintenance Service, Appliance and Electronics - (RC, GC, M-1, LI)
- (~~62~~63) Research and Development Services – (OI)
- (~~63~~64) 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)
- (~~64~~65) Sexually Oriented Businesses - (GC, HI)
- (~~65~~66) Sporting Firearms and Ammunition – (GC)
- (~~66~~67) Swim and Tennis Clubs – (TROS)
- (~~67~~68) Swimming Pools - (TROS, RU, RR, RS-E, RS-LD, RS-MD, RS-HD, MH, RM-MD, RM-HD, OI, NC, RC, GC)
- (~~68~~69) Tobacco and Tobacco Products – (GC)
- (~~69~~70) Utility Substations - (All Districts)

- (~~70~~71) Veterinary Services (Non-Livestock, May Include Totally Enclosed Kennels Operated in Connection with Veterinary Services) - (OI, NC)
- (~~71~~72) Warehouses (General Storage, Enclosed, Not Including Storage of Any Hazardous Materials or Waste as Determined by Any Agency of the Federal, State, or Local Government) - (OI, NC, RC, GC)
- (~~72~~73) Warehouses (Self Storage) - (RC, GC, M-1, LI)
- (~~73~~74) Yard Sales - (RU, RR, RS-E, RS-LD, RS-MD, RS-HD, MH, RM-MD, RM-HD, OI, NC, RC, GC)
- (~~74~~75) Zoos and Botanical Gardens – (GC, M-1)

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

- (c) *Standards.* The development standards listed herein are additional to other requirements of this chapter. These development standards are use-specific and apply to those uses designated with an “SR” in the Table of Permitted Uses, Permitted Uses with Special Requirements, and Special Exceptions (Table 26-V-2. Section 26-141).
 - (1) *Accessory dwellings.*
 - a. Use districts: Rural; Rural Residential; Residential, Single-Family, Estate; Residential, Single-Family, Low Density; Residential, Single-Family, Medium Density; Residential, Single-Family, High Density, M-1 Light Industrial.
 - b. Accessory dwellings shall be located only on lots containing one single-family detached structure. (However, other conforming accessory structures may also be located on the lot).
 - c. Only one accessory dwelling shall be permitted per single-family dwelling.
 - d. If the accessory dwelling is located within the same structure as the principal dwelling, the principal dwelling shall not be altered in any way so as to appear from a public or private road to be multi-family housing.
 - e. A manufactured home may not be used as an accessory dwelling.
 - f. The gross floor area of the accessory dwelling shall not exceed five hundred (500) square feet or contain more than one-fourth of the

heated floor area of the principal single-family dwelling, whichever is greater.

(2) *Amusement or waterparks, fairgrounds.*

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

(3) *Animal shelters.*

- a. Use districts: General Commercial; M-1 and LI Light Industrial.
- b. Any building (which is part of an animal shelter) housing animals shall be located a minimum of one hundred and fifty (150) feet from any residentially zoned or developed property.
- c. Fenced outdoor runs are allowed for use during the hours of 6:00 am to 10:00 p.m.; however, no animal may be kept in the run for boarding purposes, and pens for the animals must be located indoors. Feeding of animals must be conducted indoors and is prohibited in the runs.
- d. All animal refuse and food must be kept in airtight containers and disposed of on a regular basis. Animal wastes shall not be stored any closer than fifty (50) feet from any property line or surface water.

(4) *Antennas.*

- a. Use districts: All Districts.
- b. In residential districts, no antenna shall be permitted between the front of a principal structure and any adjacent public road. In the case of corner lots, no antenna shall be permitted between the side

of a principal structure and the road. No dish type antenna more than eighteen (18) inches in diameter shall be placed on the roof or other portion of a building so as to be visible from any adjacent property.

- c. In nonresidential districts, antennas may be placed at any location that is not visible from any adjacent public road. Antennas may be placed on top of a principal structure less than thirty (30) feet in height, provided that screening is provided with materials compatible with the principal structure at least equal in height to the antenna. Antennas may be placed on top of a flat roofed structure that exceeds thirty (30) feet in height. Antennas erected on any pitched roof structure, regardless of height of the structure, must be screened with materials compatible with the principal structure. The screening shall not be less than the height of the antenna. In these districts, dish type antennas measuring less than three (3) feet in diameter may be placed at any location on a principal structure, except for the building façade or any road oriented side wall.

(5) *Athletic fields.*

- a. Use districts: Traditional Recreation Open Space; Neighborhood Commercial; Rural Commercial.
- b. All athletic fields shall have primary access to collector or thoroughfare roads.
- c. Lights shall be positioned and shielded so as not to shine onto adjacent properties.
- d. Loud speaker systems shall not be operated before 8:00 a.m. or after 10:00 p.m.

(6) *Banks, finance, and insurance offices.*

- a. Use districts: Neighborhood Commercial; Rural Commercial.
- b. No drive-thru service permitted.

(7) *Barber shops, beauty salons, and related services.*

- a. Use districts: Rural; Residential, Multi-Family, Medium Density; Residential, Multi-Family, High Density.
- b. No more than four (4) workstations are permitted.

- c. Signage shall be limited to a single sign, not to exceed three (3) square feet and not containing internal lighting. Such signage shall be attached to the building.

(8) *Bars and other drinking places.*

- a. Use districts: Rural Commercial; General Commercial; M-1 and LI Light Industrial.
- b. Lots used for drinking places shall be located no closer than four hundred (400) feet from any other lot used as a drinking place, and shall be no closer than six hundred (600) feet to any lot which contains a school (public or private) or a place of worship.
- c. Bars and other drinking places shall provide adequate off-street parking at a rate of twelve (12) spaces for each one thousand (1,000) square feet of gross floor area.
- d. Parking areas related to the establishment of a bar or other drinking place shall be located no closer than thirty (30) feet to the property line of residentially zoned or used property.
- e. A minimum six (6) foot high opaque fence shall be erected adjacent to the property line of abutting residentially zoned or used property.

(9) *Batting cages.*

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

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

- a. Use districts: Rural Residential; Residential, Multi-Family, Medium Density; Residential, Multi-Family, High Density; Rural Commercial.
- b. Bed and breakfast homes/inns shall be located a minimum of one thousand five hundred (1,500) feet from any other bed and breakfast home/inn
- c. The owner or manager of the home/inn shall reside on the property.
- d. The maximum number of guest rooms provided by the bed and breakfast home/inn shall be five (5).
- e. Activities and functions designed to accommodate the guests shall take place within the principal structure.
- f. Off-street parking for bed and breakfast homes/inns shall be provided as required in Section 26-173 of this chapter. Parking shall be provided on the same lot on which the bed and breakfast inn is located, at the rear of the lot, and screened (with vegetation) from adjacent properties and from the road.
- g. In the residential districts, signage shall be limited to a single sign, not to exceed three (3) square feet and not containing internal lighting. Such signage shall be attached to the building.
- h. Exterior lighting shall be residential in nature and shall not be directed toward adjacent properties.
- i. No meals may be served to anyone other than staff and guests registered at the inn.
- j. No exterior alterations, other than those necessary to ensure the safety and accessibility of the structure, shall be made to any building for the purpose of providing a bed and breakfast home/inn.

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

- a. Use districts: General Commercial.
- b. The aggregate gross floor area shall be limited to no more than 12,000 square feet per parcel or per building, whichever is more restrictive.
- c. Materials and/or products shall not be displayed outside the building.

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

(12) *Body Piercing Facilities.*

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

(13) *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.

(14) *Bus shelters/bus benches.*

- a. Use districts: All Districts.
- b. Any person wishing to erect and maintain a bus shelter or bus bench shall obtain a permit for each shelter from the Planning Department. Each permit shall cost fifty (\$50.00) dollars and shall be valid for one (1) year. The permit may be renewed upon payment of the fifty (\$50.00) dollar renewal fee.
- c. A shelter or bench may only be located at a designated bus stop that is presently being served by a public transit authority, and only one (1) bus shelter shall be allowed per bus stop location.
- d. If the shelter or bench is proposed to be located within a SCDOT right-of-way, the location of the shelter must be approved by SCDOT prior to obtaining a permit from the Richland County Planning Department.
- e. Bus shelters must meet the following additional requirements:
 1. Design plans for the bus shelter shall be submitted for review and a building permit obtained. The bus shelter must be built to the current and future editions of the International Building Code for commercial structures, except that plumbing and mechanical elements are not required, and the bus shelter must be able to withstand sustained three (3) second wind gusts of up to 95 MPH. All normal review and permit fees apply, along with normal inspections.

2. The shelter shall be designed so that it will present an attractive appearance and not detract from the adjacent surroundings. It shall be illuminated and provide protection from weather elements. The shelter design shall include the following:

[a] Each shelter shall consist of an aluminum or steel framework suitable for supporting transparent wall panels and opaque roof panels. The shelter must have a rear wall section, two (2) side panels, and a roof. The transparent wall section must be of tempered glass.

[b] At a minimum, each shelter must have a six (6) foot bench, a bus route and schedule holder, a trash receptacle, and be illuminated during hours of darkness. The shelter must be installed on and attached to a concrete foundation.

[c] Each bus shelter must be erected in accordance with ADA specifications and requirements. The permittee is responsible to meet the ADA standards and any complaints of nonconformance must be rectified by permittee at his/her expense within thirty (30) days of notification by the Planning department. Under this subsection, ADA compliance includes, but is not limited to, sidewalk on ramps, tactile warnings, and signage or directional arrows indicating handicap accessibility.

[d] Advertising on the shelter shall be limited to the outward side of the side wall panels, and may provide a lighting source contained within the panel cabinet. Only two (2) advertisements will be allowed per shelter, and each advertisement will be limited to a maximum poster dimension of 4' wide by 6' high.

[e] The general dimensions of a typical shelter will be at a minimum 9' long by 6' wide by 8' high.

3. The route number shall be displayed prominently on the bus shelter.

4. Each bus shelter shall make available printed bus schedules, and shall display a large regional map that includes the bus route.

5. Bus shelters shall be maintained in good repair and the person whose name is on the permit application shall be responsible for the cleaning, repairing or replacement of any part thereof, including advertising materials, sidewalks, walkways, curbs or foundations encompassed by the bus shelter. Such work as is necessary to relocate, alter or maintain the bus shelter will be done in such a manner that it will not in any way interfere with or endanger the safety of the general public in their use of the roads.

f. Bus benches must meet the following additional requirements:

1. The bench shall be designed so that it will present an attractive appearance and not detract from the adjacent surroundings.

2. Benches shall be constructed of durable material and shall be securely fastened to the ground.

3. Advertising on the bench shall be limited to the forward facing side of the back rest and shall not extend beyond the perimeters of the back rest.

~~(415)~~ *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.

~~(4516)~~ *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.

~~(1617)~~ *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.

~~(1718)~~ *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.

~~(1819)~~ *Construction, building, heavy, with outside storage.*

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

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

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

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

- a. Use districts: TROS, 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.

(~~21~~22) Day care, adult, home occupation (five or fewer).

- 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; Residential, Multi-Family – Medium Density; Residential, Multi-Family – High Density; Office and Institutional; General Commercial.
- b. An adult day care, home occupation, with five (5) 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. All other state and federal regulations shall be met.

(~~22~~23) Day care centers, adult.

- a. Use districts: Rural; Office and Institutional; Neighborhood Commercial; Rural Commercial; General Commercial; M-1 Light Industrial.
- b. Client pick-up and drop-off shall not obstruct traffic flow on adjacent public roads.

(~~23~~24) Day care, child, family day care, home occupation (five or fewer).

- 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; Residential, Multi-Family – Medium Density; Residential, Multi-Family – High Density; Office and Institutional; General Commercial.
- b. A child 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. All other state and federal regulations shall be met.

(2425) *Day care centers, child, licensed centers.*

- a. Use districts: Rural; Office and Institutional; Neighborhood Commercial; Rural Commercial; General Commercial; M-1 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.

(2526) *Drugs and Druggists' Sundries.*

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

~~(2627)~~ *Durable Goods, Not Otherwise Listed.*

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

~~(2728)~~ *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.

~~(2829)~~ *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.

(2930) 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.

(~~3031~~) *Electrical Goods.*

- a. Use districts: General Commercial.
- b. The aggregate gross floor area shall be limited to no more than 12,000 square feet per parcel or per building, whichever is more restrictive.
- c. Materials and/or products shall not be displayed outside the building.
- d. Materials, products, and/or equipment shall not be stored outside the building.

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

~~(3132)~~ (3232) *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.

~~(3233)~~ (3233) *Furniture and Home Furnishings.*

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

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

(~~333~~34) *Golf courses.*

- a. Use districts: Traditional Recreation Open Space; 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.

(~~343~~5) *Golf driving ranges (freestanding).*

- a. Use districts: Traditional Recreation Open Space; 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.

(~~353~~6) *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.

(~~3637~~) *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.

(~~3738~~) *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.

(~~3839~~) *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.

(~~3940~~) *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.

(~~4041~~) *Lumber and Other Construction Materials.*

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

(~~4142~~) *Machinery, Equipment and Supplies.*

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

(~~4243~~) *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.

(~~4344~~) *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.

(4445) *Market showrooms.*

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

(4546) *Motor Vehicles, New Parts and Supplies.*

- a. Use districts: General Commercial.
- b. The aggregate gross floor area shall be limited to no more than 12,000 square feet per parcel or per building, whichever is more restrictive.
- c. Materials and/or products shall not be displayed outside the building.

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

(~~464~~7) *Motor Vehicles, Tires and Tubes.*

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

(~~474~~8) *Nondurable Goods, Not Otherwise Listed.*

- a. Use districts: General Commercial.
- b. The aggregate gross floor area shall be limited to no more than 12,000 square feet per parcel or per building, whichever is more restrictive.
- c. Materials and/or products shall not be displayed outside the building.
- d. Materials, products, and/or equipment shall not be stored outside the building.

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

(~~4849~~) *Paints and Varnishes.*

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

(~~4950~~) *Pet Care Services.*

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

(~~5051~~) *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.

~~(5152)~~ *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.

~~(5253)~~ *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.

~~(5354)~~ *Plumbing and Heating Equipment and Supplies.*

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

~~(5455)~~ *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.

~~(5556)~~ *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.

~~(5657)~~ *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.

~~(5758)~~ *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.

(~~5859~~) 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.

(5960) *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.

(~~60~~61) *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.

(~~61~~62) *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.

(~~62~~63) *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.

(~~63~~64) *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.

(6465) *Sexually oriented businesses.*

- a. Use districts: General Commercial, Heavy Industrial.
- b. *Purpose and Findings:*

1. The purpose of this subsection is to regulate sexually oriented businesses in order to promote the health, safety, morals, and general welfare of the citizens of Richland County, and to establish reasonable and uniform regulations to prevent or reduce to any extent the secondary effects of sexually oriented businesses within the County. The provisions of this subsection have neither the purpose nor effect of imposing a limitation or restriction on the content of or reasonable access to any communicative materials or expression. Similarly, it is neither the intent nor effect of these regulations to restrict or deny access by adults to sexually oriented materials or expression protected by the First Amendment of the United States Constitution, or to deny access by the distributors and exhibitors of sexually oriented entertainment to their intended market. Neither is it the intent nor effect of this subsection to condone or legitimize the distribution or exhibition of obscenity.
2. Based on evidence of the adverse secondary effects of sexually oriented businesses presented in hearings and reports made available to the Richland County Council, and on the findings, interpretations, and narrowing constructions incorporated in the cases of *City of Littleton v. Z.J. Gifts D-4, LLC*, 124 S. Ct. 2219 (2003); *City of Los Angeles v. Alameda Books, Inc.*, 535 U.S. 425 (2002); *Pap's A.M. v. City of Erie*, 529 U.S. 277 (2000); *City of Renton v. Playtime Theatres, Inc.*, 475 U.S. 41 (1986); *Young v. American Mini Theatres*, 427 U.S. 50 (1976); *Barnes v. Glen Theatre, Inc.*, 501 U.S. 560 (1991); *California v. LaRue*, 409 U.S. 109 (1972); *Chesapeake B & M, Inc. v. Harford County*, 58 F.3d 1005 (4th Cir. 1995); *Giovani Carandola, Ltd. v. Fox*, 470 F.3d 1074 (4th Cir. 2006); *Centaur v. Richland County*, 392 S.E.2d 165 (S.C.

1990); and other cases; and on reports of secondary effects occurring in and around sexually oriented businesses, including, but not limited to, Phoenix, Arizona (1979); Minneapolis, Minnesota (1980); Houston, Texas (1987); Indianapolis, Indiana (1984); Amarillo, Texas (1977); Garden Grove, California (1991); Los Angeles, California (1977); Whittier, California (1978); Austin, Texas (1986); Seattle, Washington (1989); Oklahoma City, Oklahoma (1986); El Paso, Texas (1986); New York City, New York (1994); Dallas, Texas (1997); Newport News, Virginia (1996); New York Times Square Study (1994); Phoenix, Arizona (1995-1998); Greensboro, North Carolina (2003); Toledo, Ohio (2002); Centralia, Washington (2004); and also from the reports of “Sexually Oriented Businesses: An Insider’s View,” by David Sherman, presented to the Michigan House Committee on Ethics and Constitutional Law, January 12, 2000; “Survey of Appraisers Fort Worth & Dallas, Effects of Land Uses on Surrounding Property Values, by Duncan Associates, September 2004; and the Report of the Attorney General’s Working Group on the Regulation of Sexually Oriented Businesses, (June 6, 1989, State of Minnesota), the Richland County Council finds:

- (a) Sexually oriented businesses, as a category of commercial uses, are associated with a wide variety of adverse secondary effects including, but not limited to, personal and property crimes, public safety risks, prostitution, potential spread of disease, lewdness, public indecency, illicit sexual activity, illicit drug use and drug trafficking, negative impacts on surrounding properties, litter, and sexual assault and exploitation.
- (b) Each of the foregoing negative secondary effects constitutes a harm which the County has a substantial government interest in preventing and/or abating in the future. This substantial government interest in preventing secondary effects, which is the County’s rationale for this ordinance, exists independent of any comparative analysis between sexually oriented and non-sexually oriented businesses. Additionally, the County’s interest in regulating sexually oriented businesses extends to future secondary effects that could occur in the County related to current sexually oriented businesses in the future as well as sexually oriented

businesses that may locate in the County in the future. The County Council finds that the cases and secondary effects documentation relied on in this ordinance are reasonably believed to be relevant to said secondary effects.

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. Sexual device shops; and
7. Sexual encounter centers.

d. *Location of Sexually Oriented Businesses:*

1. A sexually oriented business currently in operation or established subsequent to the enactment of this Ordinance shall comply with the provisions herein.
2. All sexually oriented businesses shall be located within a General Commercial or Heavy Industrial District.
3. A sexually oriented business shall not be located within one thousand (1,000) feet of any place of worship, a public or private elementary or secondary school, a child care center or kindergarten, orphanage, a boundary of any residential district, a boundary of a parcel designated and assessed as residential use by the Richland County Assessor's Office; or a public park.
4. A sexually oriented business shall not be located within one thousand (1,000) feet of another sexually oriented business.
5. The operation, establishment, or maintenance of more than one (1) sexually oriented business is prohibited 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.

6. For the purpose of this subparagraph d. 3., above, measurement shall be made in a straight line, without regard to intervening structures or objects, from the nearest property line 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, daycare facility, kindergarten, orphanage, a boundary of any residential district, a boundary of a parcel designated and assessed as residential use by the Richland County Assessor's Office, or a public park. Presence of a city or other political subdivision boundary shall be irrelevant for purposes of calculating and applying the distance requirements of this section.
7. For the purpose of subparagraph d. 4. 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 nearest property line of the premises where a sexually oriented business is conducted to the nearest property line of another premises where a sexually oriented business is conducted.

e. *Regulations pertaining to Sexually Oriented Businesses that offer Viewing Room(s).*

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, adult media, or live entertainment characterized by emphasis on exposure or display of specified sexual activities or specified anatomical areas, shall comply with the following requirements:

1. 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 must be provided to the Zoning Administrator. A manager's station may not exceed thirty-two (32) square feet of floor area. 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.

2. The diagram shall be sworn to be true and correct by the applicant.
3. No alteration in the configuration or location of a manager's station may be made without the prior approval of the zoning administrator.
4. 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.
5. 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 subparagraph must be by direct line of sight from the manager's station.
6. 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 subparagraph (5) 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 diagram submitted pursuant to subparagraph (1) above.
7. No viewing room may be occupied by more than one (1) patron or customer at any time.

8. The premises shall be equipped with overhead lighting fixtures of sufficient intensity to illuminate every place to which patrons are permitted access at an illuminations of not less than one (1) foot-candle as measured at the floor level.
 9. 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.
 10. No owner or operator shall allow openings of any kind to exist between viewing rooms.
 11. The operator or owner shall, during each business day, regularly inspect the walls between the viewing booths to determine if any openings or holes exist.
 12. The owner or operator shall cause all floor coverings in viewing booths to be nonporous, easily cleanable surfaces with no rugs or carpets.
 13. The owner or operator shall cause all wall surfaces and ceiling surfaces in viewing booths to be constructed of, or permanently covered by, nonporous, easily cleanable material.
- f. *Regulations pertaining to adult cabarets and sexual encounter centers.* It shall be a violation of this chapter for an employee, independent contractor, or person under a similar arrangement with any owner, operator, manager, agent, shareholder of an adult cabaret or sexual encounter center, while located within an adult cabaret or sexual encounter center, to appear in a manner that does not conform to the definition of semi-nude.
- g. *Exemptions.* The following activities or businesses are exempt from the requirements of section 26-151(c)(64):
1. A business or organization in which a person serves as a model for a drawing, painting, sketching, sculpture or other similar art studio class operated:
 - (a) By a university or college or other institution of higher education; or

(b) By a non-profit arts organization, such as a museum, gallery, artist association or arts cooperative.

2. A professional or community theater, or a theater affiliated with an institution of higher education, that produces works of dramatic arts in which actors or actresses occasionally appear on stage in a state of semi-nudity, nudity, or in any state of undress as part of his or her dramatic role.

h. *Administrative Decision-making Process; Appeals.*

1. Under no circumstances shall staff review and decision-making of an application of a sexually oriented business for a permitted use with special requirements, including determination of completeness, extend beyond fifteen business (15) days from the date of receipt of an application. In the event that a County official is required to take an act or do a thing pursuant to section 26-55 of the Richland County Code of Ordinances and any other section referenced therein, and fails to take such an act or do such a thing within the time prescribed, such failure shall not prevent the exercise of constitutional rights of an applicant. If the County fails to inform an applicant, by any reasonable means, of a decision by the County by the close of business on the fifteenth (15) business day from receipt of application, the application shall be deemed granted and the applicant allowed to commence or continue operation the day after the deadline for action has passed.

2. Under no circumstances shall an appeal of an administrative decision pursuant to section 26-58 of the Richland County Code of Ordinances concerning an application by a sexually oriented business for a permitted use with special requirements exceed a time period of seventy-five (75) business days from the date of receipt of an appeal to the Board of Zoning Appeals. In the event that a County official, including the Board of Zoning Appeals, is required to take an act or do a thing pursuant to section 26-58 of the Richland County Code of Ordinances and any other section referenced therein, and fails to take such an act or do such a thing within the time prescribed, such failure shall not prevent the exercise of constitutional rights of an applicant. If the County fails to inform an applicant, by any reasonable means, of a decision by the Board of

Zoning Appeals by the close of business on the sixtieth (60th) business day from receipt of an appeal, the application shall be deemed granted and the applicant allowed to commence or continue operation the day after the deadline for action has passed.

- i. Amortization; Conforming Use.
 1. Any sexually oriented business in operation before the effective date of this ordinance that does not comply with the location restrictions found in subsection (d) above is permitted to continue its operation for a period not to exceed three years from the effective date of this ordinance. During this period of non-compliance, such continued operation shall not be increased, enlarged, extended, or altered.
 2. A sexually oriented business lawfully operating as a conforming use is not rendered a nonconforming use by the subsequent location, of a place of worship, a public or private elementary or secondary school, a child care facility or kindergarten, orphanage, a boundary of any residential district, a boundary of a parcel designated and assessed as residential use by the Richland County Assessor's Office, or a public park within one thousand (1,000) feet of the sexually oriented business.

(6566) Sporting Firearms and Ammunition.

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

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

~~(6667)~~ *Swim and Tennis Clubs.*

- a. Use Districts. Traditional Recreation Open Space.
- 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.

~~(6768)~~ *Swimming pools.*

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

~~(6869)~~ *Tobacco and Tobacco Products.*

- a. Use districts: General Commercial.
- b. The aggregate gross floor area shall be limited to no more than 12,000 square feet per parcel or per building, whichever is more restrictive.
- c. Materials and/or products shall not be displayed outside the building.

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

~~(6970)~~ *Utility substations.*

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

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

- a. Use districts: Office and Institutional; Neighborhood Commercial.
- b. Veterinary services shall not include provisions for kennels or boarding of animals not undergoing treatment.
- c. All buildings used in the operation shall be soundproofed and air-conditioned.
- d. Outside activity shall be limited to six (6) hours per day or fewer.
- e. Where the lot is adjacent to a residential zoning district or residential use, a side yard of not less than ten (10) feet shall be maintained.
- f. All animal refuse and food must be kept in airtight containers and disposed of on a regular basis.

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

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

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

- a. Use districts: Rural Commercial, General Commercial, M-1 and LI Light Industrial.
- b. 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.
- c. 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.
- d. 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.
- e. 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.
 - f. 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 c. above.
 - g. All lights shall be shielded so as to direct light onto the uses established, and away from adjacent property; but lighting may be of sufficient intensity to discourage vandalism and theft.

(~~7374~~) Yard Sales.

- a. Use districts: Rural; Rural Residential; Residential, Single-Family, Estate; Residential, Single-Family, Low Density; Residential, Single-Family, Medium Density; Residential, Single-Family, High Density; Manufactured Home Park; Residential, Multi-Family, Medium Density; Residential, Multi-Family, High Density; Office and Institutional; Neighborhood Commercial; Rural Commercial; General Commercial.
- b. Yard sales shall be limited to two (2) occurrences within a twelve (12) month period.
- c. Each occurrence shall be no longer than two (2) days and only during the daylight hours.

(~~7475~~) Zoos and Botanical Gardens.

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

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

SECTION III. The Richland County Code of Ordinances; Chapter 26, Land Development; Article V, Zoning Districts and District Standards; Section 26-141, Table of Permitted Uses, Permitted Uses with Special Requirements, and Special Exceptions; “Institutional, Educational and Civic Uses” of Table 26-V-2.; is hereby amended to read as follows:

(ORDINANCE CONTINUES ON NEXT PAGE)

USE TYPES	TROS	RU	RR	RS-E	RS-LD	RS-MD	RS-HD	MH	RM-MD	RM-HD	OI	NC	RC	GC	M-1	LI	HI
Institutional, Educational and Civic Uses																	
Ambulance Services, Emergency		P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Ambulance Services, Transport																	
Animal Shelters														SR	SR	SR	
Auditoriums, Coliseums, Stadiums											P			P	P	P	
Bus Shelters/Bus Benches	SR	SR	SR	SR	SR	SR	SR	SR	SR	SR	SR	SR	SR	SR	SR	SR	SR
Cemeteries, Mausoleums											SR	SR	SR	SR	SR	SR	SR
Colleges and Universities											P		P				
Community Food Services											P	P	P	P	P	P	
Correctional Institutions		SE														P	SE
Courts											P	P	P	P			SE
Day Care, Adult, Home Occupation (5 or Fewer)		SR	SR	SR	SR	SR	SR	SR	SR	SR	SR			SR			
Day Care Centers, Adult		SR									SR	SR	SR	SR	SR		
Day Care, Child, Family Day Care, Home Occupation (5 or Fewer)		SR	SR	SR	SR	SR	SR	SR	SR	SR	SR			SR			
Day Care, Child, Licensed Center		SR									SR	SR	SR	SR	SR		
Fire Stations		P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Government Offices											P	P	P	P	P	P	
Hospitals											P		P	P			
Individual and Family Services, Not Otherwise Listed											P	P	P	P	P		
Libraries		SR	SR	SR	SR	SR	SR	SR	SR	SR	P	P	P	P	P	P	
Museums and Galleries											P	P	P	P	P		
Nursing and Convalescent Homes		SE	SE						P	P	P	P	P	P			
Orphanages		SE	SE						SE	SE	P	P	P	P			
Places of Worship		SR	SR	SE	SE	SE	SE	SE	SR	SR	P	P	SR	P	P	P	P
Police Stations, Neighborhood		P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Post Offices											P	P	P	P	P	P	P
Postal Service Processing & Distribution														P	P	P	
Schools, Administrative Facilities											P	P	P	P	P	P	
Schools, Business, Computer and Management Training											P	P	P	P	P	P	
Schools, Fine Arts Instruction											P	P	P	P	P	P	
Schools, Junior Colleges											P	P	P	P	P	P	

USE TYPES	TROS	RU	RR	RS-E	RS-LD	RS-MD	RS-HD	MH	RM-MD	RM-HD	OI	NC	RC	GC	M-1	LI	HI
Schools, Including Public and Private, Having a Curriculum Similar to Those Given in Public Schools)		SR	SR	SR	SR	SR	SR	SR	SR	SR	P	P	P	P	SE		
Schools, Technical and Trade (Except Truck Driving)											P	P	P	P	P	P	
Schools, Truck Driving														P	P	P	P
Zoos and Botanical Gardens		SE									SE		SE	SR	SR		

SECTION IV. The Richland County Code of Ordinances, Chapter 26, Land Development; Article VII, General development, Site, and Performance Standards; Section 26-180, Signs; Subsection (e), Prohibited Signs; Paragraph (9), Signs Located in the Right-of-Way; is hereby amended to read as follows:

- (9) *Signs located in the right-of-way.* All signs located in the right-of-way, unless specifically allowed elsewhere in this chapter.

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

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

SECTION VII. Effective Date. This ordinance shall be enforced from and after _____, 2009.

RICHLAND COUNTY COUNCIL

BY: _____
Paul Livingston, Chair

ATTEST THIS THE _____ DAY
OF _____, 2009

Michielle R. Cannon-Finch
Clerk of Council

RICHLAND COUNTY ATTORNEY'S OFFICE

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

Public Hearing:
First Reading:
Second Reading:
Third Reading:

A COMPLETE STREETS CONCEPT PRIMER

A complete street is a roadway that is designed, and operated, to be safe for pedestrians, bicyclists, drivers, transit vehicles and users of all ages and abilities. The Complete Streets Concept does not just concern individual roads, but is focused on changing the road design, building and decision-making process. Essentially, the idea is to reorient the transportation planning, operation philosophy and practice from maximizing personal vehicle traffic flow to maximizing the use of all alternative modes of transportation.

More than 50 jurisdictions throughout the country have adopted Complete Streets policies and regulations. The City of Greenville, SC adopted a Complete Streets Policy in November 2008. A Complete Streets resolution is pending in the City of Columbia. Charlotte, NC adopted Urban Streets Design Guidelines in October 2007. The City of Anderson adopted a similar resolution in May 2009.

On January 14, 2003, the South Carolina Department of Transportation Commission passed a resolution that "...requires South Carolina counties and municipalities to make bicycling and pedestrian improvements an integral part of their transportation planning and programming where State or Federal Highway funding is utilized..."

The federal Safe and Complete Streets Act of 2008 (HR 5951 & S 2686) was introduced by Congresswoman Matsui last summer. Upon enactment, it would ensure that federal funding will require state DOTs and MPOs to create appropriate and safe transportation facilities for motorists, transit vehicles and riders, bicyclists and pedestrians of all ages. The bill also authorizes needed research and dissemination of complete street best practices. Passage, in some form, is expected in 2009.

Among the benefits cited in support of this legislation are:

- Helps fight climate change and reduce our dependence on foreign oil by reducing the number of personal vehicle trips – 50 % of all metropolitan trips are 3 miles or less and 28 % are less than one mile – BUT 65% of those metro trips are made by vehicle
- Improves pedestrian safety – 33 % of Americans do not drive – one study found that simply installing raised medians and redesigning intersections and sidewalks reduces pedestrian accidents by 28 %
- Increase the capacity of the whole transportation system by giving people a viable choice of travel modes
- Encourages a more healthy lifestyle by providing safe pedestrian and bicycling opportunities
- Promote economic growth and vitality

The Complete Streets concept was re-affirmed on December 4, 2008, when the South Carolina Department of Transportation Commission adopted the policy "...that SCDOT's federal transportation enhancement funds be exclusively used for pedestrian facilities, bicycle facilities, streetscaping and rail corridor preservation, with the first three categories being applied specifically to the MPO and non-MPO programs and that beginning with the 2009 cycle, the funding cap for non-MPO projects be increased to \$ 400,000 with a minimum 20 % match..."

In the Fall of 2008, the Richland County Transportation Study (RCTS) [aka the 1 cent sales tax study] presented its report to the County Council. One of the RCTS recommendations was the adoption of a “Complete Streets and Beyond” program. The RCTS also contained more specific Complete Streets Concepts (CSC) recommendations such as transit-oriented development, traditional neighborhood design ideas, walkable streets, bus turnouts, etc.

In March 2009, the County Council adopted a Strategic Plan. The Plan includes a series of Strategic Priorities, Goals and Desired Outcomes. The Desired Outcomes are milestones by which to measure progress in achieving the Strategic Priorities. One of the Desired Outcomes under the Improve Transportation Infrastructure Strategic Priority is that “...A Complete Streets initiative will be implemented to ensure that alternative modes of transportation, such as bike lanes and sidewalks, are integrated into all new major transportation improvements...”

The Complete Streets Coalition, the premier complete streets advocate in the country, is constantly developing new information regarding this idea. The information ranges from very serious scientific and academic research results to practical program experience summaries.

The Coalition recommends that a good Complete Streets program will:

- Specify that the term “all users” clearly includes pedestrians, bicyclists, transit vehicles and users, of all ages and abilities
- Create a truly multimodal transportation network
- Recognize that all roadways are different and that its user’s needs to be considered
- Be accepted by the relevant agencies involved in providing transportation services
- Apply to both new, and retrofit, projects for the entire right-of-way
- Allows exceptions and establish a clear procedure for exception approvals
- Use best practices and designs
- Establish clear measurable, performance standards
- Restructure transportation policies and procedures to accommodate all users on all projects
- Revise project planning, design and operation manuals
- Retrain engineers and planners to more completely balance the needs of diverse users
- Create new data collection procedures to provide correct data to measure progress

In the next few months, EPA will likely declare a Non-Attainment designation for the central midland areas due to failure to meet the national air quality standards. In the Midlands, the air quality violation is mostly due personal vehicles idling while stuck in traffic congestion. When the designation occurs, each new and major repair, transportation project must prove to DHEC that it will achieve the national air quality standards.

This designation will mean a radical change in the way transportation projects are planned, designed and operated throughout the midlands. Adoption of a true Complete Streets program is a major positive step to meeting the national air quality standards.

For further information, check out the websites below:

www.completestreets.org – the National Complete Streets Coalition

www.pps.org - Project For Public spaces in NY city

www.scdot.org – type in bike/ped in the Search box on the upper right

www.flsenate.gov/statutes - Florida Bicycle and Pedestrian Ways Law

www.charmeck.org/departments/transportation - Charlotte Urban Street Design Guidelines

**STATE OF SOUTH CAROLINA)
) **A RESOLUTION OF THE**
) **RICHLAND COUNTY COUNCIL**
COUNTY OF RICHLAND)**

A RESOLUTION TO ENDORSE AND SUPPORT A “COMPLETE STREETS” POLICY TO PROVIDE SAFE AND CONVENIENT ACCESS FOR ALL USERS OF ARTERIAL STREETS

WHEREAS, increasing walking and bicycling offers the potential for cleaner air, greater health of the population, reduced traffic congestion, more livable communities, less reliance on fossil fuels and foreign supply sources, and more efficient use of road space and resources; and

WHEREAS, the “Safe, Accountable, Flexible, Efficient Transportation Equity Act” (SAFETEA-LU) calls for the mainstreaming of bicycle and pedestrian projects into the planning, design, and operation of our nation’s transportation system; and

WHEREAS, bicycle and pedestrian projects and programs are eligible for funding from many major Federal-aid funding programs; and

WHEREAS, On January 14, 2003, the South Carolina Department of Transportation Commission passed a resolution that “…requires South Carolina counties and municipalities to make bicycling and pedestrian improvements an integral part of their transportation planning and programming where State or Federal Highway funding is utilized…”; and

WHEREAS, on December 4, 2008, the South Carolina Department of Transportation Commission adopted the policy that SCDOT’s federal transportation enhancement funds be exclusively used for pedestrian facilities, bicycle facilities, streetscaping and rail corridor preservation, with the first three categories being applied specifically to the MPO and non-MPO programs and that beginning with the 2009 cycle, the funding cap for non-MPO projects be increased to \$ 400,000 with a minimum 20 % match; and

WHEREAS, Richland County’s Comprehensive Plan calls for the planning and development of safe and environmentally friendly transportation systems as well as emphasizing transportation choices; and

WHEREAS, the County’s Strategic Plan, adopted by the County Council in March 2009 provides a series of Desired Outcomes to implement the Plan including “...A “Complete Streets” initiative will be implemented to ensure that alternative modes of transportation, such as bike lanes and sidewalks, are integrated into all new major transportation improvements...”; and

WHEREAS, public health experts encourage walking and bicycling to mitigate the epidemic of obesity in South Carolina; and

WHEREAS, research shows that creating walkable streets and lowering automobile speeds on some roads improves economic conditions for residents and business owners; and

WHEREAS, Richland County Council affirms that bicycling and walking accommodations will become an integral part of planning, design, construction and operating activities in the operations of our transportation system; and

WHEREAS, Richland County Council endorses the “Complete Streets” policy by encouraging the design, operation, and maintenance of the transportation network to promote safe and convenient access for all users in a manner consistent with, and supportive of, the surrounding community; and

WHEREAS, Richland County Council endorses policies and procedures with the construction, reconstruction, or other changes of transportation facilities on many arterial and collector roads to support the creation of “Complete Streets”, including capital improvements and major maintenance, recognizing that all streets are different and in each case user needs must be balanced;

NOW, THEREFORE, BE IT RESOLVED that the Richland County Council does hereby endorse and support the “Complete Streets” policy as follows:

1. County staff shall revise established regulations, policies, and operating practices, as deemed appropriate and feasible, so that transportation systems are planned, designed, constructed and operated to make bicycling and pedestrian movements an integral part of the County’s transportation planning and programming while promoting safe operations for all users; and
2. County staff shall plan for, design, construct and operate all County transportation improvement projects, unless a construction contract has been executed prior to the date of this Resolution, to provide appropriate accommodation for pedestrians, bicyclists, transit riders, and persons of all abilities, while promoting safe operation for all users, as deemed appropriate and feasible; and
3. The County staff shall immediately incorporate the “Complete Streets Concepts” into the neighborhood master planning and implementation process; and
4. The Public Works Department and the Planning and Development Services Department shall begin implementing the “Complete Streets Concept” process and procedure changes in all other transportation projects as soon as administratively possible after adoption of this Resolution.
5. The Planning and Development Services Department, in consultation with the relevant affected parties, shall prepare draft regulations to implement the “Complete Street Concept” for consideration by the Planning Commission as soon as possible.

ADOPTED THIS the ____ day of _____, 2009.

Paul Livingston, Chair
Richland County Council

ATTEST this ____ day of _____, 2009

Michielle R. Cannon-Finch
Clerk of Council

EXPLANATION OF FLOOD ORDINANCE

Title:

AN ORDINANCE AMENDING THE RICHLAND COUNTY CODE OF ORDINANCES; CHAPTER 26, LAND DEVELOPMENT; SECTION 26-54, SUBDIVISION REVIEW AND APPROVAL; SO AS TO REQUIRE THE DELINEATION OF ANY AND/OR ALL FLOOD LINES ON PLATS THAT ARE SUBMITTED PURSUANT TO THIS SECTION; AND TO AMEND SECTION 26-105, FP FLOODPLAIN OVERLAY DISTRICT; SUBSECTION (B), APPLICABILITY/ESTABLISHMENT; SO AS TO DELETE SPECIFIC REFERENCE TO AREAS ALONG THE CONGAREE RIVER.

What this ordinance will do:

This ordinance will amend Section 26-54 by requiring all sketch plans and plats submitted for approval to be prepared by a licensed surveyor and to contain a contour delineation of any and/or all flood areas, as shown on the County's Flood Insurance Rate maps, for each lot indicated on such plat.

Because a decision by the 4th Circuit Court of Appeals overturned Judge Seymour's decision on the 1995 map and placed the 2002 map back in effect, the ordinance will also amend Section 26-105 by deleting all reference to the 1995 map for areas along the Congaree River.

STATE OF SOUTH CAROLINA
COUNTY COUNCIL FOR RICHLAND COUNTY
ORDINANCE NO. ____-09HR

AN ORDINANCE AMENDING THE RICHLAND COUNTY CODE OF ORDINANCES; CHAPTER 26, LAND DEVELOPMENT; ARTICLE IV, AMENDMENTS AND PROCEDURES; SECTION 26-54, SUBDIVISION REVIEW AND APPROVAL; SO AS TO REQUIRE THE DELINEATION OF ANY AND/OR ALL FLOOD LINES ON PLATS THAT ARE SUBMITTED PURSUANT TO THIS SECTION.

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

SECTION I. The Richland County Code of Ordinances, Chapter 26, Land Development; Article IV, Amendments and Procedures; Section 26-54, Subdivision Review and Approval; Subsection (b), Processes; is hereby reordered to read as Subsection (c), Processes; and a new subsection (b) shall read as follows:

(b) All sketch plans and plats submitted for approval pursuant to this section shall be prepared by a licensed surveyor and shall contain a contour delineation of any and/or all flood areas, as shown on the County's Flood Insurance Rate maps [see Section 26-105 (b)] for each lot indicated on such plat.

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

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

SECTION IV. Effective Date. This ordinance shall be effective from and after _____, 2009.

RICHLAND COUNTY COUNCIL

BY: _____
Paul Livingston, Chair

ATTEST THIS THE _____ DAY
OF _____, 2009.

Michielle R. Cannon-Finch
Clerk of Council

RICHLAND COUNTY ATTORNEY'S OFFICE

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

Public Hearing:
First Reading:
Second Reading:
Third Reading:

EXPLANATION OF ORDINANCE CREATING A PARKS AND RECREATION DISTRICT

Title:

AN ORDINANCE AMENDING THE RICHLAND COUNTY CODE OF ORDINANCES; CHAPTER 26, LAND DEVELOPMENT; ARTICLE II, RULES OF CONSTRUCTION/DEFINITIONS; ARTICLE V, ZONING DISTRICTS AND DISTRICT STANDARDS; AND ARTICLE VI, SUPPLEMENTAL USE STANDARDS; SO AS TO PROVIDE FOR A PARKS AND RECREATION DISTRICT.

Background:

This ordinance is being initiated by Planning staff in response to several Council members' expressed concerns about protecting existing parks from possible future development.

What this ordinance will do:

It will create a new zoning district known as "Parks and Recreation", with the purpose of ensuring the preservation of substantial green areas devoted to passive and/or active recreational uses.

The following primary uses will be allowed in the PR District:

- Golf courses, driving ranges, and appurtenances.
- Indoor and/or outdoor recreational courts and appurtenances, including, but not limited to, those devoted to tennis, volleyball, basketball, or bocce.
- Recreational fields and appurtenances, including, but not limited to, those devoted to football, soccer, baseball, or lacrosse, and to include sports lighting systems.
- Clubhouses, gyms, fitness centers, and meeting rooms.
- Community meeting and security sub station space, including Sheriff Department satellite locations.
- Recreational, health, and educational classes.
- Swimming, wading, splash pools, and appurtenances.
- Picnic areas, trails, tracks, amphitheaters, and appurtenances.
- Playgrounds.

- Any other recreational or community service use substantially similar to those specifically listed above.
- A State Park and all facilities associated with the operation and maintenance of the park to provide public recreation.

In addition, the following accessory uses will be allowed in the PR District:

- Pavilions.
- Restroom facilities.
- Parking areas.
- Bleachers and other seating areas intended for public viewing of recreational activities.
- Concession stands, press boxes, dugouts, and associated athletic facility support structures.
- Batting cages, and athletic field and security fencing.
- Administrative and park operation offices and storage buildings.
- Any other accessory use substantially similar to those specifically listed above.

STATE OF SOUTH CAROLINA
COUNTY COUNCIL FOR RICHLAND COUNTY
ORDINANCE NO. ___-09HR

AN ORDINANCE AMENDING THE RICHLAND COUNTY CODE OF ORDINANCES; CHAPTER 26, LAND DEVELOPMENT; ARTICLE II, RULES OF CONSTRUCTION/DEFINITIONS; ARTICLE V, ZONING DISTRICTS AND DISTRICT STANDARDS; AND ARTICLE VI, SUPPLEMENTAL USE STANDARDS; SO AS TO PROVIDE FOR A PARKS AND RECREATION DISTRICT.

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

SECTION I. The Richland County Code of Ordinances, Chapter 26, Land Development; Article V, Zoning Districts and District Standards; Section 26-83, Establishment of Zoning Districts; Subsection (b), General Use Districts; is hereby amended to read as follows:

- (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:

<u>PR</u>	<u>Parks and Recreation District</u>
TROS	Traditional Recreation Open Space District
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

SECTION II. The Richland County Code of Ordinances, Chapter 26, Land Development; Article V, Zoning Districts and District Standards; section heading “Section 26-84. TROS Traditional Recreation Open Space District” is hereby amended to read as follows:

Sec. 26-8485. TROS Traditional Recreation Open Space District.

SECTION III. The Richland County Code of Ordinances, Chapter 26, Land Development; Article V, Zoning Districts and District Standards; section heading “Section 26-85. RU Rural District” is hereby amended to read as follows:

Sec. 26-8586. RU Rural District.

SECTION IV. The Richland County Code of Ordinances, Chapter 26, Land Development; Article V, Zoning Districts and District Standards; section heading “Section 26-86. RR Rural Residential District” is hereby amended to read as follows:

Sec. 26-8687. RR Rural Residential District.

SECTION V. The Richland County Code of Ordinances, Chapter 26, Land Development; Article V, Zoning Districts and District Standards; section heading “Section 26-87. RS-E Residential, Single-Family Estate District” is hereby amended to read as follows:

Sec. 26-8788. RS-E Residential, Single-Family Estate District.

SECTION VI. The Richland County Code of Ordinances, Chapter 26, Land Development; Article V, Zoning Districts and District Standards; section heading “Section 26-88. RS-LD Residential, Single-Family Low Density District” is hereby amended to read as follows:

Sec. 26-8889. RS-LD Residential, Single-Family Low Density District.

SECTION VII. The Richland County Code of Ordinances, Chapter 26, Land Development; Article V, Zoning Districts and District Standards; section heading “Section 26-89. RS-MD Residential, Single-Family Medium Density District” is hereby amended to read as follows:

Sec. 26-8990. RS-MD Residential, Single-Family Medium Density District.

SECTION VIII. The Richland County Code of Ordinances, Chapter 26, Land Development; Article V, Zoning Districts and District Standards; section heading “Section 26-90. RS-HD Residential, Single-Family High Density District” is hereby amended to read as follows:

Sec. 26-9091. RS-HD Residential, Single-Family High Density District.

SECTION IX. The Richland County Code of Ordinances, Chapter 26, Land Development; Article V, Zoning Districts and District Standards; section heading “Section 26-91. MH Manufactured Home Residential District” is hereby amended to read as follows:

Sec. 26-9192. MH Manufactured Home Residential District.

SECTION X. The Richland County Code of Ordinances, Chapter 26, Land Development; Article V, Zoning Districts and District Standards; section heading “Section 26-92. RM-MD Residential, Multi-Family Medium Density District” is hereby amended to read as follows:

Sec. 26-~~92~~93. RM-MD Residential, Multi-Family Medium Density District.

SECTION XI. The Richland County Code of Ordinances, Chapter 26, Land Development; Article V, Zoning Districts and District Standards; section heading “Section 26-93. RM-HD Residential, Multi-Family High Density District” is hereby amended to read as follows:

Sec. 26-~~93~~94. RM-HD Residential, Multi-Family High Density District.

SECTION XII. The Richland County Code of Ordinances, Chapter 26, Land Development; Article V, Zoning Districts and District Standards; section heading “Section 26-94. OI Office and Institutional District” is hereby amended to read as follows:

Sec. 26-~~94~~95. OI Office and Institutional District.

SECTION XIII. The Richland County Code of Ordinances, Chapter 26, Land Development; Article V, Zoning Districts and District Standards; section heading “Section 26-95. NC Neighborhood Commercial District” is hereby amended to read as follows:

Sec. 26-~~95~~96. NC Neighborhood Commercial District.

SECTION XIV. The Richland County Code of Ordinances, Chapter 26, Land Development; Article V, Zoning Districts and District Standards; section heading “Section 26-96. RC Rural Commercial District” is hereby amended to read as follows:

Sec. 26-~~96~~97. RC Rural Commercial District.

SECTION XV. The Richland County Code of Ordinances, Chapter 26, Land Development; Article V, Zoning Districts and District Standards; section heading “Section 26-97. GC General Commercial District” is hereby amended to read as follows:

Sec. 26-~~97~~98. GC General Commercial District.

SECTION XVI. The Richland County Code of Ordinances, Chapter 26, Land Development; Article V, Zoning Districts and District Standards; section heading “Section 26-98. M-1 Light Industrial District” is hereby amended to read as follows:

Sec. 26-~~98~~99. M-1 Light Industrial District.

SECTION XVII. The Richland County Code of Ordinances, Chapter 26, Land Development; Article V, Zoning Districts and District Standards; section heading “Section 26-99. LI Light Industrial District” is hereby amended to read as follows:

Sec. 26-~~99~~100. LI Light Industrial District.

SECTION XVIII. The Richland County Code of Ordinances, Chapter 26, Land Development; Article V, Zoning Districts and District Standards; section heading “Section 26-100. HI Heavy Industrial District” is hereby amended to read as follows:

Sec. 26-~~100~~101. HI Heavy Industrial District.

SECTION XIX. The Richland County Code of Ordinances, Chapter 26, Land Development; Article V, Zoning Districts and District Standards; section heading “Section 26-101. PDD Planned Development District” is hereby amended to read as follows:

Sec. 26-~~101~~102. PDD Planned Development District.

SECTION XX. The Richland County Code of Ordinances, Chapter 26, Land Development; Article V, Zoning Districts and District Standards; section heading “Section 26-102. TC Town and Country District” is hereby amended to read as follows:

Sec. 26-~~102~~103. TC Town and Country District.

SECTION XXI. The Richland County Code of Ordinances, Chapter 26, Land Development; Article V, Zoning Districts and District Standards; section heading “Section 26-103. AP Airport Height Restrictive Overlay District” is hereby amended to read as follows:

Sec. 26-~~103~~104. AP Airport Height Restrictive Overlay District.

SECTION XXII. The Richland County Code of Ordinances, Chapter 26, Land Development; Article V, Zoning Districts and District Standards; section heading “Section 26-104. C Conservation Overlay District” is hereby amended to read as follows:

Sec. 26-~~104~~105. C Conservation Overlay District.

SECTION XXIII. The Richland County Code of Ordinances, Chapter 26, Land Development; Article V, Zoning Districts and District Standards; section heading “Section 26-105. FP Floodplain Overlay District” is hereby amended to read as follows:

Sec. 26-~~105~~106. FP Floodplain Overlay District.

SECTION XXIV. The Richland County Code of Ordinances, Chapter 26, Land Development; Article V, Zoning Districts and District Standards; section heading “Section 26-106. RD Redevelopment Overlay District” is hereby amended to read as follows:

Sec. 26-~~106~~107. RD Redevelopment Overlay District.

SECTION XXV. The Richland County Code of Ordinances, Chapter 26, Land Development; Article V, Zoning Districts and District Standards; section heading “Section 26-107. CRD Corridor Redevelopment Overlay District” is hereby amended to read as follows:

Sec. 26-~~107~~108. Reserved.

SECTION XXVI. The Richland County Code of Ordinances, Chapter 26, Land Development; Article V, Zoning Districts and District Standards; section heading “Section 26-108. Reserved.” is hereby amended to read as follows:

Sec. 26-~~108~~109. CRD Corridor Redevelopment Overlay District.

SECTION XXVII. The Richland County Code of Ordinances, Chapter 26, Land Development; Article V, Zoning Districts and District Standards; section heading “Section 26-109. DBWP Decker Boulevard/Woodfield Park Neighborhood Redevelopment Overlay District.” is hereby amended to read as follows:

Sec. 26-~~109~~110. DBWP Decker Boulevard/Woodfield Park Neighborhood Redevelopment Overlay District.

SECTION XXVIII. The Richland County Code of Ordinances, Chapter 26, Land Development; Article V, Zoning Districts and District Standards; section heading “Sections 26-110 – 26-130. Reserved.” is hereby amended to read as follows:

Secs. 26-~~110~~111 – 26-130. Reserved.

SECTION XXIX. The Richland County Code of Ordinances, Chapter 26, Land Development; Article V, Zoning Districts and District Standards; is hereby amended by the creation of a new section, to read as follows:

Sec. 26-84. PR Parks and Recreation District.

- (a) Purpose. In order to ensure the preservation of substantial green areas devoted to passive and/or active recreational uses.
- (b) Permitted uses. The following passive and/or active recreational uses are permitted within the “PR” Parks and Recreation zoning classification:

 - (1) Golf courses, driving ranges, and appurtenances.
 - (2) Indoor and/or outdoor recreational courts and appurtenances, including, but not limited to, those devoted to tennis, volleyball, basketball, or bocce.
 - (3) Recreational fields and appurtenances, including, but not limited to, those devoted to football, soccer, baseball, or lacrosse, and to include sports lighting systems.
 - (3) Clubhouses, gyms, fitness centers, and meeting rooms.

- (4) Community meeting and security sub station space, including Sheriff Department satellite locations.
 - (5) Recreational, health, and educational classes.
 - (4) Swimming, wading, splash pools, and appurtenances.
 - (5) Picnic areas, trails, tracks, amphitheaters, and appurtenances.
 - (6) Playgrounds.
 - (7) Any other recreational or community service use substantially similar to those specifically listed above.
 - (8) A State Park and all facilities associated with the operation and maintenance of the park to provide public recreation.
- (c) Accessory uses. The following accessory uses are permitted in association with the “permitted uses” listed above:
- (1) Pavilions.
 - (2) Restroom facilities.
 - (3) Parking areas.
 - (4) Bleachers and other seating areas intended for public viewing of recreational activities.
 - (5) Concession stands, press boxes, dugouts, and associated athletic facility support structures.
 - (6) Batting cages, and athletic field and security fencing.
 - (7) Administrative and park operation offices and storage buildings.
 - (8) Any other accessory use substantially similar to those specifically listed above.
- (d) 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 PR District:
- a. Front: 25 feet.
 - b. Side: 20 feet.
 - c. Rear: 20 feet.
- The minimum side and rear setback requirement for accessory buildings/structures, such as club houses, rest room and locker facilities, snack bars, and parking areas, in the PR District is ten (10) feet.
- The landscape and bufferyard standards of Section 26-176 may require setback distances; if so, the most restrictive requirements shall apply.
- (5) Height standards: The maximum height of structures in the PR District shall be 45 feet.
- (6) Landscaping/bufferyard standards: Landscaping and bufferyards shall be provided in accordance with Section 26-176 of this chapter; provided, however, there shall be no landscaping requirements for “golf courses” and “golf course with country clubs”.
- (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; provided, however, there shall be no sidewalk or pedestrian amenities required for “golf courses” and “golf course with country clubs”.
- (9) Signs: Signs shall be regulated by the requirements of Section 26-180 of this chapter.
- (10) Recreation/open space standards: None.
- (11) Design and operation standards: None.

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

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

SECTION XXXII. Effective Date. This ordinance shall be effective from and after _____, 2009.

RICHLAND COUNTY COUNCIL

BY: _____
Paul Livingston, Chair

ATTEST THIS THE ____ DAY

OF _____, 2009

Michielle R. Cannon-Finch
Clerk of Council

RICHLAND COUNTY ATTORNEY'S OFFICE

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

First Reading:
Public Hearing:
Second Reading:
Third Reading:



MEMORANDUM

To: Richland County Planning Commission

From: Julia Wilkie

Date: June 2, 2009

Re: Growing Together: Thriving People for a Thriving Columbia

County Council charged Planning Commission with reviewing the attached document for suggested incorporation into the 2009 Richland County Comprehensive Plan. You may recommend this document be adopted as part of the appendix. Growing Together: Thriving People for a Thriving Columbia contains numerous policy recommendations. Many of these recommendations align with the 2009 Comprehensive Plan and are already incorporated in the Goals & Implementation Strategies. Other policy recommendations, detailed below, conflict with the 2009 Comprehensive Plan.

SIMILARITIES:

- Assessing **Impact Fees** to offset the cost of development. (See pg. PIE-4 & PIE-16 of the Comp Plan)
- Increasing **Affordable Housing** through **Inclusionary Zoning & Housing Trust Funds** (see pg. H-13 & H-14 of the Comp Plan)
- Offering **Transit Options** (such as Park & Ride services) (see pg. TE-12 of the Comp Plan)
- Focusing on **Community Based Schools** (see pg. P-24 of the Comp Plan)
- Increasing **Intergovernmental Coordination** (see pg. PIE-15 of the Comp Plan)
- Support *inclusive community planning* (See pgs. P-24 & H-13 of the Comp Plan)
- **Linking urban and rural planning.** The 2009 Comp Plan takes a “whole County” planning approach and focuses on preserving the rural nature of the County (where it still exists).

DIFFERENCES/CONFLICTS:

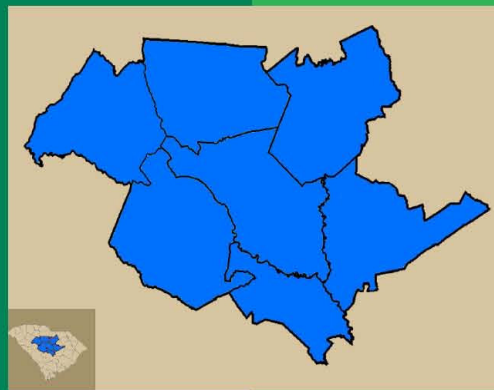
- This report was not reviewed or discussed with the public; this report was not included in the Comp Plan Public Outreach effort.
- The report does not focus solely on Richland County. It meanders between the County, the Columbia area, and the Midlands (which includes the 6 surrounding Counties).
- The report “studied” the Imagine Richland 2020 Plan, not the 2009 Comprehensive Plan. Therefore, policy recommendations are based on the old Comp Plan.
- When discussing Richland County, the report focuses primarily on the Southern portion of the County.
- Extension of infrastructure (water & sewer) to “poor communities”. The County supports the equitable distribution of infrastructure to all areas, but responsibly to avoid further sprawl. Additionally, the County has minimal control over this (beyond coordination with the City of Columbia); we have only a small sewer company and no water company. (See pgs. CF-29 & CF-30 of the Comp Plan)
- Promote farming while promoting growth. These ideas are conflicting since it is difficult to promote farming (organic farming in particular) without protecting rural land. Growing Together promotes extensive water and sewer expansion; such infrastructure is not necessary for agriculture. The 2009 Comp Plan aims to protect the rural land in this County.

STAFF RECOMMENDATION:

Growing Together: Thriving People for a Thriving Columbia is best suited for examination and discussion when preparing the Hopkins Neighborhood Master Plan which will focus solely on the Southern portion of the County.

Growing Together

Thriving People for a Thriving Columbia



Prepared by The Center for Social Inclusion
A Project of the Tides Center

65 Broadway, Suite 1800 • New York, NY 10006 • 212.248.2785 • www.thecsi.org

Acknowledgments

This report was made possible by the generous support of the Open Society Institute and the Ford Foundation. Jason Reece and Denis Rhoden, of the Kirwan Institute for the Study of Race & Ethnicity at Ohio State University, Columbus, Ohio, contributed research on zoning impacts and tax bases in Richland County and the maps in Figures 10, 18, 19, and 20.

Copyright © December 2007 by

The Center for Social Inclusion

All rights reserved. No part of this report may be reproduced or transmitted in any form or by any means, electronic or mechanical, including photocopying, recording or by any information storage and retrieval system, without the permission of the Center for Social Inclusion: A Project of the Tides Center.

The Center for Social Inclusion: A Project of the Tides Center

65 Broadway, Suite 1800

New York, NY 10006

(212) 248-2785

www.centerforsocialinclusion.org

TABLE OF CONTENTS

EXECUTIVE SUMMARY	1
INTRODUCTION	4
REGIONAL OPPORTUNITY TRENDS.....	6
Defining the Columbia Region	6
Suburban Sprawl and Urban Redevelopment.....	7
Concentrated Poverty.....	9
Housing Opportunities.....	12
Economic Growth and Sustainability	17
Public Health.....	19
Racial Isolation and Regional Prosperity.....	22
CURRENT POLICY	25
Growth Planning Policy.....	26
Economic Development Policy.....	28
Impact of Current Policy on Future Growth.....	30
RECOMMENDED POLICY DIRECTIONS	35
Planning for Inclusive and Sustainable Growth.....	35
Sustainable Economic Development	37
Opportunity-Based Affordable Housing.....	39
Essential Infrastructure	40
CONCLUSION AND RECOMMENDATIONS	42

EXECUTIVE SUMMARY

Our regions thrive when people throughout the region thrive. People thrive when their communities have what all communities need for healthy growth – clean air and water, affordable and decent housing, living wage jobs, quality public schools, and quality healthcare. The health and prosperity of the Columbia region¹ are critical to South Carolina, the South, and the country. By investing in the health and economic well-being of all its people, the Columbia region could lead the way for the South and the nation.

Metropolitan regions are increasingly replacing cities as the new economic units, as the ideal scale at which communities, businesses, and government interrelate and operate most effectively. For example, businesses increasingly make location or relocation decisions based on the strength of the region.² If we invest in well-being in the most marginalized communities, we reap the benefits across all communities in the metropolitan region.

To build greater regional prosperity, we have to know where opportunities are located regionally and who has access to them. Analyzing the socioeconomic conditions of communities across the region, regional development patterns, and state and local policies, this report identifies where growth is needed, where it is unsustainable, and what policy interventions can inform planning for healthy growth.³

This report finds that, while the city is growing, suburban development still dominates residential and job growth and only in relatively wealthy suburbs, which strains public coffers and is fiscally and environmentally unsustainable. In the Columbia region, Black communities experience the highest rates of poverty because they are isolated from opportunities. Racial isolation from regional opportunities has helped fuel sprawl, wasteful and costly development at the region's urban edges and beyond. Low-income Black communities in rural areas do not have critical public infrastructure, like water and sewer lines. This is both a serious public health issue and an economic and social development issue. Without essential infrastructure to attract capital and jobs, these communities also lack the tax base and tax revenues to pay for quality schools and essential services.

¹ In this report, we define the region as Richland County and its six adjacent counties: Calhoun, Fairfield, Kershaw, Lexington, Newberry, and Sumter counties.

² Manuel Pastor et al., *Regions That Work: How Cities and Suburbs Can Grow Together* (University of Minnesota Press 2000) 3, 6, 100.

³ This report follows up on our first report on Columbia, which examined growth and opportunities in Richland County. We analyzed the Richland County Council's 1999 Comprehensive Land Use Plan and related draft zoning ordinance to identify the likely impact of the Plan's proposals to produce healthy growth. We found that despite the County's intent and laudable goals, its proposals were likely to permit sprawl where it is occurring, while restricting development and increasing poverty in poor Black communities, where development is sorely needed. Center for Social Inclusion, *Race and Place: A Preliminary Look at Land Use Planning in Richland County, S.C.* (2004).

- ***Columbia needs more affordable housing to connect low-income communities to regional opportunities.*** Over a third (37.6%) of Black residents are paying more than they can afford in rent (more than 30% of their income). Affordable housing located near good jobs, good schools, and quality services can connect low-income communities to regional opportunities. Inclusionary zoning and housing trust fund programs in other metropolitan regions have produced affordable housing for low-income people and created mixed-income communities, improving the lives and economic base of area residents.
- ***Columbia needs more transit options to connect poor community residents to regional job centers.*** Over a fifth (23.8%) of Black residents live in concentrated poverty neighborhoods – neighborhoods where at least 20% (rural) or 40% (urban) of the population lives at or below the federal poverty level. Concentrated poverty communities lack good jobs, good schools, and essential services. Many low-income Black residents living in rural areas cannot get to good jobs concentrated in wealthy suburbs, because of gaps in public transit service (17% of Black households in the region lack access to a car).
- ***Columbia needs more infrastructure investment in under-developed communities to increase overall wealth and well-being of the region and its people.*** Despite very high homeownership rates in some parts of the region (72% in predominately Black Lower Richland County), Columbia’s low-income Black communities have low home values, due in part to weak tax bases in Black neighborhoods. Lower Richland’s 1LR tax district, which is the largest in land mass of the area’s three tax districts, has only 20% of the Northeast’s tax base. The median value of Black-owned homes in the region is \$80,500 compared to \$113,700 for White-owned homes.⁴ Columbia should provide public water and sewer services to low-income Black communities living in rural areas where population is dense, like those in Hopkins. Investment in water and sewer and other infrastructure in poor communities can reduce poverty, improve public health, and build community wealth.
- ***Columbia should promote the participation of low-income Black communities in emerging green markets.*** Markets, such as renewable energy and organic farming, are viable rural economic development opportunities that can enrich Columbia’s low-income Black communities living in rural areas, as well as its Latino, Asian, and White rural communities, promote a healthy environment, and build a strong regional economy. Renewable energy production already has created thousands of jobs and boosted local economies in other parts of the country. And U.S. producers are turning to organic farming systems to capture high-value markets and premium prices and boost farm income.

⁴ These figures are based on data for the Metropolitan Statistical Area (MSA), which includes 5 of the 7 counties in our definition of the metropolitan region (Calhoun, Fairfield, Kershaw, Lexington, and Richland) plus Saluda County. U.S. Census (2006).

- ***Policies to control sprawl in wealthy areas are essential to the well-being of the region.*** Areas like Northeast Richland County, with its quality public schools and amenities, are straining under undeterred residential and population growth as middle-income people move there in search of opportunities they cannot find in other parts of the region, like Lower Richland County. Infrastructure is becoming stressed, as schools become overcrowded and traffic becomes more congested. While laudable in its intent to stop sprawl, Richland County’s proposal to downzone rural areas may actually increase unhealthy growth. The proposal limits development in Lower Richland but does not create disincentives to sprawl in areas of the County where it is most rampant.

State policies, in addition to city and county policies, must support healthy growth.

- ***The State should narrow its economic development subsidies to ensure they target poor communities.*** Currently, the whole state of South Carolina qualifies as an Enterprise Zone, which means the state’s program is likely subsidizing growth in wealthy areas. Intended to boost economic activity in blighted areas, neither South Carolina’s Enterprise Zone Act nor its Tax Increment Financing program are targeted to promote growth in poor neighborhoods, like Lower Richland. Given their broad eligibility criteria, these programs most likely have been subsidizing growth in wealthy areas of the region.⁵
- ***The State should consider public transit options to benefit rural poor communities and help urban communities reach suburban job centers.*** Despite the availability of federal matching funds for public transit, there are currently no plans to expand public transportation to connect rural residents to jobs in other parts of the region.
- ***The State needs new impact fee legislation.*** New developments do not pay for the public infrastructure required to sustain them. State law allows but does not require impact fees that would hold developers accountable to pay for costs created by new development. The law also prohibits charging developers for school construction, often the single largest cost created by new subdivisions.

To develop a strong and sustainable regional economic base, Columbia needs a set of policies that can promote sustainable economic development in rural Black communities and connect low-income residents in urban areas to opportunities, such as good jobs and good schools, in other parts of the region. Through policies that create opportunity for Columbia’s low-income Black communities, the region can create a strong and sustainable regional economy and a clean and safe environment. A stronger, fairer and healthier Columbia metropolitan region is possible. All that is required is the will to grow well.

⁵ Alyssa Talanker, Kate Davis, and Greg LeRoy, *Straying from Good Intentions: How States are Weakening Enterprise Zone and Tax Increment Financing Programs* (Washington, D.C.: Good Jobs First, 2003).

We are caught in an inescapable network of mutuality, tied in a single garment of destiny. Whatever affects one directly, affects all indirectly.

*-Rev. Martin Luther King, Jr.
1963, Letter from a Birmingham Jail*

INTRODUCTION

Our communities and regions thrive when people throughout the region thrive. People thrive when their communities have what all communities need for healthy growth – clean air and water, affordable and decent housing, living wage jobs, quality public schools, and quality healthcare. The health and prosperity of the Columbia region are critical to South Carolina, the South, and the country.⁶ “As the South goes... so goes the nation.”⁷ The South’s population is growing fast and faster than the Northeast and Midwest.⁸ It is also the poorest region in the nation, with 15% of the population living below the poverty line.⁹ The South and the nation cannot thrive without investments in poor communities. By investing in the health and economic well-being of all its people, the Columbia region could lead the way for the South and the nation.

Metropolitan regions are increasingly replacing cities as the new economic units, as the ideal scale at which communities, businesses, and government interrelate and operate most effectively. For example, businesses increasingly make location or relocation decisions based on the strength of the region as a whole.¹⁰ If we invest in well-being in the most marginalized communities, we reap the benefits across all communities in the metropolitan region.

Current trends and policies, however, feed unhealthy growth in the Columbia region. Good jobs, public resources and other opportunities are unfairly and inefficiently distributed. Infrastructure investments and tax subsidies for business location have neglected Columbia’s low-income Black communities. Black communities in rural areas do not have city water and sewer. Without essential infrastructure to attract capital and jobs, they lack the tax base and tax revenues to pay for quality schools and essential services. Living in rural areas, many low-income Black residents cannot get to the good jobs concentrated in wealthy suburbs, because of gaps in public transit service (17% of Black households lack access to a car).¹¹

⁶ In this report, we define the region as Richland County and its six adjacent counties: Calhoun, Fairfield, Kershaw, Lexington, Newberry, and Sumter counties.

⁷ W.E.B. DuBois. In this report, we define the south as the region commonly referred to as the “Black Belt South,” which includes the states of Alabama, Arkansas, Florida, Georgia, Louisiana, Mississippi, North Carolina, South Carolina, Tennessee, Texas, and Virginia. Allen Tulos, “The Black Belt,” *Southern Spaces*, April 19, 2004, <http://www.southernspaces.org/contents/2004/tullos/4a.htm>

⁸ U.S. Census (2005, 2006).

⁹ U.S. Census (2005).

¹⁰ Manuel Pastor et al., *Regions That Work: How Cities and Suburbs Can Grow Together* (University of Minnesota Press 2000) 3, 6, 100.

¹¹ U.S. Census (2000).

Failure to invest in Columbia's poor Black communities is undermining the regional economy and harming the environment. Racial isolation from regional opportunities has helped fuel sprawl, inefficient and costly development at the region's urban edges and beyond. Suburban development still dominates residential and job growth and only in relatively wealthy suburbs, which strains public coffers and is fiscally and environmentally unsustainable. For example, in Northeast Richland, with its sought-after public schools and amenities, undeterred residential and population growth are straining its infrastructure, as middle-income people move there in search of opportunities they cannot find in other parts of the region, such as Lower Richland. Schools have become overcrowded and traffic has become more congested.¹²

This report follows up on our first report on Columbia, which examined growth and opportunities in Richland County. We analyzed the Richland County Council's 1999 Comprehensive Land Use Plan and related draft zoning ordinance to identify the likelihood of the Plan's proposals to produce healthy growth. We found that despite the County's intent and laudable goals, its proposals were likely to permit sprawl where it is occurring, while restricting development and increasing poverty in poor Black communities, where growth opportunities are sorely needed.¹³

To build greater regional prosperity, we have to know where opportunities are located regionally and who has access to them. Analyzing the socioeconomic conditions of communities across the region, regional development patterns, and state and local policies, this report identifies where growth is needed, where it is unsustainable, and what policy interventions can inform planning for healthy growth. The report concludes with policy recommendations that can promote a stronger, fairer, and healthier Columbia metropolitan region.

¹² Warren Bolton, "County needs to decide it will guide growth in the Northeast," *The State*, July 11, 2007

¹³ Center for Social Inclusion, *Race and Place: A Preliminary Look at Land Use Planning in Richland County*, S.C. (2004).

REGIONAL OPPORTUNITY TRENDS

Defining the Columbia Region

In order to understand the tremendous opportunities for healthy and sustainable growth in Columbia and how to promote these opportunities, we have to examine the region as a whole, not just a part of the region. Cities and their neighboring suburbs are mutually dependent for their social, political and economic well-being.

In this report, the Columbia metropolitan region is defined by the interdependent economic and political relationships between the City of Columbia and its surrounding counties: Calhoun, Fairfield, Kershaw, Lexington, Newberry, Richland and Sumter counties. The “bedroom” communities of Calhoun, Kershaw, and Sumter counties provide a substantial commuter base to Richland County.¹⁴ (Figure 1) The state capital city of Columbia sits within the boundaries of both Richland County and Lexington County. The local governments of Richland, Fairfield, Lexington, and Newberry Counties are connected through the Central Midlands Council of Governments, an advisory body on regional concerns and local and regional planning.¹⁵

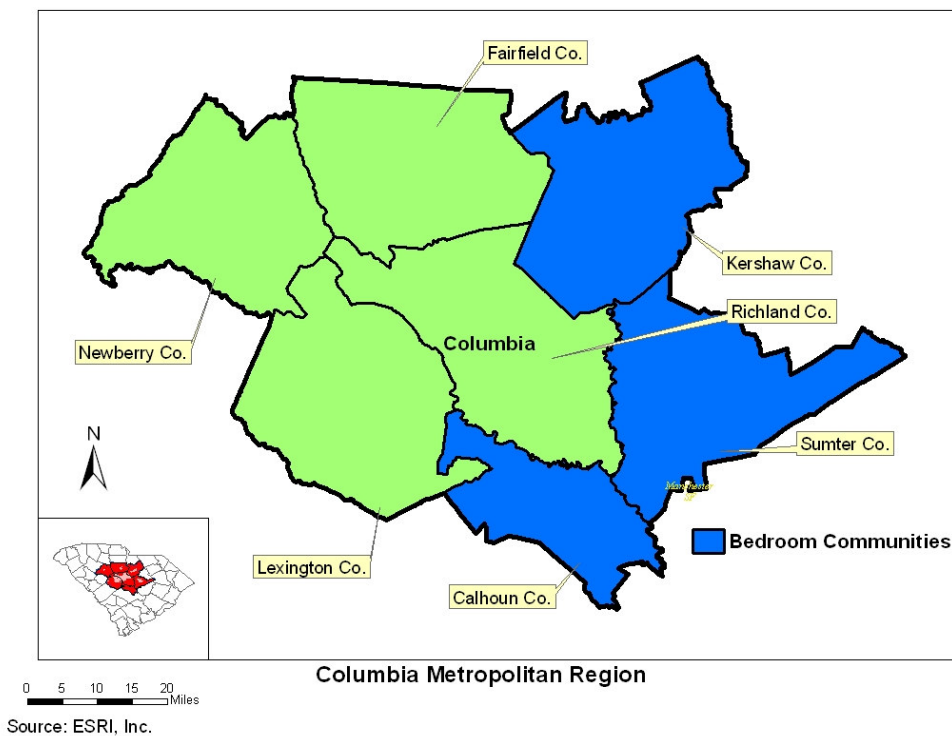


Figure 1: Columbia Metropolitan Region

¹⁴ South Carolina Employment Security Commission (2000). Almost 27% of all eligible workers over the age of 16 in Kershaw County commuted to Richland County for jobs, as did almost 20% of Calhoun County workers and 5.2% of Sumter County workers. Ibid. (based on data from the U.S. Census (2000)).

¹⁵ Central Midlands Council of Governments. Since 1969, the Central Midlands Council of Governments (CMCOG) has been assisting local governments in the development of local and regional plans within the four midlands counties (Fairfield, Lexington, Newberry, Richland) of South Carolina, as well as providing local governments with planning and technical support to “improve the quality of life within the region.” Ibid.

Suburban Sprawl and Urban Redevelopment

Like the rest of the South,¹⁶ the Columbia metropolitan region has witnessed dramatic population growth over the last decade. Population grew 55% between 1990 and 2000, with sizeable increases of both its Black and White communities.¹⁷ Across the region, Black Population is growing at a much faster rate than White population (20.5% versus 14.4%).¹⁸ Though still small in number, Columbia's immigrant communities (primarily Latino) are growing exponentially, from 149% in Sumter County to over 2000% in Fairfield County between 1990 and 2000.¹⁹ (Figure 2)

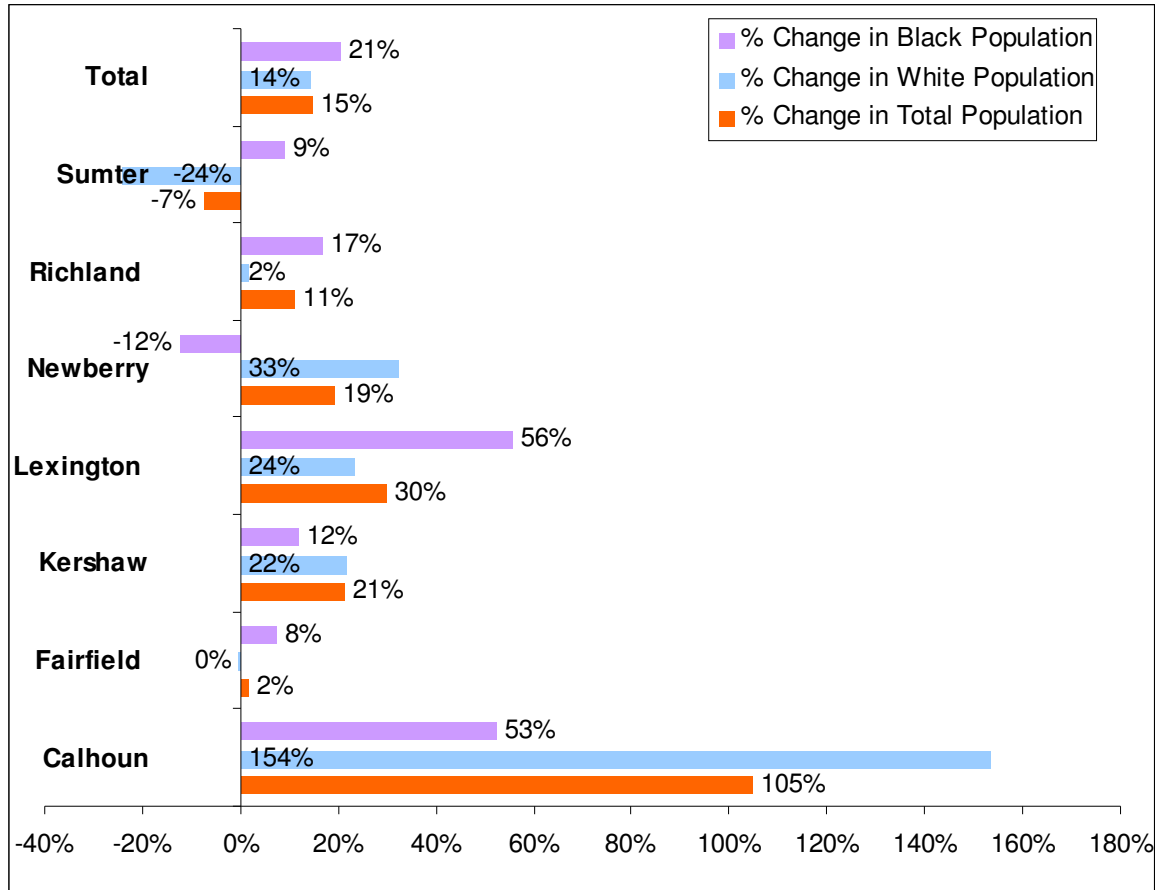


Figure 2: Population Change between 1990 and 2000 in the Columbia Metropolitan Region (U.S. Census)

¹⁶ From 2000 to 2005, the population in southern states grew by more than 4%, slightly behind western states' growth rate of over 5%. U.S. Census (2000) and American Community Survey (2005). Over the last twenty five years, the South has seen faster population growth than the nation as a whole (40% compared to 30%). MDC, Inc., *The State of the South* (2007), 13. Economically, the region has seen tremendous job growth since the 1980's and is the headquarters of global corporations, commercial banks of national importance, entertainment and media industry giants, and pharmaceutical research and production, among other big industries. Ibid., 9.

¹⁷ U.S. Census.

¹⁸ U.S. Census.

¹⁹ U.S. Census.

The region is growing, but this growth is unhealthy. Infrastructure investments and economic development subsidies have favored the region’s wealthy suburbs, neglecting development in poor rural areas. Although the City of Columbia is populous and growing, suburban development continues to dominate both residential and job growth. Between 1970 and 2003, Columbia’s suburban population grew 100%, while the city grew 3%.²⁰

Development trends have continued to drive residential and job sprawl, further isolating poor Black and other low-income communities from regional opportunities. In the past 15 years, over 40,000 new housing units have been built across the metropolitan region. Suburbs in Northeast Richland and Blythewood are the fastest growing areas in populous Richland County.²¹ Nearly 90% of major employers in the region,²² which together provide 187,540 jobs, are located within 100 meters of existing water and sewer lines located in wealthy, predominately White suburban areas, such as eastern Lexington County and northern Richland County.²³

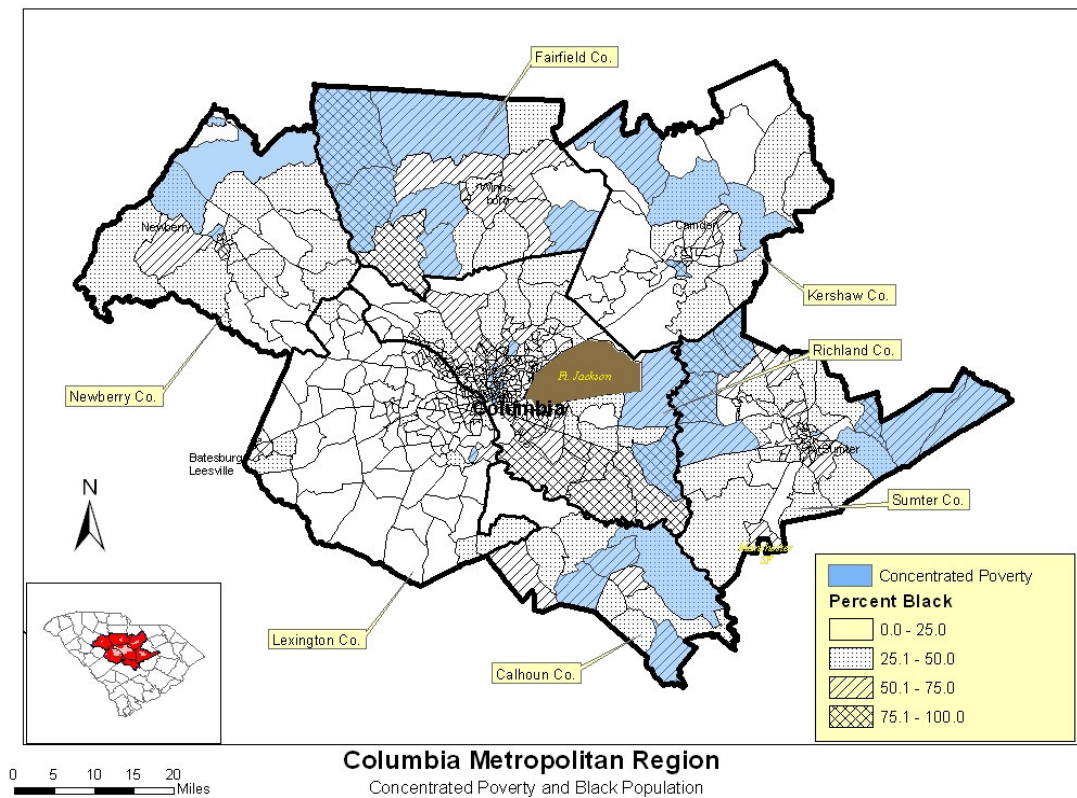


Figure 3: Concentrated Poverty and Black Population (2000)

²⁰ These growth figures are based on data for the MSA. Department of Housing and Urban Development, State of the Cities Database System.

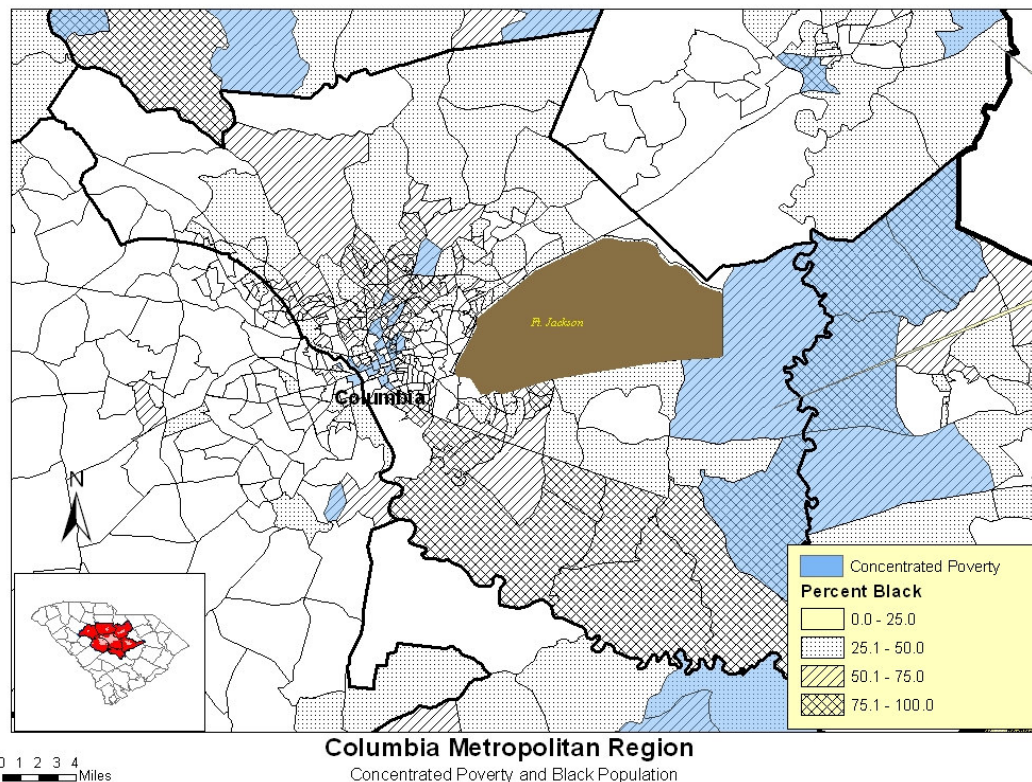
²¹ “Hot Communities for Homes and Businesses,” *The State*, October 10, 2007, sec. X.

²² Major employers are defined as those with twenty or more employees.

²³ This analysis was done in the Geographic Information Systems (GIS) program ArcView. A layer was created to represent the water and sewer lines in the region. The union between a 100 yard buffer around the water/sewer layer and a layer representing all the large businesses was calculated, resulting in a dataset of all large businesses within 100 yards of these services. This dataset was then compared to the entire large businesses dataset.

Concentrated Poverty

The region's failure to build infrastructure in poor Black communities keeps them trapped in extreme poverty. (Figure 3 and Figure 4) Over a fifth (23.8%) of Black residents compared to 5.5% of White residents live in concentrated poverty neighborhoods – neighborhoods where at least 20% (rural) or 40% (urban) of the population lives at or below the federal poverty line.²⁴ Concentrated poverty neighborhoods have large numbers of poor people because they lack good jobs, good schools, and essential services.²⁵ Poor Black residents, who are more likely to live in concentrated poverty neighborhoods than are poor White residents, have far less possibility of living in a good neighborhood with good jobs and good schools.



Source: U.S. Census, ESRI, Inc.

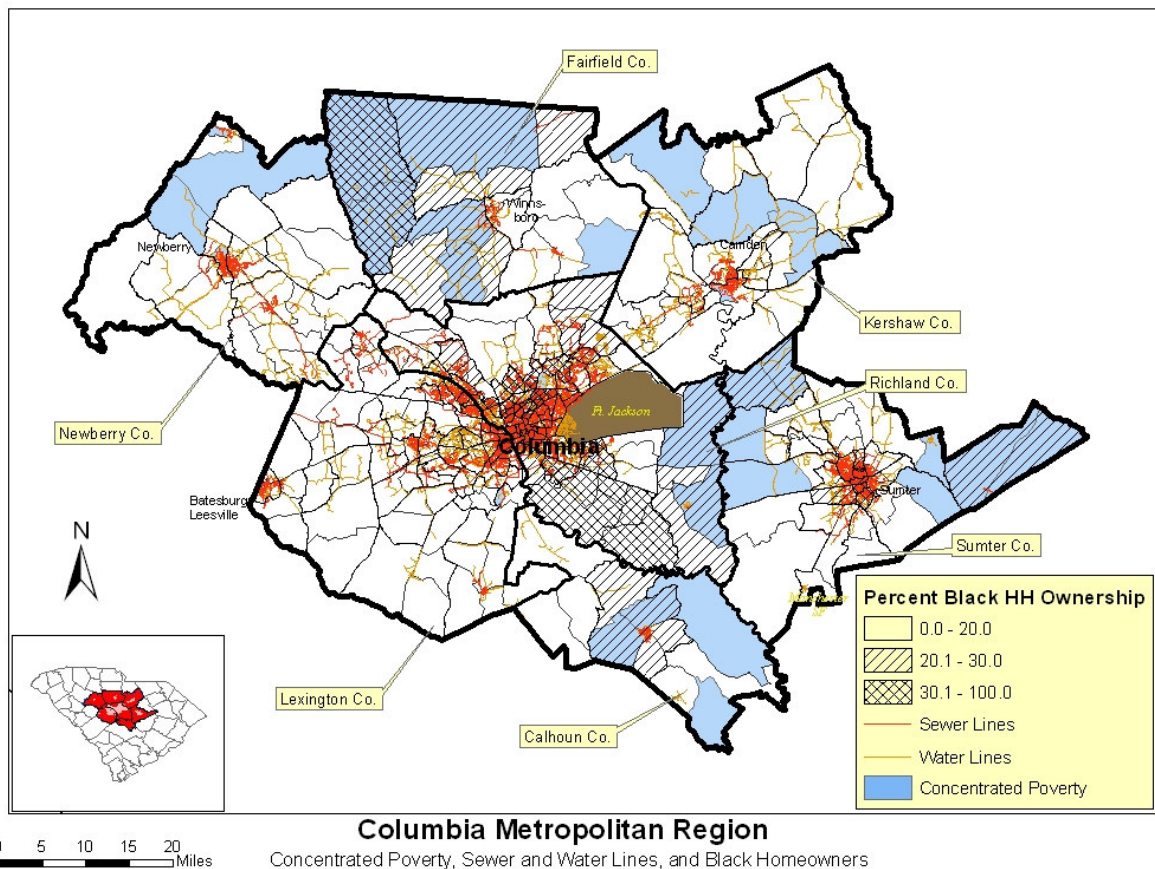
Figure 4: Concentrated Poverty and Black Population – City of Columbia Close-up (2000)

²⁴ U.S. Census (2000).

²⁵ Neighborhoods of concentrated poverty invariably lack good employment opportunities and tend to be saddled with inadequate schools, overcrowded medical facilities, high crime rates, and dilapidated housing. Martha Paskoff and Libby Perl, *Poor Excuses: How Neglecting Poverty Costs All Americans* (The Century Foundation, 2004); Paul Jargowsky, "Ghetto Poverty among Blacks in the 1980s," *Journal of Policy Analysis and Management* 13 (1997): 288 (noting connection between concentrated poverty and low-performing schools); Robert J. Sampson, Stephen W. Raudenbush, and Felton Earls, *Neighborhoods and Violent Crime: A Multi-Level Study of Collective Efficacy*, *Science* 277 (1997), 918-24 (linking high levels of racial isolation with higher violent crime rates); Cong. Office Of Tech. Assessment, "The Technological Reshaping of Metropolitan America," (1995), 222, <http://www.smartgrowth.org/pdf/TTROMA.pdf> (noting the difficulty residents of inner cities have accessing information about job openings and support for the application process).

Black residents, especially in rural areas, need public transit to get to jobs in distant suburbs but live outside of the regional transit grid. Almost a fifth (17%) of Black households, compared to only 4% of White households, have no access to a car.²⁶ The Central Midlands Regional Transit Authority (CMRTA) provides regional bus service to the larger suburbs in the greater Columbia area but not to rural areas, like Lower Richland.²⁷ In every county, unemployment rates for Black residents are more than double the unemployment rates for White residents. The Black unemployment rate (10.3%) for the region is almost three times as high as the White unemployment rate (3.7%).²⁸

Many of Columbia’s Black neighborhoods lack essential infrastructure, such as water and sewer lines and hospitals. (Figure 5) Most of the region’s hospitals are not located in or near poor Black neighborhoods. (Figure 6) Lower Richland, for example, does not have a single hospital, even though it constitutes 11.2% of the Richland County demand for emergency services.²⁹



Source: U.S. Census, CMR Council of Governments, ESRI, Inc.

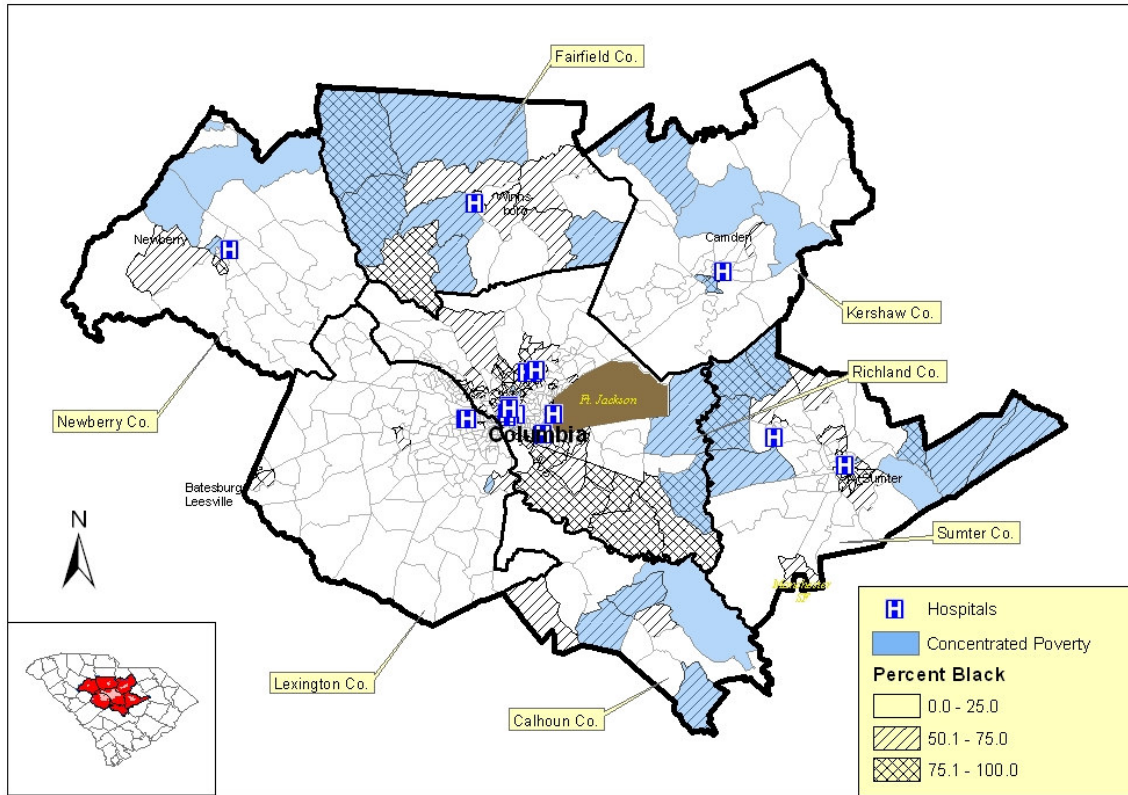
Figure 5: Concentrated Black Poverty and Access to Sewer and Water

²⁶ U.S. Census (2000).

²⁷ Served suburbs include Cayce, West Columbia, Forest Acres, Arcadia Lakes, Springdale, and St. Andrews. Central Midlands Regional Transit Authority, “Routes & Schedules,” <http://gocmrta.com/routes.asp>

²⁸ U.S. Census (2000).

²⁹ *Imagine Richland 2020 Comprehensive Plan*, (Benchmark Incorporated, 1999) (adopted by the Richland County Council on May 3, 1999) 3G-12, Table 37.



Columbia Metropolitan Region
 Concentrated Poverty, Hospitals, and Black Population
 Source: U.S. Census, ESRI, Inc.

Figure 6: Concentrated Poverty, Black Population and Access to Hospitals

Housing Opportunities

Housing is more than a place to live. It is the link to quality education, good jobs, and wealth creation. Regionally, homeownership is high (68%), but varies greatly by race.³⁰ (Figure 7) While 72% of White residents own homes, only 26% of Blacks are homeowners.³¹

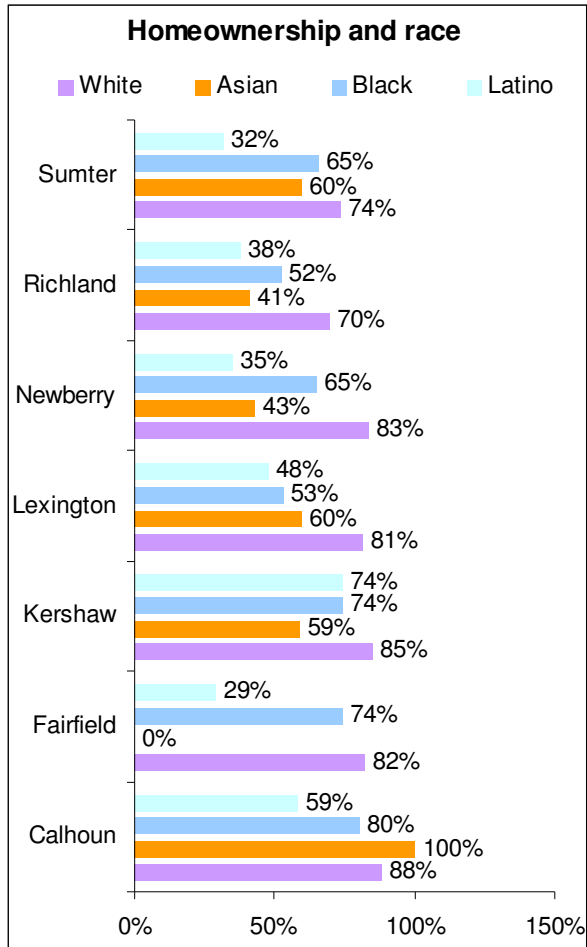


Figure 7: Homeownership by Race (2000)

³⁰ U.S. Census (2000).

³¹ U.S. Census (2000).

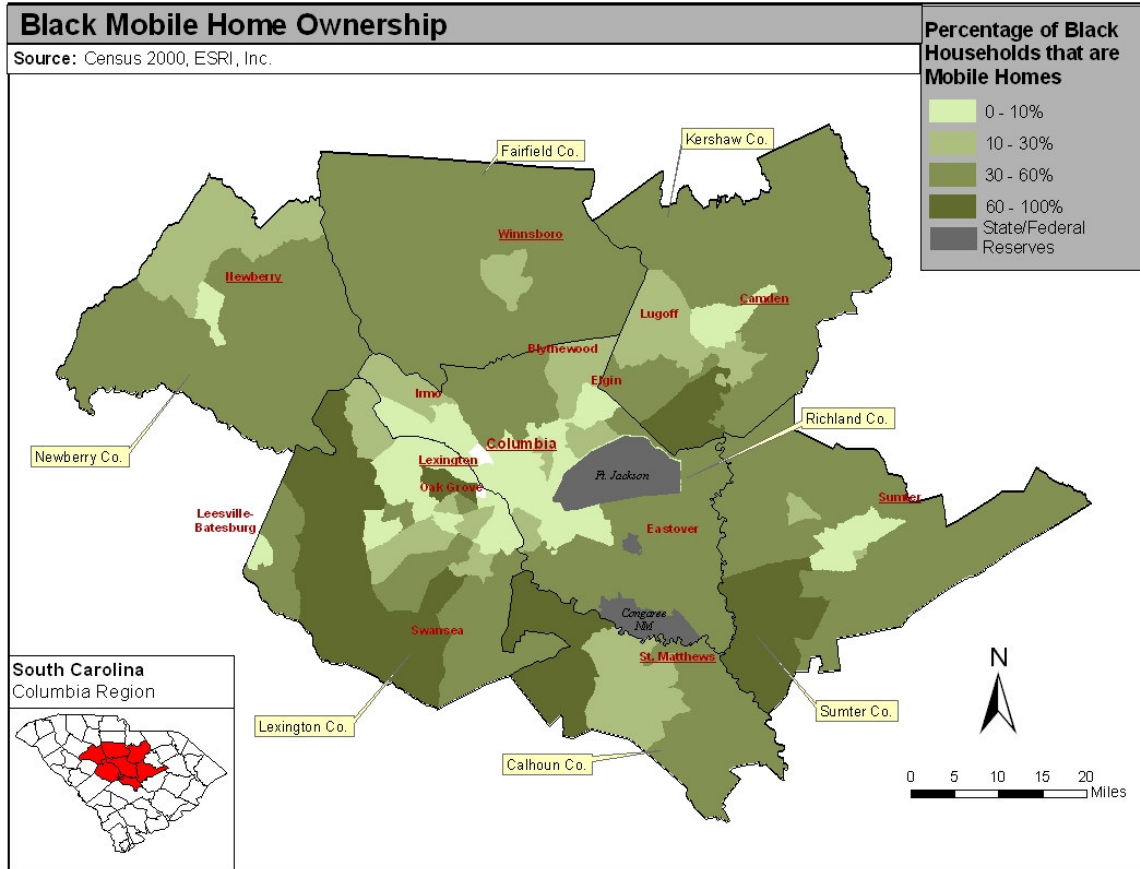


Figure 8: Black Mobile Homeownership (2000)

For Black residents who do own, many are mobile home owners, possibly due to lack of access to financing for traditional housing.³² Mobile homes do not appreciate in value. In rural communities, where most Black homeowners live, 53% of Black homeowners own mobile homes.³³ (Figure 8) In Lower Richland, where 72.4% of Blacks are homeowners,³⁴ 30% to 40% own mobile homes.³⁵ (Figure 9)

³² Nationally, communities of color have the highest denial rates for home purchase loans. In 2005, the denial rate was 27.5% for African Americans. Robert Avery et al., "Higher-Priced Home Lending and the 2005 HMDA Data," *Federal Reserve Bulletin* (Sept. 2006).

³³ U.S. Census (2000).

³⁴ U.S. Census (2000).

³⁵ This is correlated to financing denials for the area, which were in excess of 40% in 2000. Federal Financial Institutions Examination Council (2000).

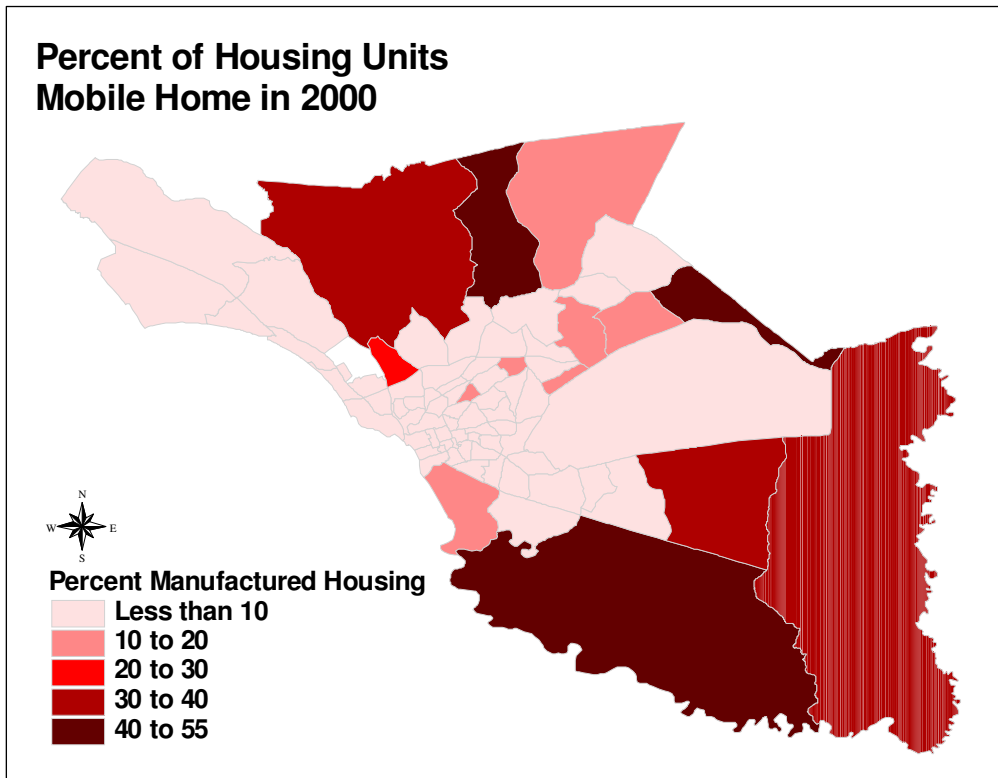


Figure 9: Percent of Mobile Home Units – Richland County (2000)

Despite high Black homeownership rates in some parts of the region, Black communities have lower home values. The median value of Black-owned homes is \$80,500 compared to \$113,700 for White-owned homes.³⁶ Without essential infrastructure (Figure 5) and other investments, rural Black neighborhoods have had little if any potential for development that would increase area incomes and home values and build area tax bases, crucial resources for schools and essential services.³⁷

For example, predominately rural and Black Lower Richland,³⁸ which covers three tax districts (1LR, 1HF and 1TE), has little to no access to city water and sewer lines, and has the lowest incomes and some of the highest poverty rates in Richland County - 17% for the 1LR district (Lower Richland’s largest tax district in land area) and 20% for Eastover. Eastover (1TE tax district) has a sewer system,³⁹ but it is a small

³⁶ This is based on data for the MSA. U.S. Census (2006).

³⁷ Census data for the year 2000 show that sewer access is highly correlated with Black poverty rates. Analysis at the block group level showed that areas in the region with less than 10% sewer coverage had an average Black poverty rate of 17.6%. Areas with greater than 75% sewer coverage had an average Black poverty rate of 6.2%. U.S. Census.

³⁸ For planning purposes, Richland County is divided into six planning areas, which represent distinguishable geographic areas within the County. These planning areas have unique characteristics. Therefore, they identify differences around the County in growth patterns, opportunity structures and infrastructure needs. Not surprisingly, they show not only patterns of growth in places of wealth, but also patterns of under-development and racial isolation in poor areas. *Richland County Town and Country Plan (1997)*.

³⁹ University of South Carolina, GIS Data Server and Clearinghouse (accessed 2004).

system, which the Town of Eastover pays for, not the City.⁴⁰ It remains poor, in spite of having some infrastructure, because of a weak tax base and low incomes due to lack of economic development. It is not served by public transit that could connect residents to good jobs located in distant suburbs and has a weak commercial tax base. Per capita incomes in 2000 were less than \$15,000 in all three Lower Richland districts, and Eastover had the lowest in the County.⁴¹ Northeast Richland County, however, has extensive city water and sewer service and has the highest housing values in the County.⁴² In 2000, the 1LR tax district, the largest in land area of the three Lower Richland tax districts, had only 20% of the Northeast's tax base (2DP tax district).⁴³ (Figure 10)

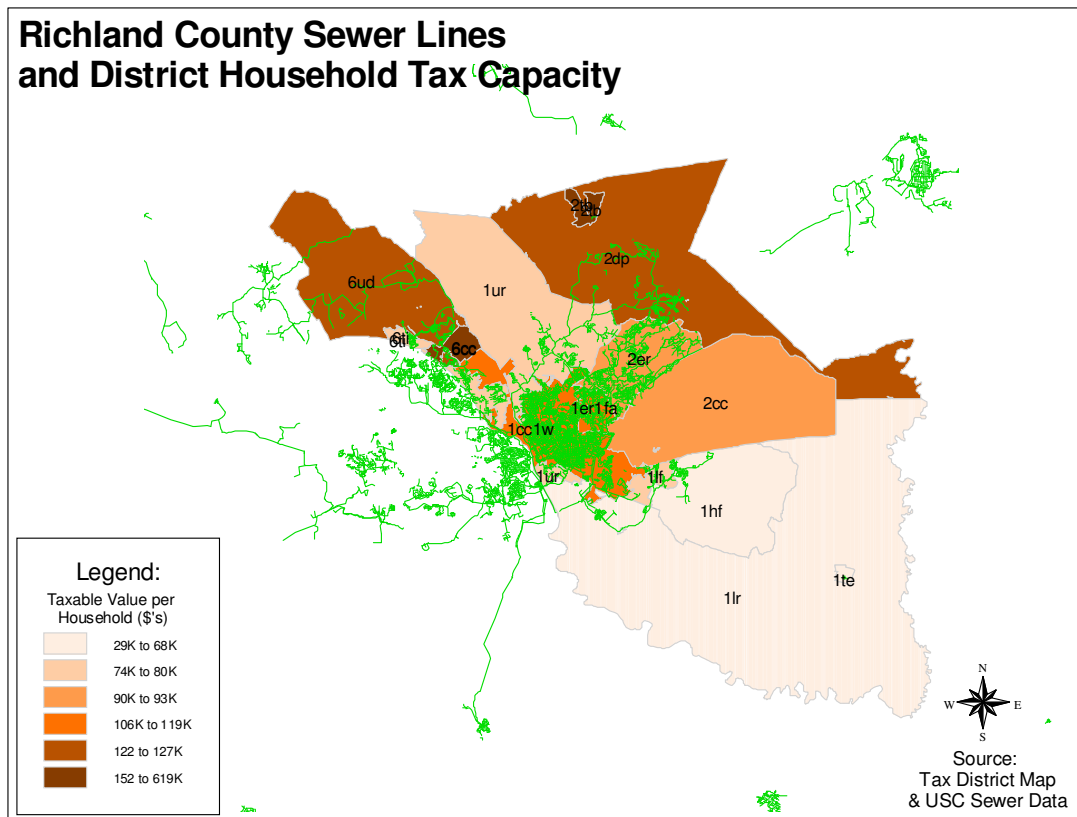


Figure 10: Richland County Tax Capacity Overlaid with Sewer Access

⁴⁰ Richland County Department of Public Works, Utilities and Services Division, “Public Water Systems within Richland County” (2007) (map depicts the City of Columbia’s water service area, which does not include the town of Eastover).

⁴¹ The GIS technique used to analyze the income data for the tax districts produces an estimate for aggregate income values. This estimate usually contains the highest margin of error for small geographic areas. Therefore, the smallest geographic tax districts in the County may have income estimates that are slightly less precise than the estimates for the larger tax districts.

⁴² In 2000, three-quarters (75.3%) of homeowners in Northeast Richland, had homes valued between 90,000 and 200,000 or more. U.S. Census (2000).

⁴³ University of South Carolina, GIS Data Server and Clearinghouse (accessed 2004); Harry A. Huntley, CPA, Richland County Auditor, “Richland County 2002 Millage Schedule” (2002).

Most Black residents are renters, paying more than they can afford for rent, and the poorest among them live in neighborhoods that lack good jobs, good schools, and quality amenities. Over a third (37.6%) of Black residents are rent-stressed, paying more than 30% of their income to rent.⁴⁴ The concentration of public housing in very poor neighborhoods also severely limits the ability of poor Blacks to access affordable housing in opportunity-rich neighborhoods. More than four fifths (85%) of federal Low Income Housing Tax Credit (LIHTC) housing units and over half (63%) of Section 8 housing units are located in neighborhoods with 20% or more of residents living in poverty.⁴⁵ The data do not indicate who is living in these housing units. The overlap, however, between the location of these units and areas with substantial Black populations, suggests that federal public housing residents in the Columbia region are likely to be Black. (Figure 11)

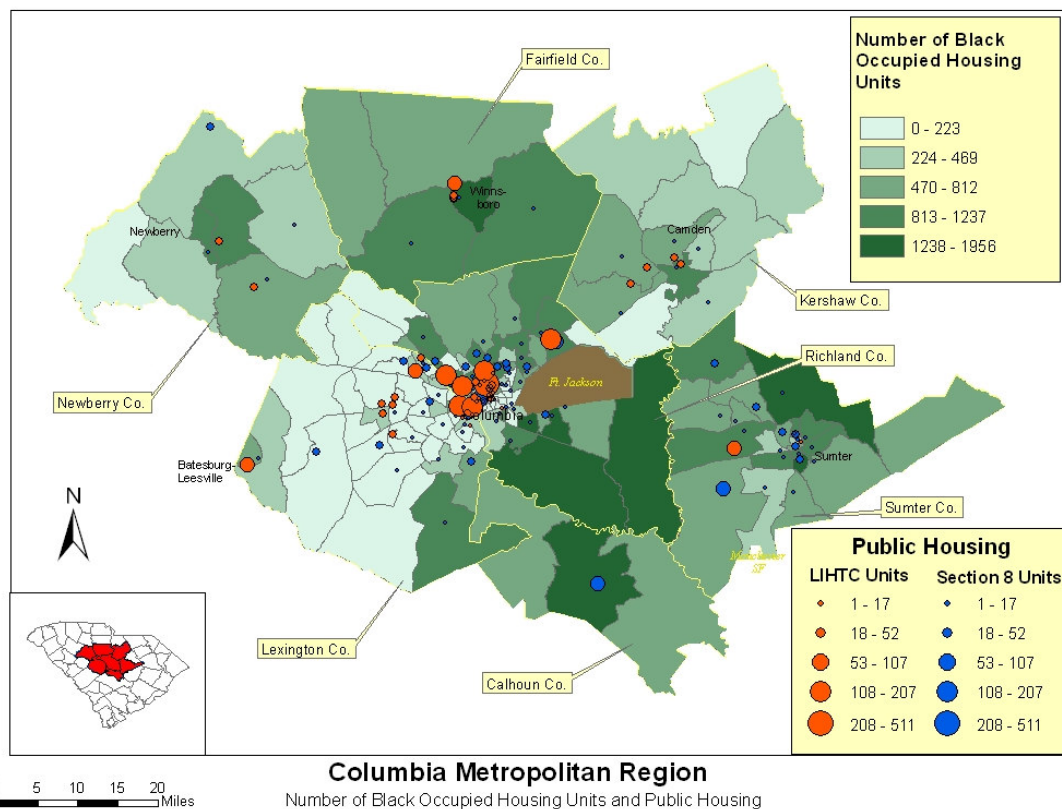


Figure 11: Black Residents and Federal Public Housing (2000)

⁴⁴ U.S. Census (2000).

⁴⁵ U.S. Department of Housing and Urban Development (2000 and 2004). Lack of access to other data makes it difficult to pinpoint the deficit and location of affordable housing in the private market.

Economic Growth and Sustainability

The region has experienced impressive economic growth. Between 1990 and 2000, average household income increased 12%.⁴⁶ The number of jobs in the region also grew substantially. Its Central Midlands Region⁴⁷ ranked second in the state for job creation in 2005.⁴⁸ Between 1990 and 2006, Columbia's labor force increased by 31.4%.⁴⁹

Regional job and labor force growth, however, are somewhat misleading given the region's high unemployment. Nearly six percent (5.6%) of the region is unemployed, almost tied with the state's unemployment rate of 6.6%, ranking the fourth-worst in the country.⁵⁰ Also, living wage jobs are shrinking. This means that poor Black and other low-income communities are likely to be funneled into the region's limited number of low-wage service sector jobs. Columbia's current economic base reflects national trends with a sharp decline in manufacturing jobs, dominance of retail and low-wage service sector jobs and some growth in its knowledge job sector (e.g., technology, research).⁵¹ Currently, almost half (48%) of the jobs in the region appear to be in moderate to high-skill professions.⁵² (Figure 12)

⁴⁶ U.S. Census.

⁴⁷ The Central Midlands Region includes the counties of Fairfield, Lexington, Newberry, and Richland. Central Midlands Council of Governments, <http://www.centralmidlands.org/>

⁴⁸ South Carolina Department of Commerce, *Capital Investment Report* (2005), <http://www.sccommerce.com/EventInit/2005CapitalInvestmentReport.pdf>

⁴⁹ This figure is based on data for the MSA. U.S. Bureau of Labor Statistics. Labor force growth may be mostly attributable to increased migration into the region. Available data does not provide us with the growth in jobs for the whole region as defined in this report. The MSA experienced a 16% growth in jobs between 1990 and 2006. Bureau of Labor Statistics.

⁵⁰ U.S. Census.

⁵¹ Bruce Katz, *Remaking Transportation and Housing Policy for the New Century*, Congressional Testimony, U.S. House of Representatives, Appropriations Subcommittee on Transportation, Housing, and Urban Development, and Related Agencies, Feb. 28, 2007.

⁵² American Community Survey (2005).

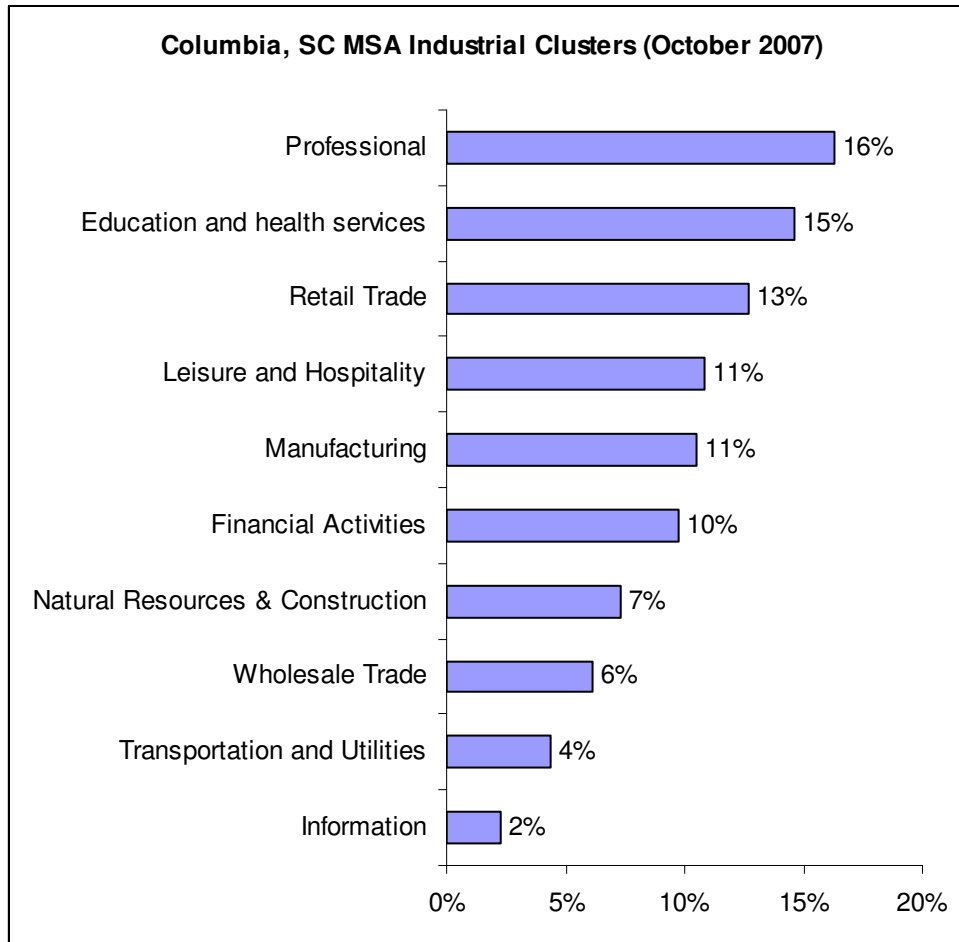


Figure 12: Percentage of jobs by industry (U.S. Bureau of Labor Statistics 2007)

Blue collar jobs (manufacturing) are now a mere 11% of regional jobs.⁵³ The disappearance of these jobs is largely due to cuts in textile jobs. Between 2001 and 2004 alone, the state lost 56,800 manufacturing jobs.⁵⁴

Recent trends suggest continued growth primarily in high-wage, skilled labor jobs or low-wage service jobs. Between 1997 and 2007, the following sectors had the highest growth in the region: education and health services (50%), financial activities (34%), professional and business services (31%), and leisure and hospitality (22%).⁵⁵ The completion of the University of South Carolina's Innovista Campus, where research will focus on emerging technologies and intellectual clusters (biomedical, environmental, nanotechnology, and future fuels), is also projected to substantially enlarge the region's share of knowledge-based jobs.⁵⁶

⁵³ South Carolina Department of Commerce.

⁵⁴ U.S.-China Economic and Security Review Commission, "Effects of Chinese Imports on South Carolina Textile Manufacturing," Written Testimonies by Norman Chapman, President, Inman Mills, Jan. 30, 2004, Columbia, South Carolina Field Hearing.

⁵⁵ These figures are based on data for the MSA. Bureau of Labor Statistics.

⁵⁶ Innovista University of South Carolina, "Research," <http://www.sc.edu/research/innovista>

While growth in higher-skill jobs is good in general, in order to lift the region out of poverty, it is critical to create jobs with career ladders for low-skill workers so that they have opportunities for economic and social mobility in the long-term. Service sector jobs do not pay a living wage and often do not provide health benefits.⁵⁷ Cost of living analysis for Richland County indicates, for example, that to sustain a family of four where one adult is the breadwinner would require a gross annual income of \$39,382.⁵⁸ The median wage for service jobs in the Columbia region, however, is \$11,836 (arts, entertainment, and recreation, and accommodations and food services sector). This is not even half the median income for manufacturing jobs (\$33,533).⁵⁹

Columbia also is not prepared to participate and compete in the new, knowledge-based global economy. Its public school system is under-funded and struggling.⁶⁰ Sixty-three percent of public schools in the region did not meet federal performance standards for the 2006-2007 school year.⁶¹ On average, 40% of all district school revenue for South Carolina schools is from local sources and only 9% is from federal government funds.⁶² The majority of South Carolina's poor and minority students live in rural areas and attend under-funded schools.⁶³ In 2000, 28% of Black residents in the region and 14% of Whites did not have a high school diploma.⁶⁴ For those who are able to go on to college, it is often not affordable. Tuition and fees at technical and community colleges in South Carolina grew at the highest rate in the nation between the 2001-2002 and 2002-2003 school years.⁶⁵

Public Health

Many of the region's Black residents live in appallingly polluted neighborhoods and face serious health risks. Given high poverty rates in the region's Black communities, this is not surprising. Research has found that cities with more racial equity (i.e., economic equity and political inclusion) have stronger environmental

⁵⁷ Elise Gould, "The Erosion of Employment-Based Insurance," Briefing Paper #203, Economic Policy Institute, November 1, 2007, <http://www.epi.org/content.cfm/bp203>

⁵⁸ Poverty in America, Living Wage Calculator, Richland County, SC (July 25, 2007), <http://www.livingwage.geog.psu.edu/>

⁵⁹ These are data for the MSA. U.S. Census American Community Survey (2006).

⁶⁰ In *Abbeville County School District v. State*, 515 S.E.2d 535 (S.C. 1999), a suit by 91 school districts against the state alleging that the state education finance system violated the state and federal constitutions and a state funding statute, plaintiff witnesses testified to shoddy school facilities, lack of equipment, overcrowding, and high rates of teacher turnover due to funding inequities in South Carolina schools. Access, "South Carolina Litigation," http://www.schoolfunding.info/states/sc/lit_sc.php3

⁶¹ The percentage was calculated based on data provided on the South Carolina Department of Education Website. South Carolina Department of Education.

⁶² Sheree Speakman and Bryan Hassel, *Charter School Funding: Inequity's Next Frontier* (August 2005), 117.

⁶³ *Ibid.*

⁶⁴ U.S. Census (2000) (percentage of residents by race age 25 and over who did not have a college diploma).

⁶⁵ William Trombley, "The Rising Price of Higher Education," *College Affordability in Jeopardy*, Winter 2003, Public Policy and Higher Education, http://www.highereducation.org/reports/affordability_supplement/affordability_1.shtml

policies.⁶⁶ Also, nationally the trend has been for waste facilities and other environmental hazards to locate in poor neighborhoods of color; and research has found that these sitings tend to come after these neighborhoods have formed, not the other way around.⁶⁷ Black neighborhoods are host to a high concentration of the region's waste, pollution, and toxic hazards. In Richland County, waste facilities, landfills, and toxins are concentrated in areas with majority Black populations – in both the central city and rural Lower Richland.⁶⁸ (Figure 13) Lower Richland is home to a Superfund site (federally designated contaminated waste site)⁶⁹ and many toxic chemical releases by the International Paper Company.⁷⁰

In rural areas, Black neighborhoods also have contaminated water. Hopkins, an unincorporated, rural and primarily Black community six miles from the City of Columbia boundary, has many lead-contaminated wells.⁷¹ Studies have linked lead exposure to higher incidences of cancer and asthma and other respiratory illnesses.⁷² In Hopkins' middle-income neighborhood of Franklin Park, residents recently discovered that poisonous lead had been seeping into their water supplies for two decades.⁷³ As of 2006, about half the households that had been tested for lead showed elevated levels of the toxic metal in their blood.⁷⁴ Even low blood lead levels have been linked to learning disabilities in children and kidney problems and hypertension in adults.⁷⁵

“James K. Boyce, “Inequality and Environmental Protection,” *Political Economy Research Institute Working Paper Series*, No. 52 (1993). Racial equity in this study was measured across four variables: voter participation, educational attainment, Medicaid access, and tax fairness. Higher voter participation and educational attainment suggest greater ability to influence policy based on a link between information and social and political inclusion. Access to the Medicaid program and a composite measure of tax fairness are taken to reflect disparities on the expenditure and revenue side of state fiscal policies, respectively. Ibid.

⁶⁷Manuel Pastor, Jim Sadd, and John Hipp, “Which Came First? Toxic Facilities, Minority Move-in, and Environmental Justice,” *Journal of Urban Affairs*, 23 (2001), 1-21.

⁶⁸ Data on pollution and toxic sites were taken from the Biennial Reporting System (BRS), a national system that collects detailed data on hazardous waste; the CERCLA (Comprehensive, Environmental Response, Compensation and Liability Act of 1980) program, which requires identification of hazardous sites for cleanup; the South Carolina Department of Health and Environmental Control (SCDHEC) data on hazardous waste generators, nuclear power stations, radiological waste generators; U.S. Environmental Protection Agency (EPA) on Superfund (hazardous waste sites designated by the federal government for cleanup due to risk to human health and/or the environment) and information on toxic chemical releases via the EPA's Toxic Releases Inventory, a database that contains information on toxic chemical releases and other waste management activities, and information on treatment, storage and disposal facilities.

⁶⁹ Environmental Protection Agency, “South Carolina NPL/NPL Caliber Cleanup Site Summaries: SCRDI Bluff Road.”

⁷⁰ Ibid.

⁷¹ City of Columbia, City Council Work Session Minutes, January 15, 2003, <http://www.columbiasc.net/citygov/011503w.htm>

⁷² Nachman Brautbar, M.D., *Lead Toxicity: Low-Level Environmental Exposure*, <http://www.environmentaldiseases.com/article-lead-toxicity.html>

⁷³ Sammy Fretwell, “State health agency faces criticism for not ensuring water was safe to drink,” *The State*, October 11, 2005.

⁷⁴ Sammy Fretwell, “Tests show drop in lead water,” *The State*, January 22, 2006. Some residents had lead in their blood at more than twice the national average. Ibid.

⁷⁵ Over time, exposure to lead-tinged water can contribute to learning disabilities in children and kidney problems and other ailments in adults. Richard L. Canfield et al., “Intellectual Impairment in Children with Blood Lead Concentrations below 10 µg per Deciliter,” *New England Journal of Medicine* 348 (16) (2003), 1517-26.

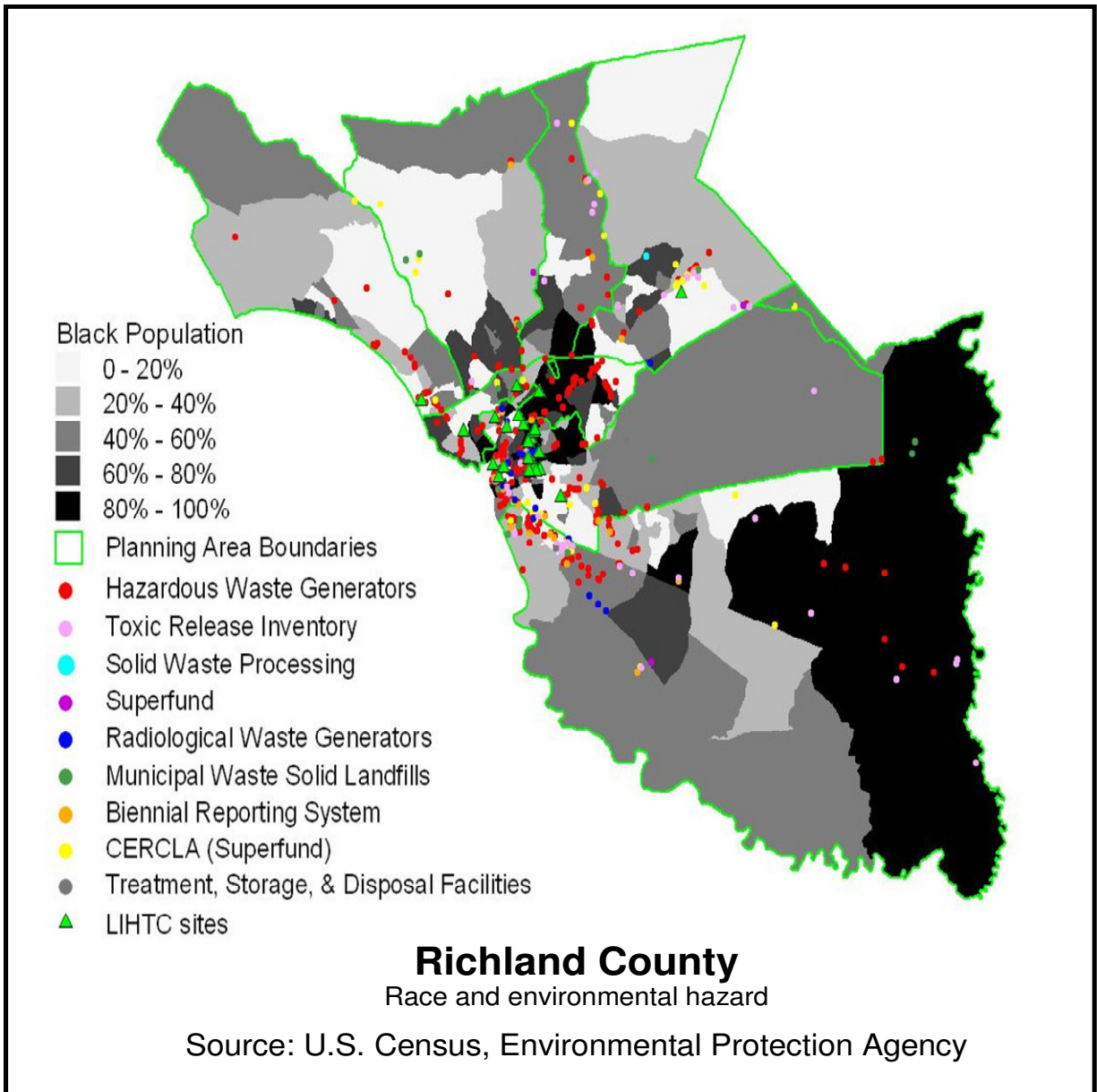


Figure 13: Environmental Hazards and Black Population in Richland County (2000)

Racial Isolation and Regional Prosperity

Overall, the region is becoming more racially diverse, but within some communities, racial diversity is decreasing.⁷⁶ In particular, Calhoun and Newberry counties appear to be growing with less racial diversity, while the rest of the region has stayed basically the same in terms of racial composition. Between 1990 and 2000, White population increased in both Calhoun and Newberry counties. White communities in Lexington, Fairfield, Newberry and Calhoun counties have remained largely White, while Black communities in Richland, Sumter and Kershaw have remained largely Black.⁷⁷ (Figure 14)

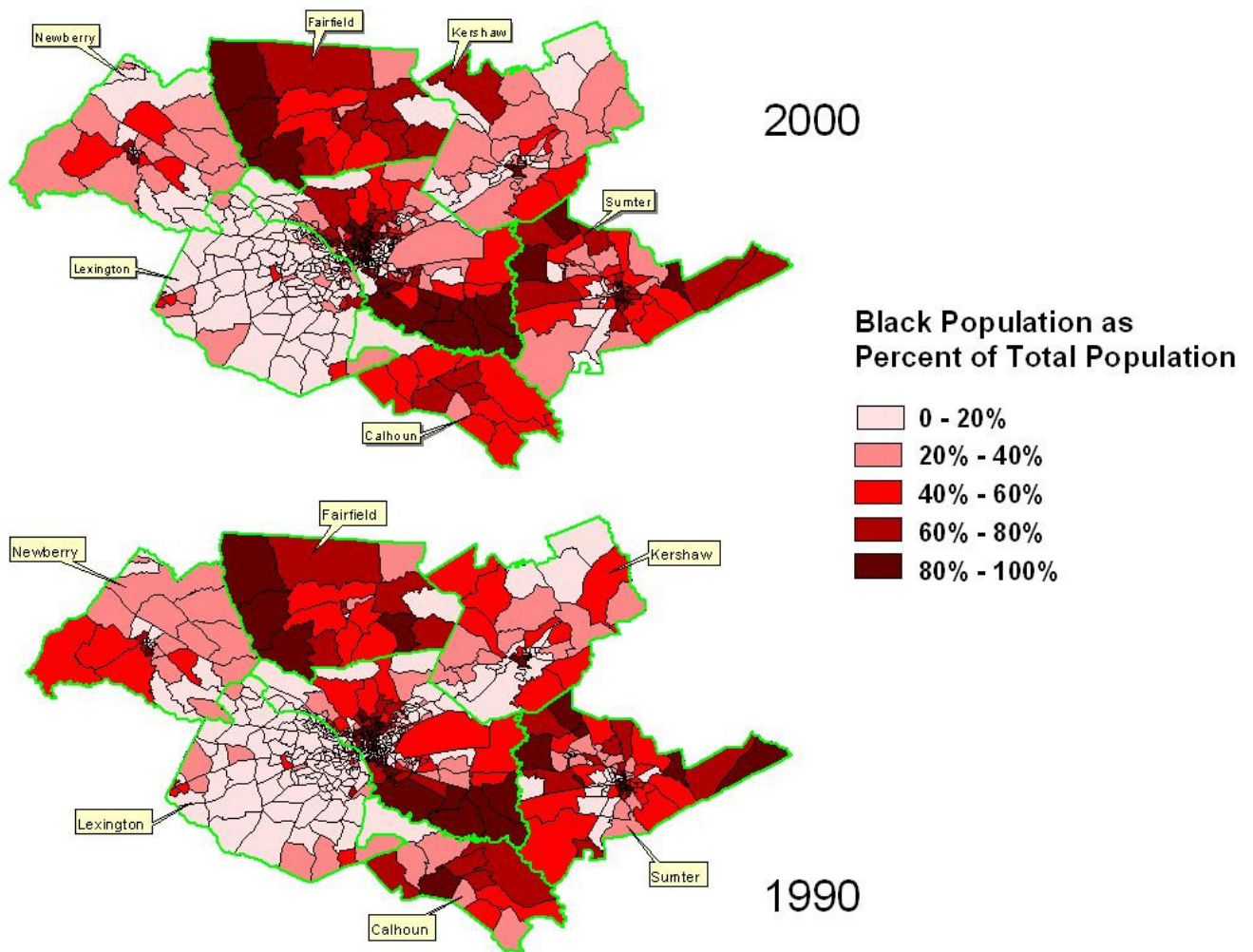


Figure 14: Black Population as Percent of Total Population: 1990 and 2000 (U.S. Census)

⁷⁶ In this case, we identified racially isolated areas as any block group or group of block groups where 40% or more of the population is of one race.

⁷⁷ U.S. Census (1990 and 2000).

The decreasing diversity within the region’s communities is a mark of increasing racial isolation from opportunities. Development trends have ensured that such isolation continues to be the norm. Good jobs and schools, for example, tend to track White population growth. When areas become predominately White, the trend in the Columbia region and nationally has been the flight of capital and jobs from predominately minority neighborhoods to White neighborhoods.⁷⁸ In each county, the Black poverty rate doubles or triples the White poverty rate. Poor Black residents make up 20% or more of the population in each county in the region. Latino communities, though still small in number, are growing fast and also have high poverty rates across the seven counties (17% or higher). Asian poverty rates are also fairly high in most counties (16% or higher in five of the seven counties in the region).⁷⁹ (Figure 15)

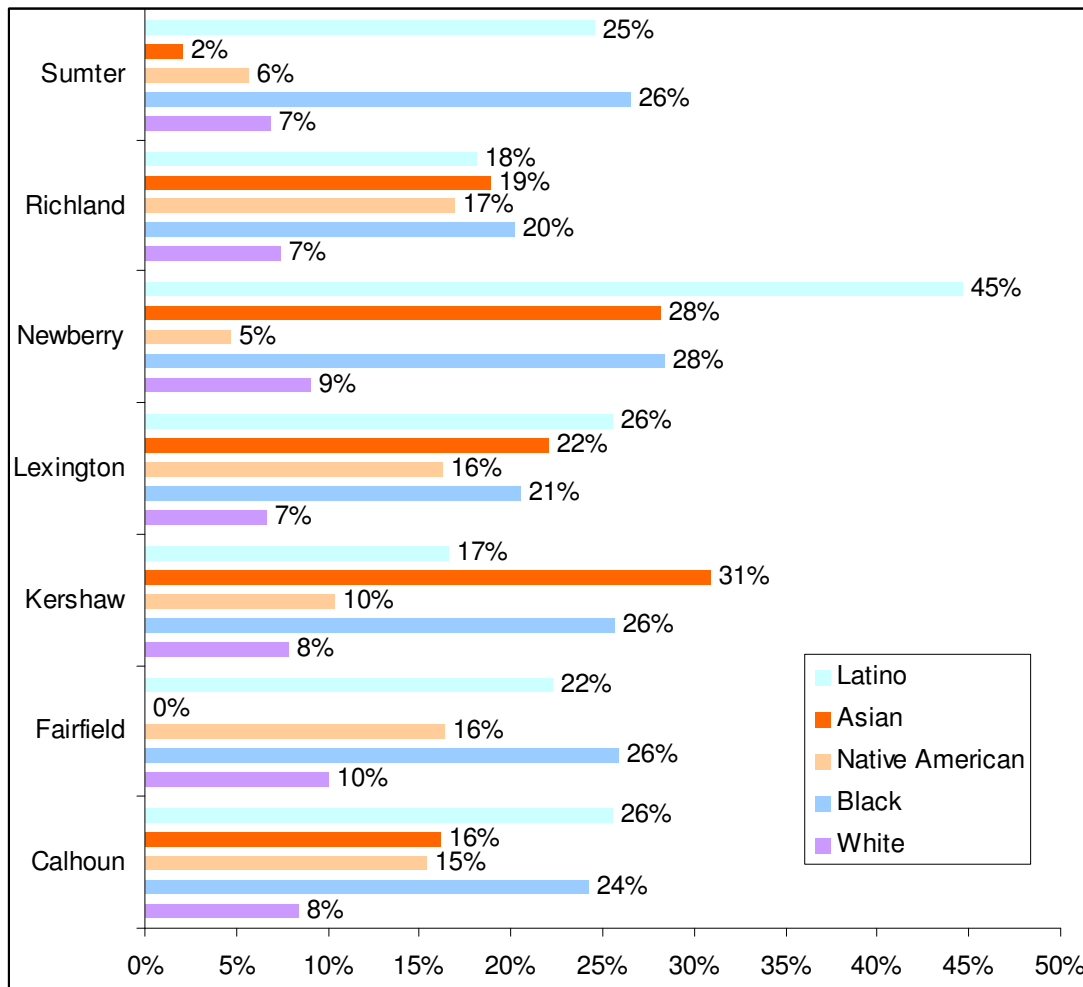


Figure 15: Percent of residents living at or below the poverty line by county and race in 2000 in the Columbia Metropolitan Region (U.S. Census 2000 (SF3))

⁷⁸ john powell, “Addressing Regional Dilemmas for Minority Communities,” *Reflections on Regionalism* (Brookings Institution Press: Washington, D.C., 2000) (on national trends).

⁷⁹ U.S. Census (2000).

Racial isolation is driving unsustainable growth that is not good for any community in the region. For many, the region, including the city, is becoming more expensive to live in, with high-dollar condos and climbing housing prices in new subdivisions.⁸⁰ This form of urban redevelopment is a national trend, making cities increasingly places where only the wealthy can live. Without affordable housing and other provisions, low-income residents may be pushed out of the city of Columbia by the high rents and hefty property taxes that have historically come with this form of revitalization of urban centers in other parts of the country.⁸¹ Good jobs and quality schools will remain out of reach for the region's low- and middle-income residents who cannot afford to live in neighborhoods with these opportunities. Thirteen percent of the region's residents live at or below the federal poverty line and 17% of residents made \$15,000 or less in 2000.⁸²

⁸⁰ "Hot Communities for Homes and Businesses," *The State*, October 10, 2007, sec. X.

⁸¹ Allison Peeler (noting gentrification of north Columbia); Gina Smith, "New political era may be dawning," *The State*, April 2, 2006; John C. Drake, "Workshop allows north Columbia, S.C. residents to get say in planning," *The State*, June 26, 2005.

⁸² U.S. Census (2000).

CURRENT POLICY

Columbia's growth is leaving behind many among its Black, Latino, Asian, and White communities. If this practice continues, the region will also be left behind. In order to build a prosperous region, we have to identify what policies are promoting unhealthy growth so we know what new policy choices we need to make. Historic racism and bad policy choices have created and perpetuated the region's unhealthy growth by driving disinvestment in marginalized communities. From federal housing policy to Jim Crow laws, the region's concentrated Black poverty is rooted in a history of racism that built racially isolated communities and denied Blacks access to good jobs and schools.⁸³

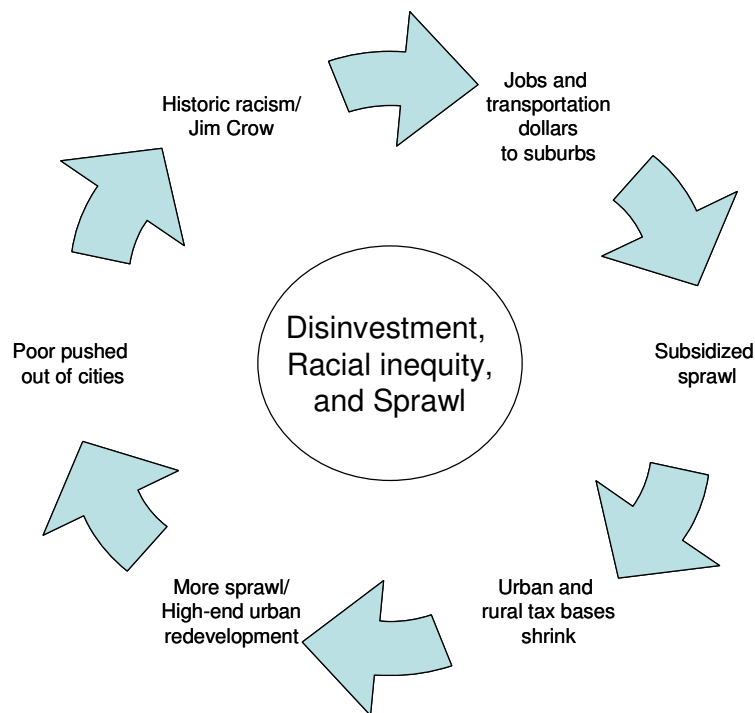


Figure 16: Disinvestment, Racial Inequity, and Sprawl

⁸³ Peter F. Lau, *Democracy Rising: South Carolina and the Fight for Black Equality Since 1865* (Lexington: University of Kentucky Press, 2006). While many Black families in the region have owned land for generations, they have been continuously denied the opportunities to build their land value. Denied sufficiently large tracts of land to sustain farming and discriminated against in access to credit and programs to support family farming, many of these families are low-income with no other assets. John Berlau, "Smart Growth Is More than a Slogan: It's a Threat to Landowners' Rights," *Investors Business Daily*, April 4, 2002, 1.

The nation's suburbs, including Columbia's, were constructed on policy choices, largely federal ones. Government-created incentives targeted Whites and subsidized their flight from the cities and their relocation to the suburbs.⁸⁴

Though Jim Crow has ended, we have failed to make good policy choices that would promote healthy growth by investing in the ability of all communities to access and benefit from opportunities. Current housing, education, economic development and transit policies in the region perpetuate poverty by keeping poor Black and other low-income communities isolated from opportunities. (Figure 16) This section identifies local and state policies that are promoting poverty and sprawl in the Columbia metropolitan region.

Growth Planning Policy

Fragmentation of local government and inadequate financial resources limit Columbia's capacity to conduct effective regional land use planning. The counties decide land use and zoning issues, but the City of Columbia controls water and sewer services. While a regional planning body exists, it serves only in an advisory capacity and cannot force cities and counties to coordinate planning.⁸⁵ Effective regional planning is also undermined by current state and county growth planning policies, such as impact fees and zoning.

1. Impact Fees

Infrastructure for new residential development is costly, and existing residents usually pay for the new services (e.g., new schools, roads, and water and sewer lines) needed to serve new residents through increased sales, income, and property taxes.⁸⁶ In Washington state, a study found that the cost for new infrastructure was \$83,000 per new residence, most of which was passed onto taxpayers.⁸⁷ These tax increases can create a burden, particularly for low- and moderate-income homeowners,⁸⁸ who often end up

⁸⁴ The Brookings Institution, *New Orleans After the Storm: Lessons from the Past, a Plan for the Future*, October 2005, The Brookings Institution, http://www.brook.edu/metro/pubs/20051012_NewOrleans.pdf. The process began with New Deal legislation, like the National Housing Act of 1934, which created the agency that subsidized and insured private mortgages. Federally subsidized mortgage loans often required new owners to refuse to sell to Black people through racially restrictive covenants in deeds. Richard Thompson Ford, "The Boundaries of Race: Political Geography in Legal Analysis," 107 *Harvard Law Review* 449, 451 (1995). By the 1950s, about half of all home mortgages were federally insured through the Federal Housing Administration (FHA) and the Veterans Administration (VA), but only in segregated neighborhoods. David Rusk, *Inside Game/Outside Game: Winning Strategies for Saving Urban America* (1999), 86-88. The FHA's underwriting manual required a determination about the presence of "incompatible racial or social groups." Michael H. Schill and Susan M. Wachter, "The Spatial Bias of Federal Housing Law and Policy: Concentrated Poverty in Urban America," 143 *University of Pennsylvania Law Review* 1285, 1286-90 (1995). People of color were literally classified as nuisances, to be avoided along with "stables" and "pig pens." Ford, 451 (citing Charles Abrams, *Forbidden Neighborhood: A Study of Prejudice in Housing* (1955), 231). The FHA urged developers, bankers, and local governments to use zoning ordinances and physical barriers to protect racial homogeneity. Rusk, 87 (citing Irving Welfeld, *Where We Live: A Social History of American Housing* (1988)). This meant that Blacks had far fewer choices about where to buy a home and no federal support to help them buy homes, as Whites did.

⁸⁵ Central Midlands Council of Governments, <http://www.centralmidlands.org/committees.asp>

⁸⁶ Susan Opp, Center for Environmental Policy and Management, "Development Impact Fees as Planning Tools and Revenue Generators," Practice Guide #17 (Spring 2007).

⁸⁷ Eben Fodor, The Columbia Public Interest Policy Institute, *The Cost of Growth in Washington State* (2000).

⁸⁸ Susan Opp.

subsidizing infrastructure of new wealthier residents, who do not pay their fair share. This burden is often the result of either having no laws or weak laws to make developers pay their fair share for the costs they create by bringing new development.⁸⁹

Drafted largely by real estate developers,⁹⁰ state impact fee legislation is a blunt tool unable to discourage costly, unhealthy development. State legislation allows but does not require the levying of impact fees,⁹¹ one-time charges to developers to pay for additional infrastructure and other capital construction costs created by the new development. The legislation also specifically prohibits charging developers for school construction,⁹² often the single largest cost created by new subdivisions.⁹³ Because impact fees are voluntary in South Carolina, it is difficult for localities to impose them since developers can just move on to the next locality that will not impose fees.

2. Zoning

Zoning policies, both existing and proposed, also fail to offer effective ways to fight unhealthy growth. In Richland County, for example, sprawl continues unchecked in the Northeast, I-77 Corridor and the Northwest planning districts.⁹⁴ And in middle-income areas of Lower Richland closer to the City, developers increasingly have been eyeing and buying land for new residential and strip mall development.⁹⁵ Meanwhile, growth has not reached under-developed, low-income Black communities in the North Central and I-20 Corridor planning districts, and Lower Richland (e.g., Hopkins). Under current policies and trends, these new residential developments are also likely to get access to City water and sewer lines, while low-income Black communities living further into Lower Richland likely will continue to not be provided access.⁹⁶

Some counties have tried to make up for shortcomings in state and local policy but have proposed the wrong strategies. As part of its 1999 comprehensive plan, the Richland County Council proposed large-lot zoning (also called downzoning), a regulatory technique that seeks to slow down development by increasing minimum lot sizes for building in rural areas.⁹⁷ Research has increasingly found, however, that large lot zoning is a weak anti-sprawl tool. Increasing lot size, even to only one acre, can

⁸⁹ Ibid.

⁹⁰ Dawn Hinshaw, "What happened to the plan?," *The State*, April 2, 2006.

⁹¹ South Carolina Development Impact Fee Act, SECTION 6-1-920

⁹² Ibid.

⁹³ Elena Irwin and Dave Kraybill, "Costs and Benefits of New Residential Development," Department of Agricultural, Environmental, and Development Economics, Ohio State University, August 1999, <http://www-agecon.ag.ohio-state.edu/programs/ComRegEcon/costsdev.htm>

⁹⁴ Warren Bolton, "County needs to decide it will guide growth in the Northeast," *The State*, July 11, 2007;

Kristy Eppley Rupon, "Pushing into Northeast Richland," *The State*, June 23, 2007, sec. S22

⁹⁵ "Hot Communities for Homes and Businesses," *The State*, October 10, 2007, sec. X.

⁹⁶ This inequity in access has been the experience of Black communities in many southern cities and towns, like Mebane, North Carolina. James H. Johnson et al., "Racial apartheid in a small North Carolina town," *The Review of Black Political Economy* 31, no. 4 (2004).

⁹⁷ "The planning team recommends that for those areas not designated for development or preservation as part of a village, and not deemed environmentally sensitive, a new large lot zoning designation be introduced."

Richland County Comprehensive Plan, Section 7.3.4.

actually create more sprawling development.⁹⁸ Larger lots mean more land must be consumed for new housing, creating a larger “footprint” for development and therefore, patchy open space, unusable for farming, forestry, and wildlife habitat or recreational trails.⁹⁹ Regionally, more rural land is lost to housing development.

Though well-intended, the County’s downzoning proposal is not likely to stem sprawl. It does not provide disincentives for unhealthy growth in areas of the County with rampant sprawl.¹⁰⁰ Instead, it is likely to prevent healthy development in economically depressed areas of the County where development is sorely needed,¹⁰¹ increasing isolation of poor communities from regional opportunities. It may also increase the loss of open space in Richland County. In Lower Richland, the additional one-quarter acre needed for each residential (RU) zoned housing unit, would result in a 25% increase in land converted to development. By 2010, even at Lower Richland’s conservative growth rate of 5%, the area would see a population increase of about 2,100,¹⁰² requiring an additional 840 housing units. Under the new large lot zoning strategy, new housing units would occupy *at least* 840 acres of land and consume a minimum of an additional 210 acres of undeveloped land.¹⁰³

Economic Development Policy

Existing state and local policies are not likely to promote economic development in Columbia’s poor neighborhoods. South Carolina has two programs for promoting economic development in economically depressed communities: the 1995 Enterprise Zone Act, and its Tax Increment Financing (TIF) program, enacted in 1984.¹⁰⁴ Enterprise zone programs provide tax breaks and other subsidies to businesses to encourage them to locate in economically depressed areas. TIF districts are designated districts for the redevelopment of blighted areas. Part of the TIF property tax revenues, the *increases* resulting from the redevelopment and higher property values (the tax increment), are diverted to subsidize the TIF district redevelopment. In other words, TIFs are used to

⁹⁸ James Frank, “The Cost of Alternative Development Patterns: A Review of the Literature” (Washington: Urban Land Institute, 1989). Also, this study found that the cost of infrastructure for a sprawling new 1-acre development was 80% higher than for traditional more compact development. Ibid.

⁹⁹ Randall Arendt, “Open Space Zoning: What It Is & Why It Works,” *Planners Web: Planning Commissioners Journal*, <http://www.plannersweb.com>. Researchers, planners, and farmland specialists report that large lot zoning creates more sprawl by spreading out development. “Critics Fear Higher Costs and Even More Sprawl,” *The Atlanta-Journal Constitution*, June 23, 2003; “Density Limits Only Add to Sprawl – Large Lots Eat Up Area Countryside” *The Washington Post*, March 9, 2003; “For New Jersey Towns, an Experiment: Putting Growth Here, Not There,” *The New York Times*, April 21, 2004.

¹⁰⁰ *Imagine Richland 2020 Comprehensive Plan*; Warren Bolton; Kristy Eppley Rupon, “Pushing into Northeast Richland,” *The State*, June 23, 2007, sec. S22.

¹⁰¹ Center for Social Inclusion, *Race and Place: A Preliminary Look at Land Use Planning in Richland County, S.C.* (2004).

¹⁰² Projections are based on the growth rate of the 1990s applied to the 2000 population for Lower Richland.

¹⁰³ Based on the previous zoning for rural land in Lower Richland, these new housing units would only consume 630 acres of land. Estimates are based on minimum lot sizes identified per zoning category. Housing demand was estimated based on population change and the average housing unit size for Richland County (approximately 2.5 persons).

¹⁰⁴ Alyssa Talanker, Kate Davis, and Greg LeRoy, *Straying from Good Intentions: How States are Weakening Enterprise Zone and Tax Increment Financing Programs* (Washington, D.C.: Good Jobs First, 2003).

make new development pay for itself. Future (expected) gains in taxes are used to finance the current redevelopment that is supposed to create those gains. The diversion of tax payments continues until the TIF district expires or the TIF bonds are paid off (between 7 and 30 years). TIFs shift large amounts of tax revenue to economic development and *away* from public services for long periods of time.¹⁰⁵

A nationwide study and extensive government research have exposed the ineffectiveness of both programs and abuse by municipalities bending eligibility rules in some cases.¹⁰⁶ The majority of states structure these programs to be ineffective. Most Enterprise Zone programs create only modest job gains for zone residents and are not targeted enough to attract investments to economically depressed communities.¹⁰⁷ South Carolina ranks among the seven weakest states in terms of its enterprise zone law. Currently, the whole State of South Carolina qualifies as an Enterprise Zone, which means the State's program is likely subsidizing growth in wealthy areas.¹⁰⁸ South Carolina's TIF program is also a weak link in the region's economic development. An amendment in 2001 allows TIF districts to include non-blighted areas - in "redevelopment project areas" as long as "the municipality makes specific findings of benefit to the redevelopment project area and the project area is located within the municipal limits."¹⁰⁹ TIF projects, in other words, can be located basically anywhere.

Current local proposals also appear unlikely to promote economic development in the region's poor communities. As part of its land use plan, the Richland County Council, for example, recommended the creation of seven rural "non-employment" villages in its Lower Richland planning district and redevelopment of the Town of Eastover, an incorporated town in Lower Richland designated as economically distressed.¹¹⁰ Lacking commercial base and infrastructure, these towns do not present viable economic development opportunities. Eastover has some water and sewer, but has a weak commercial base. Historically, the sites the County chose for village development were thriving towns along rail lines. As the use of rail transportation declined, however, so did the towns. As a result, many of these rail towns are no more than a name on a map and a signpost in the middle of nowhere, as the picture of Kingville so vividly shows. (Figure 17) Kingville, one of the proposed village sites, is located down winding back roads near the Congaree Swamp, about twenty miles from the city of Columbia, and serves merely as a pass through for freight trains.¹¹¹

¹⁰⁵ Ibid.

¹⁰⁶ Ibid.

¹⁰⁷ Ibid.

¹⁰⁸ Ibid.

¹⁰⁹ Ibid.

¹¹⁰ *Richland County Town and Country Plan* (1997).

¹¹¹ University of South Carolina, Institute of Southern Studies, *Names in South Carolina*, <http://www.cas.sc.edu/iss/index.html>; <http://www.indo.com/cgi-bin/dist?place1=Kingville%2C+South+Carolina&place2=Columbia%2C+South+Carolina>; <http://www.hometownlocator.com/City/Kingville-South-Carolina.cfm>



Figure 17: Kingville Township, Columbia, South Carolina (2004)

Funding for multiple village developments in Lower Richland is also unlikely. Based on the Town and Country Plan, a single village would cost at least \$40 million for just the residential component. Between 1999 and 2004, the total single family residential investment in *all* of southern Richland County totaled only \$174 million for a four-year period. Moreover, most of this development was located on the southern outskirts of Columbia and not in the rural portion of Lower Richland.¹¹² Other than the village of Eastover, no large established villages exist in Lower Richland. No tangible measures have been taken and no subsidies have been identified to promote village development. Even if the villages were funded, no employment bases have been identified for these villages. Despite the availability of federal matching funds for public transit, there are currently no plans to expand public transportation to connect rural residents to jobs in other parts of the region.¹¹³

Impact of Current Policy on Future Growth

Assuming current land use and economic development policies, projected population growth patterns suggest increased sprawl and concentrated poverty. Without policies to promote investment in low-income Black communities, middle- and upper-income residents have no incentive to remain in poor, predominately Black communities. With investment dollars following continued population loss, the cycle of racial inequity, White and middle-class Black flight and sprawling development are likely to continue. Growth is projected to be fastest in northeastern Richland County and western Lexington County, already densely populated areas. Newberry, Fairfield, and Calhoun, all poor counties, will likely lose population. White population will likely grow the most in

¹¹² Southeast Area Profile (2004); Central Midlands Council of Governments.

¹¹³ South Carolina generally has not invested much in public transit. A 2001 report by the Sierra Club showed that the state spent \$193.67 per person for highway development compared to just \$11.73 per capita for public transit. *Sierra Club, Make the Grade? Sprawl Ratings by City and State* (2001), <http://www.sierraclub.org/sprawl/report01/charts.asp>

Lexington, followed by western and northeastern Richland, all wealthier areas of the region.¹¹⁴ (Figure 18 and Figure 19)

Under current policies, rural areas are still open to development, but likely in unhealthy ways. Some may become bedroom communities for residents who will commute to the city for work and leisure, or for retirees. Areas that are developed solely as residential and without investments to connect low-income communities to jobs with good pay are likely to lead to increased property taxes that may push out existing residents. Also, residential development without economic development does not grow an area's tax base, because development that is solely residential often drains a community's fiscal resources.¹¹⁵

¹¹⁴ County wide projection calculated by using a cohort-based population projection. Sub-county trends and trends by race were taken from estimates and projections gathered from the Environmental Systems Research Institute's (ESRI) business analyst software.

¹¹⁵ Irwin and Kraybill. Also, if businesses are concentrated in one community and residences in another (bedroom community), the property tax rates are likely to be low in the community with the businesses and high in the bedroom community. Ibid.

POPULATION CHANGE (White percentage): 2000 - 2010 (projected) RICHLAND COUNTY, SC AND ADJACENT COUNTIES

This map displays percentage change in White population at block group level in Richland County, SC and its adjacent counties

Prepared by: Kirwan Institute for the Study of Race and Ethnicity
Source: ESRI Business Analyst
Dated: May 12, 2008

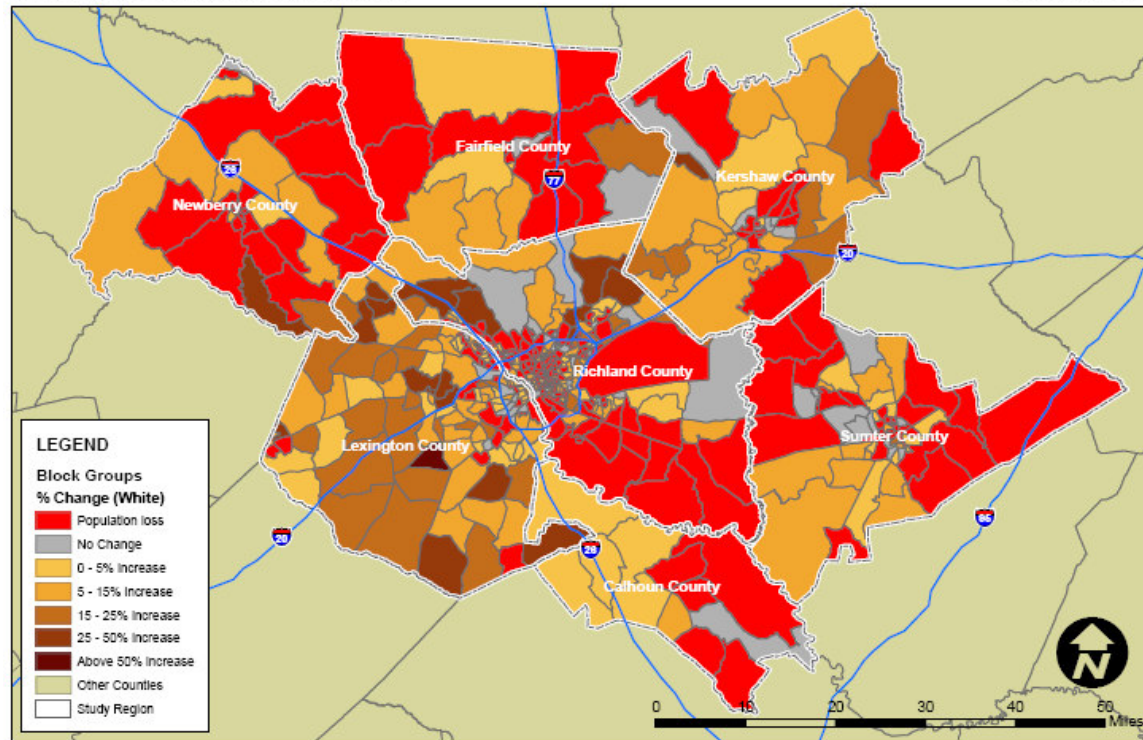


Figure 18: Projected Growth in White Population between 2000 and 2010 by Percentage

POPULATION CHANGE (Whites percentage): 2000 - 2010 (projected) RICHLAND COUNTY, SC

This map displays percentage change in White population at block group level in Richland County, SC

Prepared by: Kirwan Institute for the Study of Race and Ethnicity
Source: ESRI Business Analyst
Dated: May 12, 2006

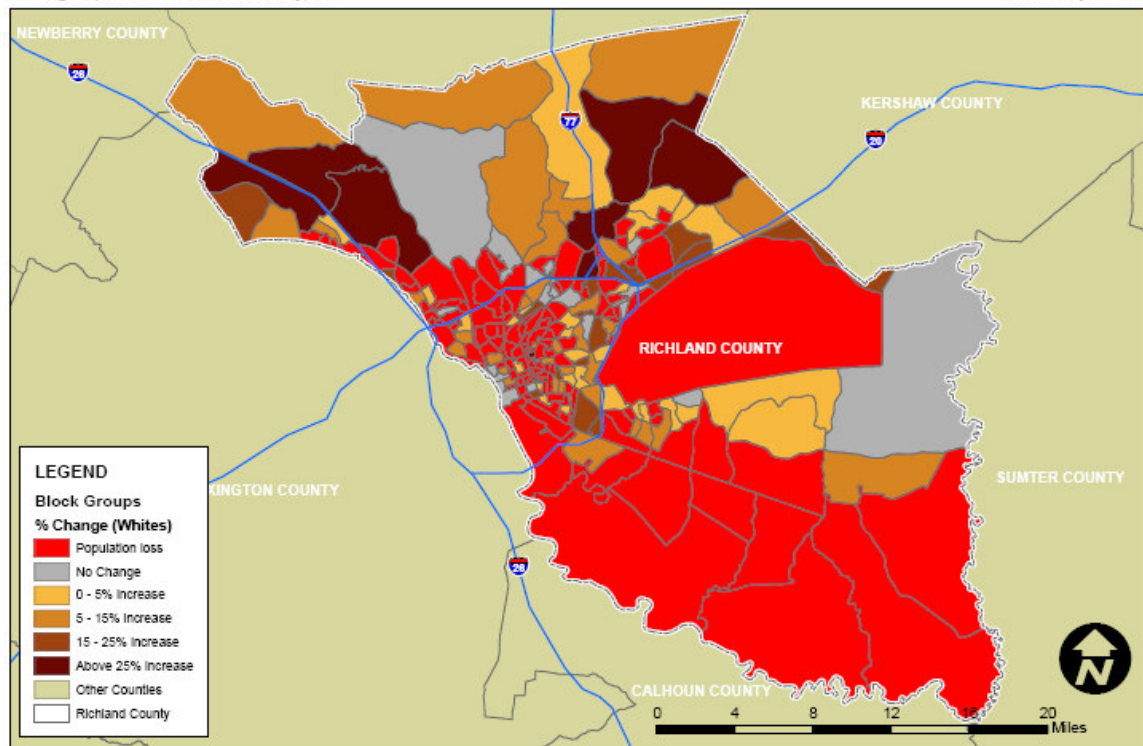


Figure 19: Projected Growth in White Population between 2000 and 2010 by Percentage (Richland County)

Within counties, the projected impact is similar to that for the region. Richland County, for example, will lose White population in most areas except for the far western and northeastern areas of the County. (Figure 19) These areas are expected to grow 25% or more by 2010.¹¹⁶ Almost all of asset-poor Lower Richland is expected to lose White residents. Black population will grow in most of the County by 2010, primarily in northeastern Richland. (Figure 20) The projected increases in Black population in northeast and northwest Richland suggest that middle-class Blacks who can move will continue to do so in order to access the opportunity structures – good schools and services – that currently exist in those communities and not in Lower Richland.

¹¹⁶ Change is based on a comparison to 2000 population numbers. County wide projection calculated by using a cohort based population projection. Sub-county trends and trends by race were taken from estimates and projections gathered from ESRI's business analyst software.

POPULATION CHANGE (Blacks percentage): 2000 - 2010 (projected) RICHLAND COUNTY, SC

This map displays percentage change in Black population at block group level in Richland County, SC

Prepared by: Kirwan Institute for the Study of Race and Ethnicity
 Source: ESRI Business Analyst
 Dated: May 12, 2006

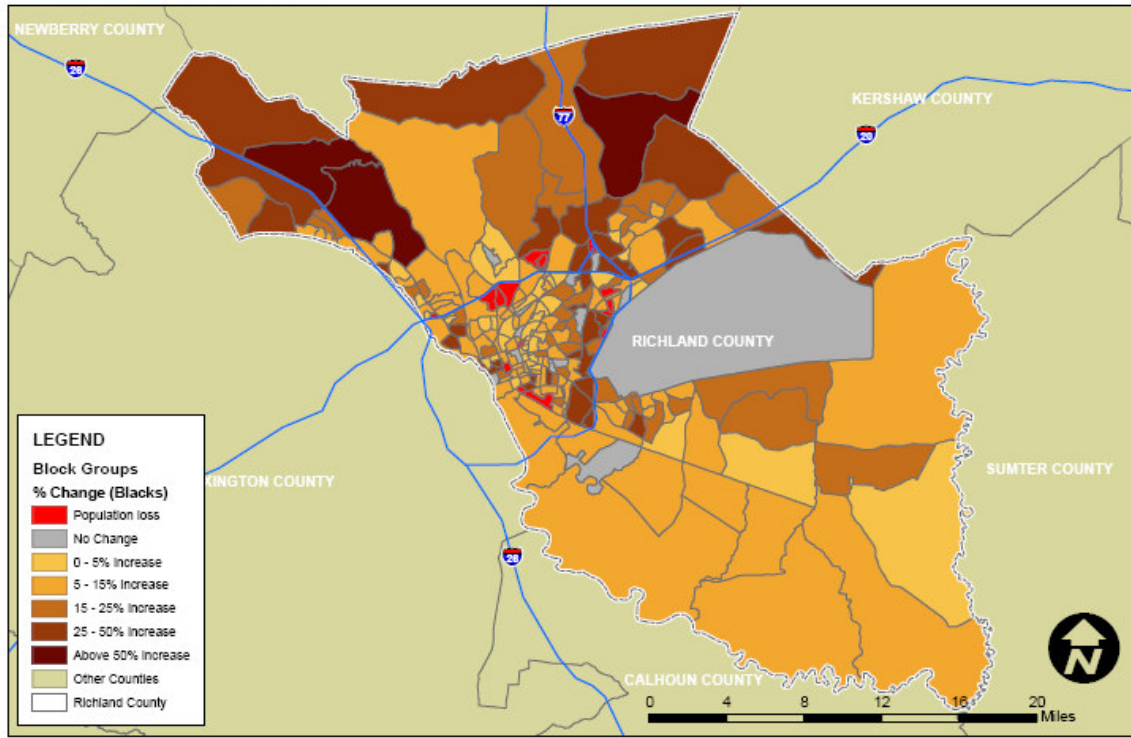


Figure 20: Projected Growth in Black Population between 2000 and 2010 by Percentage (Richland County)

RECOMMENDED POLICY DIRECTIONS

Policies to create avenues to opportunity for Columbia's low-income Black communities can build a thriving region with a strong and stable regional economy and a clean and safe environment. Regions that promote public and private investment to connect low-income communities to growth opportunities have both lowered poverty and created overall economic growth.¹¹⁷ A study of seventy-four metropolitan areas across the country found that reducing central city poverty helped increase regional income growth.¹¹⁸ Cities with more racial equity also have stronger environmental policies.¹¹⁹

Columbia, like the rest of the South, is undergoing dramatic demographic changes. Although still small in number, the Latino population is growing exponentially. This growth combined with the metropolitan region's substantial Black population has important economic implications. Economic growth cannot be sustained without minority businesses and an infusion of capital into these businesses.¹²⁰ Currently, there are only 686 minority-owned businesses in the whole state of South Carolina.¹²¹ Business analysts point out that the U.S. must increase its productivity growth to stay competitive in the global economy and that to do this, requires investments to increase the productivity of minority communities.¹²²

In order to develop a strong and sustainable economic base for the region, Columbia needs a set of policies that promotes sustainable economic development and infrastructure investment in rural low-income Black communities and that connects low-income residents in urban areas to good jobs and good schools in other parts of the region. Through policies that create opportunity for Columbia's poor Black and other low-income communities, the region can create a strong and sustainable regional economy and a clean and safe environment.¹²³

Planning for Inclusive and Sustainable Growth

Land use planning tends to treat urban and rural areas as distinct. This approach misses the fact that in many U.S. cities, urban and rural areas are closely connected. Planning processes that do not cross city limits miss critical issues that affect residents

¹¹⁷ Pastor et al., *Regions That Work*.

¹¹⁸ Pastor et al., *Regions That Work*. After a period of major investments in poor communities through affordable housing and jobs programs in Boston in the mid to late 1980s, the city both lowered poverty across all racial groups and experienced economic growth. *Ibid.*, 147-50

¹¹⁹ Boyce, "Inequality and Environmental Protection."

¹²⁰ Minority dollars are likely to make up the majority of the increase in purchasing power in the coming decades. Up to 32% of total purchasing power may come from minority consumers by 2045 and up to \$6.1 trillion of disposable income. U.S. Department of Commerce, "The Emerging Minority Marketplace."

¹²¹ South Carolina Department of Transportation, "South Carolina Unified Certification Program: Unified DBE Directory."

¹²² Andrew B. Bernard and Matthew J. Slaughter, "The Life Cycle of a Minority-Owned Business: Implications for the American Economy" (September 2004), <http://mba.tuck.dartmouth.edu/pages/faculty/matthew.slaughter/pdf/MBDA%20Bernard-Slaughter%20Paper%20Final.pdf>

¹²³ Pastor et al., *Regions That Work*; Boyce.

throughout a metropolitan region. Urban planning in Columbia must be integrated with planning for its rural areas. Like much of the South, the Columbia metropolitan region has an urban core and large rural areas,¹²⁴ a geography current urban-based planning models do not adequately address.¹²⁵ Planning and development must consider the relationship between suburbanization, inner-city redevelopment, and the impact of both on quality of life and the regional economy. It should also take into account the national and global demographic and economic trends that have reconfigured our local economies.¹²⁶

To identify and implement the right set of policies for good growth planning, Columbia has to provide the conditions that can support inclusive community planning processes. Community participation is critical to the effectiveness and local acceptance of planning decisions.¹²⁷ Inclusion must go far beyond providing a few public forums for input. Communities need to participate directly in planning processes and therefore need to be provided with the resources to do necessary research. The most effective planning processes are not only inclusive of communities but are led by communities. In fact, “all the historic evidence indicates that significant community development takes place only when local community people are committed to investing themselves and their resources in the effort. Communities are never built from the top down, or from the outside in.”¹²⁸ Inclusive planning also helps build critical alliances for implementing growth planning that is racially equitable, builds a strong economy, and is environmentally sustainable.¹²⁹

Metropolitan regions must prioritize community inclusion in planning, even and especially where local governments have limited resources. Many local governments are implementing processes to facilitate community participation. In Seattle, Washington and Rochester, New York, local governments built effective public-private partnerships that have provided research and technical support to enable community-driven planning. In Rochester, the city acts as a partner with citizens and provides them with tools, such as

¹²⁴ The definition of rural areas varies, but these areas are often characterized by their low-density populations and open space and include isolated farming communities, as well as communities on the fringe of major metropolitan areas. LaStar Matthews and William H. Woodwell, Jr., “A Portrait of Rural America – Challenges and Opportunities,” *Research Brief on American Cities*, National League of Cities 3 (2005), 2.

¹²⁵ Research on sprawl, for example, has focused primarily on urban metropolitan regions and inner-city poverty. There has been useful comparative research on sprawl in cities across the country, which includes southern cities. David Rusk, “America’s Urban Problem/America’s Race Problem,” *Urban Geography* 19 (8) (1998). Few, however, have examined the unique dynamic of Black landownership in rural areas near urban centers. The South has about half of the nation’s Black population, who primarily live in poor rural areas. U.S. Census (2000).

¹²⁶ Katz, *Remaking Transportation and Housing Policy for the New Century*, 3-4.

¹²⁷ Pastor et al., *Regions That Work*, 37.

¹²⁸ John P. Kretzmann and John L. McKnight, “Introduction,” *Building Communities from the Inside Out: A Path Toward Finding and Mobilizing a Community’s Assets* (Institute for Policy Research, 1993), <http://www.northwestern.edu/ipr/publications/community/introd-building.html>

¹²⁹ Pastor et al., *Regions That Work*, 37.

city databases and mapping software, as well as human resources. The city also uses participatory budgeting, empowering citizens to direct the city's spending priorities.¹³⁰

Sustainable Economic Development

To create avenues to opportunity for Black and other poor communities and build a sustainable economic base for the region, economic development policies must connect these communities to opportunities, as well as build career ladders into good-paying jobs. This requires building a strong public school system that serves all communities. Economic competitiveness is directly related to a skilled and educated population, which is dependent on a quality education system.¹³¹ South Carolina's Council on Economic Competitiveness has recognized the need to focus on education, stating, "In our world economy, smart, skilled workers are recognized as the single most valuable resource."¹³²

Economic development policy should also build the tax bases of poor communities. This can be done by promoting community ownership of resources by the region's rural Black communities. Substantial opportunities exist for rural economic development that can build community assets. Sustainable agriculturalists and farmland preservationists seek to identify or develop models for economic development of rural communities at the urban edge as "places to nurture connections with the land, preserve rural life, and contain and sustain cities" (also known as new ruralism).¹³³ Two emerging markets suggest a few possibilities: 1) renewable energy, given the increasing recognition of the need to reduce dependence on fossil fuels and traditional energy sources that are causing climate change and expanding markets for renewable sources; and 2) increasing demand for organically and locally grown foods.

1. Renewable Energy

From biofuels to solar energy, renewable energy markets offer significant economic development opportunities for Columbia's rural Black communities. Solar power is rapidly growing worldwide with applications ranging from home roof systems to solar power plants. Biofuels, biomass energy produced from organic fuel, such as plant matter, animal waste and methane gas emitted by landfills also provide opportunities for rural communities to produce renewable energy.¹³⁴ Researchers are also starting to look more closely at the possibilities nationwide for the production of geothermal energy, which may be more sustainable than other sources. A recent study led by the Massachusetts Institute of Technology has found sources nationwide, including in South Carolina, for geothermal energy production.¹³⁵

¹³⁰ Debra Carlton Harrell, "Cities Copied 'Seattle Way' in Planning," *Seattle Post Intelligencer*, July 6, 2007; Tony Favro, "Rochester Gives its Citizens the Power to Shape Their City," *City Mayors*, April 2, 2006, http://www.citymayors.com/government/rochester_nbn.html

¹³¹ Federal Reserve, "Education and Economic Competitiveness," *Commentaries and Reports*, September 26, 2007, [EducationNews.org](http://www.ednews.org), <http://www.ednews.org>

¹³² New Carolina: South Carolina's Council on Competitiveness, "About," <http://newcarolina.org/about>

¹³³ David Moffat, "New Ruralism: Agriculture at the Metropolitan Edge," www.sagecenter.org

¹³⁴ Office of the New York State Comptroller.

¹³⁵ Geothermal Resource Base Assessment, *The Future of Geothermal Energy* (2007).

Geothermal energy production involves “mining the huge amounts of heat that reside as stored thermal energy in the Earth’s hard rock crust” and “could supply a substantial portion of the electricity the United States will need in the future, probably at competitive prices and with minimal environmental impact.”¹³⁶ Geothermal-based energy production already has created thousands of jobs and boosted local economies - 11,460 full-time jobs were supported by the existing US geothermal industry in 2004.¹³⁷

Local governments can help build local markets for renewable energy. For instance, twenty-two states already have passed laws to require public utilities to increase the use of renewable energy resources. As a result, so far, 9% of energy consumed nationwide comes from renewable sources.¹³⁸

2. Local and Organic Farming

Organic farming became one of the fastest growing segments of U.S. agriculture during the 1990's. U.S. producers are turning to organic farming systems as a potential way to lower input costs, decrease reliance on nonrenewable resources, capture high-value markets and premium prices, and boost farm income.

Rising energy costs and growing health concerns also point to a growing market for locally grown food. Higher energy costs will make transporting food across the country an unsustainable way to procure food.¹³⁹ Concerns over pesticides, hormones, and antibiotics in food production already have given way to resurgence in locally grown food.¹⁴⁰

Organic farming systems rely on ecologically based practices, such as integrated, cultural, and biological pest management, and crop rotation. Organic farming systems virtually exclude the use of synthetic chemicals in crop production and prohibit the use of antibiotics and hormones in livestock production. Many producers, manufacturers,

¹³⁶ The Future of Geothermal Energy; “MIT-led Panel Backs ‘Heat Mining’ as Key U.S. Energy Source,” Jan. 22, 2007.

¹³⁷ In rural Imperial County, California, geothermal activities supply 25% of the county tax base, producing over \$12 million in tax revenue and over 285 jobs. Center for Energy Efficiency and Renewable Energy (CEERT), “Geothermal Power,” <http://www.ceert.org/ip/geothermal.html> (accessed August 15, 2005). CalEnergy, the largest geothermal company in the region, is the single largest taxpayer in Imperial County. Ibid. Benefits are projected to continue. According to a recent study, the construction of two new geothermal plants by Calpine Corporation in Siskiyou County, California will result in a total economic benefit of almost 114 million dollars over a thirty year period. David E. Gallo, Center for Economic Development: California State University, Chico, “The Economic Impact of Calpine’s Geothermal Development Projects, Siskiyou County, California,” Prepared for Calpine Corporation, June 2002, <http://www.csuchico.edu/cedp/pdf/esp.calpine.pdf>

¹³⁸ Center for Policy Alternatives, *Progressive Policy Models for the States 2006* (2006), 39-40, <http://www.stateaction.org/publications/policymodels/2006PolicyModels.pdf>

¹³⁹ House Small Business Committee, “Impact of Rising Energy Costs on Small Businesses,” August 10, 2006, <http://www.house.gov/smbiz/Reports/ENERGY%20REPORT%202006.pdf>

¹⁴⁰ Jim Slama, *The Future of Food is Sustainable and Organic*, Conscious Choice, March 2002, <http://consciouschoice.com>

distributors, and retailers specialize in growing, processing, and marketing an ever growing variety of organic food and fiber products.¹⁴¹

Opportunity-Based Affordable Housing

Columbia needs to create sufficient affordable housing stock for poor and low-income families. Equally, if not more important, this affordable housing should be located in neighborhoods connected to the region's current opportunity structures, like job centers, quality health care and good schools. Two tools that have been successful in creating affordable housing are inclusionary zoning and housing trust funds.

1. Inclusionary Zoning

Inclusionary zoning takes the form of a local ordinance that requires builders to include a certain amount of housing units affordable for low- and moderate-income households in their market-rate housing developments. In exchange, builders get a density bonus, which allows them to build more units than the number allowed by the zoning ordinance. Inclusionary zoning laws can be either voluntary or mandatory. Mandatory programs are generally more effective. They produce more affordable units for low- and very low-income households. Voluntary programs can be highly effective but generally not without substantial federal, state, and local subsidies to create a sufficient amount of incentives.¹⁴² To create housing that is truly affordable for low- and moderate-income residents, affordability must be defined in relation to the local context of real median wages and the local housing market. Housing must also remain affordable in the long run and keep pace with changing market conditions, as many inclusionary zoning programs are designed to expire or sunset after a defined time period.

Inclusionary Zoning to Create Affordable Housing Montgomery County, MD¹⁴³

Montgomery County, Maryland is widely considered the most successful case of inclusionary zoning to create affordable housing. Montgomery's mandatory inclusionary zoning policy applies to developments of 50 or more residential dwellings and links the percentage of affordable units required to the amount of density bonus units a developer can accommodate on the site (ranging from 12.5% to 15%). Over 13,000 units have been produced over thirty years through Montgomery County's program.¹⁴⁴ The program also increased the County's racial diversity, and both child poverty and overall poverty rates for the county decreased to nearly half the state's rates.¹⁴⁵

¹⁴¹ U.S. Department of Agriculture: Economic Research Service, "Briefing Rooms: Organic Agriculture," <http://www.ers.usda.gov/briefing/organic/>

¹⁴² Nicholas Brunick, Lauren Goldberg, and Susannah Levine, Business and Professional People for the Public Interest, *Voluntary or Mandatory Inclusionary Housing? Production, Predictability, and Enforcement* (2004).

¹⁴³ Nico Calavita et al., "Inclusionary Housing in California and New Jersey: A Comparative Analysis," *Housing Policy Debate* 8(1) (1997); Karen Destorel Brown, *Expanding Affordable Housing Through Inclusionary Zoning: Lessons from the Washington Metropolitan Area* (Washington, D.C.: The Brookings Institution, 2001).

2. Housing Trust Funds

Linkage fee, or housing trust fund, programs also have been effective in creating affordable housing. Generally, linkage fee programs are enacted through local legislation and administered by city staff. The local agency that issues building permit applications and zoning variances typically collects the fees and ensures that developers are in compliance. Usually, fees are placed into a housing trust fund or the general budget. Developers of new commercial structures contribute, either through fees or actual construction, to the affordable housing stock or to other community needs such as job training, public transportation, or child care. Beyond this general structure, there are significant variations among linkage fee programs depending on political and economic contexts.¹⁴⁶

Housing Trust Funds to Create Affordable Housing Boston, Massachusetts

The most heralded linkage fee program is the Boston, Massachusetts program, which generated almost \$44 million for the construction or renovation of nearly 4,100 affordable housing units between 1986 and 1997. Under Boston's program, fees are charged to developers for commercial developments over 100,000 square feet. These fees then go to a city-managed trust to pay for the creation of affordable housing. Equally important to the affordable housing it has created, has been the broad support for the program. Strong advocacy and partnership between city government and community-based organizations made implementation of the program possible and has helped sustain the program for two decades.¹⁴⁷

Though powerful and important tools, inclusionary zoning and housing trust funds should be viewed as two important pieces of a set of policies needed to create and sustain affordable housing over the long-term. Even mandatory inclusionary zoning programs, like the one in Montgomery County, Maryland, for example, are designed to expire after a certain number of years.

Essential Infrastructure

Individual neighborhoods and the metropolitan region need infrastructure for economic development. Without physical infrastructure, like water and sewer lines, communities cannot attract jobs and investments crucial to build local tax bases, the

¹⁴⁴ Brunick, Goldberg, and Levine.

¹⁴⁵ Calavita et al.

¹⁴⁶ Policy Link, "Commercial Linkage Strategies," <http://www.policylink.org/EDTK/Linkage/>

¹⁴⁷ Ibid.

largest resource for schools and services.¹⁴⁸ Infrastructure investments in poor communities can reduce poverty, as international studies show.¹⁴⁹

Infrastructure is also critical to public health and quality of life. The National Infrastructure Alliance, an alliance of business and environmental and public health professionals, has highlighted the crucial role of water infrastructure in a community's health, economy and environment.¹⁵⁰ Local governments must prioritize extending water and sewer services to under-developed communities. Low-income Black communities living in rural areas in Lower Richland, for example, have been ignored by economic development and suffered serious health risks from lead-contaminated wells. Poor Black communities, like those in Hopkins, do not have access to city water and sewer despite their large and dense populations.¹⁵¹

Water and sewer are critical, but there must also be investment in infrastructure that connects residents in rural areas to good paying jobs. Targeted infrastructure investment should include expanding public transit to connect rural residents to regional job markets. Building public health care infrastructure, such as hospitals, is also crucial to the health of the region's under-served communities. A strong impact fee law, supported by zoning strategies, is also needed to ensure efficient and fair infrastructure investments and to direct infrastructure where it is needed.

¹⁴⁸ Irwin and Kraybill.

¹⁴⁹ Poverty-Environment Partnership, "Linking Poverty Reduction and Water Management," World Health Organization, http://www.who.int/water_sanitation_health/resources/povertyreduction/en/index.html

¹⁵⁰ Amy Santos, "Water Is Life, and Infrastructure Makes It Happen," *Underground Infrastructure Management*, January/February 2007.

¹⁵¹ The population of Hopkins, S.C. was 13,025 people in 2000. U.S. Census.

CONCLUSION AND RECOMMENDATIONS

The Columbia region is at an important crossroads. It has important choices to make. It can create policies that will promote healthy growth and a thriving region, or it can continue on its business-as-usual path of investing only in wealthy parts of the region and be left behind. If Columbia invests in poor Black and other marginalized communities, it will promote prosperity and the well-being of everyone in the region. It can follow the lead of other regions that have ignored the needs of low- and middle-income communities and experienced social, economic and environmental decline, or it can lead the way for the nation by investing in the well-being of all communities.

Emerging green markets, such as renewable energy and organic farming, can build wealth and resources for schools and services in rural Black communities. Inclusionary zoning and housing trust funds can connect low-income communities to good jobs and good schools in the region's opportunity-rich suburbs. Building infrastructure in existing communities can build an investment base for these communities, as well as help prevent stressed infrastructure and sprawling development in other parts of the metropolitan region. And, inclusive planning that links urban and rural planning and is led by communities can promote social harmony, equity, a healthy environment, and a strong, sustainable regional economy.

But under current trends and policies, the region is not prepared to reap the benefits of growth for its communities, putting regional prosperity and overall well-being at risk. Current policies promote unhealthy development, which is not only leaving Black and other low-income communities behind, but also the region. Sprawling development of housing and jobs has been taking resources from poor neighborhoods at the expense of the entire region through infrastructure costs passed on from developers to taxpayers. Like many cities throughout the country, the city of Columbia will soon become a place where only the wealthy can live, while low-income residents and workers are likely to be pushed out, unable to afford high rents in luxury condominiums. Even middle-class communities are being squeezed and will have a harder time making housing payments and paying for their children's education, if current trends continue.

Columbia has tremendous potential to reduce poverty, build its middle class, and ensure a good quality of life for all of its people by investing in its marginalized communities. It can promote healthy growth through policies that recognize the connection between investment in low-income communities, a healthy environment, and a strong economy. A thriving Columbia metropolitan region is possible if its leaders have the vision and the will to grow well.

Actions that Can Build a Thriving Columbia

- ◆ Conduct a competitive economic analysis for the metropolitan region that identifies its growth industries. This analysis should consider how to leverage the assets of the region's rural Black communities to take advantage of emerging markets, such as geothermal energy and other forms of renewable energy and organic farming.
 - Identify what other states have done and are doing to take advantage of these markets and invest public and private capital in equipment, training and other infrastructure that will enable community ownership and management of the means of production.
 - Adopt renewable portfolio standards to build a local market for renewable energy. The state should set renewable portfolio standards that require public utilities to increase use of renewable energy sources over time.¹⁵² Twenty-two states have enacted renewable portfolio standards. As a result, 9% of the energy consumed nationwide comes from renewable sources.¹⁵³
- ◆ Adopt high-road economic development policies. Require businesses that receive state tax credits to provide health benefits and living wages. At least 43 states, 41 cities, and five counties have attached job quality standards to some government contracts or subsidies.¹⁵⁴
- ◆ Enact inclusionary zoning ordinances, or create linkage fee programs, to create more low- and moderate-income affordable housing in opportunity-rich neighborhoods. Also, enact policies to ensure a long-term supply of affordable housing.
- ◆ Invest in essential infrastructure in rural Black communities, including providing city water and sewer services. Other priorities for infrastructure investment should include building and expanding public transit to connect rural residents to regional job markets and building public health infrastructure in under-served Black communities.
- ◆ Implement inclusive participatory planning processes. Use resources available for research to hire expert consultants who are accountable to inclusive community visions for healthy growth. Take advantage of budget-neutral approaches to community inclusion, such as participatory budgeting.

¹⁵² Most Renewable Portfolio Standards (RPS) laws require that, over a period of 20 years, renewable energy be gradually increased until those sources account for 10 to 20% of total energy production. Center for Policy Alternatives.

¹⁵³ Ibid.

¹⁵⁴ Ibid.

STATE OF SOUTH CAROLINA)
)
COUNTY OF RICHLAND)

A RESOLUTION OF THE
RICHLAND COUNTY PLANNING COMMISSION

A RESOLUTION TO RECOMMEND THAT RICHLAND COUNTY COUNCIL ENACT AN ORDINANCE TO AMEND THE IMAGINE RICHLAND 2020 COMPREHENSIVE PLAN FOR THE LOWER RICHLAND AREA BY INCORPORATING THE STUDY PREPARED BY THE CENTER FOR SOCIAL INCLUSION, ENTITLED “GROWING TOGETHER: THRIVING PEOPLE FOR A THRIVING COLUMBIA” INTO THE PLAN.

WHEREAS, Section 6-29-520 (b) of the South Carolina Code of Ordinances 1976, as amended (South Carolina Local Government Comprehensive Planning Enabling Act of 1994, as amended), requires that recommendations for amendments to the Comprehensive Plan must be by resolution of the Planning Commission; and

WHEREAS, the Richland County Planning Commission was appointed by County Council and is the duly authorized body to prepare a Comprehensive Plan that conforms to the 1994 Act, and to carry out a continuing planning program for the physical, social, and economic growth, development and redevelopment of Richland County; and

WHEREAS, the Richland County Planning Commission endorses the incorporation of the study prepared by the Center for Social Inclusion, entitled “Growing Together: Thriving People for a Thriving Columbia” (attached hereto) for the Lower Richland Area into the Imagine Richland 2020 Comprehensive Plan;

NOW, THEREFORE, BE IT RESOLVED that the Richland County Planning Commission does hereby recommend the attached study prepared by the Center for Social Inclusion, entitled “Growing Together: Thriving People for a Thriving Columbia”; to the Richland County Council for adoption and use as a guide for the orderly development of the Lower Richland Area and for the application of zoning and development regulations.

ADOPTED this ____ day of July, 2009.

Christopher Anderson, Chair
Richland County Planning Commission

Attested by:

Joseph Kocy, Director
Planning & Development Services Department

STATE OF SOUTH CAROLINA
COUNTY COUNCIL FOR RICHLAND COUNTY
ORDINANCE NO. ___-09HR

AN ORDINANCE AMENDING THE IMAGINE RICHLAND 2020 COMPREHENSIVE PLAN, ADOPTED ON MAY 3, 1999, FOR THE RURAL PORTIONS OF THE LOWER RICHLAND AREA BY INCORPORATING THE STUDY PREPARED BY THE CENTER FOR SOCIAL INCLUSION, ENTITLED “GROWING TOGETHER: THRIVING PEOPLE FOR A THRIVING COLUMBIA” INTO THE PLAN.

WHEREAS, on May 3, 1999, Richland County Council adopted the Imagine Richland 2020 Comprehensive Plan pursuant to S.C. Code Section 6-29- 310, et al. (Ordinance No. 013-99HR); and

WHEREAS, Section 6-29-520 (B) of the South Carolina Code of Ordinances 1976, as amended (South Carolina Local Government Comprehensive Planning and Enabling Act of 1994, as amended), requires that recommendations for amendments to the Comprehensive Plan must be by Resolution of the Planning Commission; and

WHEREAS, the Richland County Planning Commission has unanimously approved a Resolution recommending that County Council adopt the study prepared by the Center for Social Inclusion, entitled “Growing Together: Thriving People for a Thriving Columbia”;

NOW, THEREFORE, pursuant to the authority granted by the Constitution and the General Assembly of the State of South Carolina, be it enacted by the County Council for Richland County as follows:

SECTION I. The Imagine Richland 2020 Comprehensive Plan is hereby amended by the incorporation of the study prepared by the Center for Social Inclusion, entitled “Growing Together: Thriving People for a Thriving Columbia”, which is attached hereto and incorporated herein, into the Plan for the rural portions of the lower Richland area.

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

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

SECTION IV. Effective Date. This ordinance shall be enforced from and after _____, 2009.

RICHLAND COUNTY COUNCIL

BY: _____
Paul Livingston, Chair

ATTEST THIS THE ____ DAY

OF _____, 2009.

Michelle R. Cannon-Finch
Clerk of Council

Public Hearing:
First Reading:
Second Reading:
Third Reading:

Staff Recommendation: Denial

EXPLANATION OF ORDINANCE ALLOWING BILLBOARDS TO BE REPLACED WITH
DIGITAL SIGNS

Title:

AN ORDINANCE AMENDING THE RICHLAND COUNTY CODE OF ORDINANCES; CHAPTER 26, LAND DEVELOPMENT; SECTION 26-180, SIGNS; SO AS TO ALLOW LEGAL NONCONFORMING OFF-PREMISES SIGNS IN COMMERCIAL, MANUFACTURING, AND INDUSTRIAL ZONING DISTRICTS TO BE REPLACED BY SURFACE AREA DIGITAL SIGNS.

Background:

This ordinance is being initiated by Richland County Council, based on a motion made by the Honorable Jim Manning and Gwendolyn Kennedy on April 21, 2009. The Development and Services Committee met on May 26, 2009, and recommended approval. The County Council gave this ordinance first reading on June 2, 2009 and sent it to the Planning Commission for their review and recommendation.

What this ordinance will do:

This ordinance will allow legal nonconforming off-premise signs in Commercial, Manufacturing, and Industrial Zoning Districts to be replaced in whole or in part by surface area displaying changeable static images controlled by electronic communications (hereinafter digital), with certain conditions as follows:

- A permit shall be obtained.
- The copy shall remain fixed for a period of at least six (6) seconds between changes. The interval between copy changes shall be no longer than one (1) second.
- Digital shall not include animated, continuous, moving, rolling, or scrolling messages or video displays.
- Digital shall have an automatic dimmer and a photo cell sensor to adjust the illumination intensity or brilliance of the sign. In addition, digital shall not exceed a maximum illumination of 7,500 nits (candelas per square meter) during daylight hours and a maximum illumination of 500 nits between dusk to dawn as measured from the sign's face at maximum brightness. Digital shall not be permitted within three hundred (300) feet of any residential district towards which the sign is oriented.

- A digital sign may be reestablished after damage or destruction by an act of God, where the estimated expense of reconstruction does not exceed fifty percent (50%) of the appraised replacement cost of the sign structure, exclusive of the value of any digital display device.
- There shall be one thousand (1,000) feet spacing of digital on same side of the road; there shall also be one thousand (1,000) feet spacing of digital on opposite side of the road for digital if facing the same direction.
- Digital shall be allowed only on 'arterial' streets as defined in Section 26-22.

STATE OF SOUTH CAROLINA
COUNTY COUNCIL FOR RICHLAND COUNTY
ORDINANCE NO. ___- 09 HR

AN ORDINANCE AMENDING THE RICHLAND COUNTY CODE OF ORDINANCES; CHAPTER 26, LAND DEVELOPMENT; SECTION 26-180, SIGNS; SO AS TO ALLOW LEGAL NONCONFORMING OFF-PREMISES SIGNS IN COMMERCIAL, MANUFACTURING, AND INDUSTRIAL ZONING DISTRICTS TO BE REPLACED BY SURFACE AREA DIGITAL SIGNS.

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

SECTION I. The Richland County Code of Ordinances, Chapter 26, “Land Development”; Article VII, “General Development, Site, and Performance Standards”; Section 26-180, “Signs”; Subsection (o), Nonconforming Signs; is hereby amended to read as follows:

- (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) Unless allowed in paragraph (2), below, a nonconforming sign shall not be:

- a. 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.
- b. Structurally altered so as to prolong the life of the sign.
- c. Expanded.
- d. Reestablished after discontinuance for sixty (60) or more successive days.
- e. 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.

(2) *Changeable copy signs.* Legal nonconforming off-premise signs in Commercial, Manufacturing, and Industrial Zoning Districts may be replaced in whole or in part by surface area displaying

changeable static images controlled by electronic communications (hereinafter digital) as provided by this paragraph.

- a. A permit to replace legal nonconforming off-premise sign display surface area with digital surface area shall first be obtained as provided in Sec. 26-180 (a) (2).
- b. A digital sign as provided by this section shall not be considered flashing or blinking for the purposes of this paragraph when the copy shall remain fixed for a period of at least six (6) seconds between changes. The interval between copy changes shall be no longer than one (1) second.
- c. Digital shall not include animated, continuous, moving, rolling, or scrolling messages or video displays.
- d. Digital shall have an automatic dimmer and a photo cell sensor to adjust the illumination intensity or brilliance of the sign so that it shall not cause glare or impair the vision of motorists, and shall not interfere with any driver's operation of a motor vehicle. In addition, digital shall not exceed a maximum illumination of 7,500 nits (candelas per square meter) during daylight hours and a maximum illumination of 500 nits between dusk to dawn as measured from the sign's face at maximum brightness. Digital shall not be permitted within three hundred (300) feet of any residential district towards which the sign is oriented.
- e. This permissibility does not include the replacement of, or some other substantial alteration to, the sign support structure, except that existing metal sign support structures may be replaced with new metal sign support structures pursuant to a permit to erect digital.
- f. A digital sign may be reestablished after damage or destruction by an act of God, where the estimated expense of reconstruction does not exceed fifty percent (50%) of the appraised replacement cost of the sign structure, exclusive of the value of any digital display device.
- g. There shall be one thousand (1,000) feet spacing of digital on same side of the road; there shall also be one thousand (1,000) feet spacing of digital on opposite side of the road for digital if facing the same direction.

h. Digital shall be allowed only on 'arterial' streets as defined in Section 26-22.

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

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

SECTION XVII. Effective Date. This ordinance shall be effective from and after _____, 2009.

RICHLAND COUNTY COUNCIL

BY: _____
Paul Livingston, Chair

ATTEST THIS THE _____ DAY
OF _____, 2009

Michielle R. Cannon-Finch
Clerk of Council

RICHLAND COUNTY ATTORNEY'S OFFICE

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

First Reading: June 2, 2009
Public Hearing: July 23, 2009 (tentative)
Second Reading:
Third Reading:

Staff Recommendation:

First choice: Denial

Second choice: Recommend approval of this ordinance rather than the other version.

EXPLANATION OF ALTERNATIVE ORDINANCE ALLOWING BILLBOARDS TO BE REPLACED WITH DIGITAL SIGNS

Title:

AN ORDINANCE AMENDING THE RICHLAND COUNTY CODE OF ORDINANCES; CHAPTER 26, LAND DEVELOPMENT; SECTION 26-180, SIGNS; SO AS TO ALLOW LEGAL NONCONFORMING OFF-PREMISES SIGNS IN COMMERCIAL, MANUFACTURING, AND INDUSTRIAL ZONING DISTRICTS TO BE REPLACED BY SURFACE AREA DIGITAL SIGNS.

Background:

This ordinance is being initiated by the Planning Director, with the support of the Honorable Joyce Dickerson and Kit Smith, as an alternative to the Manning/Kennedy motion. It is based on a Savannah, Georgia ordinance, and was one of the versions of an off-premises digital sign ordinance that was considered by County Council last year.

The distinctions of this ordinance from the other one:

- This ordinance will allow legal nonconforming off-premise signs (billboards) to be replaced with digital signs only in the GC, M-1, LI, and HI zoning districts, and clarifies that the shape and/or size of the surface area shall not change.
- It adds a fee of \$1,000.00, which shall be paid on or before Dec. 31 of each calendar year, and requires an applicant to submit construction plans for review, and pay appropriate fees Building and Inspections department.
- The signs shall have a permanent nameplate affixed certifying the maximum illumination capabilities (in nits) of the sign.
- The applicant must remove 6 sq. ft. of existing legal nonconforming off-premise signs for each 1 sq. ft. of digital sign proposed.
- A demolition permit must be obtained from the Building and Inspections Department prior to the removal of a legal nonconforming off-premise sign, and a fee of \$150.00 dollars must be paid.

- The copy shall remain fixed for a period of at least 10 seconds between changes, and copy changes shall be instantaneous.
- Digital signs shall not include animated, continuous, moving, rolling, scrolling, sequential, or interactive messages or video displays.
- Digital signs shall contain a default design that will freeze the sign in one position if a malfunction occurs.
- Digital signs shall not be permitted within three hundred (300) feet of any residential or institutional use or district towards which the sign is oriented.
- There shall be three thousand (3,000) feet spacing of digital signs on the same side of the road; there shall also be three thousand (3,000) feet spacing of digital signs on the opposite side of the road if the signs are facing in the same direction.
- Digital shall be allowed only on 'arterial' streets as defined in Section 26-22; provided, however, such signs shall not be located within one thousand (1,000) feet of a signalized intersection, or exit or entrance ramp.
- Digital signs shall not be permitted inside the boundaries of any Historic District as defined by the National Historic Register, nor shall they be permitted inside the boundaries of any Neighborhood Master Plan Overlay District.

STATE OF SOUTH CAROLINA
COUNTY COUNCIL FOR RICHLAND COUNTY
ORDINANCE NO. ___- 09 HR

AN ORDINANCE AMENDING THE RICHLAND COUNTY CODE OF ORDINANCES; CHAPTER 26, LAND DEVELOPMENT; SECTION 26-180, SIGNS; SO AS TO ALLOW LEGAL NONCONFORMING OFF-PREMISES SIGNS IN **GENERAL COMMERCIAL, LIGHT INDUSTRIAL, AND HEAVY INDUSTRIAL** ZONING DISTRICTS TO BE REPLACED BY SURFACE AREA DIGITAL SIGNS.

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

SECTION I. The Richland County Code of Ordinances, Chapter 26, “Land Development”; Article VII, “General Development, Site, and Performance Standards”; Section 26-180, “Signs”; Subsection (o), Nonconforming Signs; is hereby amended to read as follows:

- (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) Unless allowed in paragraph (2), below, a nonconforming sign shall not be:

- a. 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.
- b. Structurally altered so as to prolong the life of the sign.
- c. Expanded.
- d. Reestablished after discontinuance for sixty (60) or more successive days.
- e. 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.

(2) *Changeable copy signs.* Legal nonconforming off-premise signs in **GC, M-1, LI, and HI** Zoning Districts may be replaced in whole or in part by surface area displaying changeable static images controlled by electronic communications (hereinafter “digital

signs”) as provided by this paragraph. Provided, however, the shape and/or size of the surface area shall not change.

- a. A permit to replace legal nonconforming off-premise sign display surface area with digital surface area shall first be obtained as provided in Sec. 26-180 (a) (2). The annual digital sign fee shall be one thousand (\$1,000.00) dollars, which shall be paid on or before Dec. 31 of each calendar year.
- b. An applicant shall submit construction plans for review, and appropriate fees shall be paid to the Building and Inspections department prior to work commencing. Electrical contractors and sub-contractors shall be qualified and licensed, and obtain permits and pay fees as needed.
- c. Digital signs shall have a permanent nameplate affixed certifying the maximum illumination capabilities (in nits) of the sign.
- d. Evidence must be presented to show that the applicant had already removed six (6) square feet of existing legal nonconforming off-premise signs since _____, 2009 for each one (1) square foot of digital sign proposed.
- e. A demolition permit must be obtained from the Building and Inspections Department prior to the removal of a legal nonconforming off-premise sign, and a fee of one hundred fifty (\$150.00) dollars must be paid.
- f. A digital sign as provided by this section shall not be considered flashing or blinking for the purposes of this paragraph when the copy shall remain fixed for a period of at least ten (10) seconds between changes. The interval between copy changes shall be instantaneous.
- g. Digital signs shall not include animated, continuous, moving, rolling, scrolling, sequential, or interactive messages or video displays.
- h. Digital signs shall contain a default design that will freeze the sign in one position if a malfunction occurs.
- i. Digital signs shall have an automatic dimmer and a photo cell sensor to adjust the illumination intensity or brilliance of the sign so that it shall not cause glare or impair the

vision of motorists, and shall not interfere with any driver's operation of a motor vehicle. In addition, digital signs shall not exceed a maximum illumination of 7,500 nits (candelas per square meter) during daylight hours and a maximum illumination of 500 nits between dusk to dawn as measured from the sign's face at maximum brightness. Digital signs shall not be permitted within three hundred (300) feet of any residential or institutional use or district towards which the sign is oriented.

- j. This permissibility does not include the replacement of, or some other substantial alteration to, the sign support structure, except that existing metal sign support structures may be replaced with new metal sign support structures pursuant to a permit to erect digital.
- k. A digital sign may be reestablished after damage or destruction by an act of God, where the estimated expense of reconstruction does not exceed fifty percent (50%) of the appraised replacement cost of the sign structure, exclusive of the value of any digital display device.
- l. There shall be three thousand (3,000) feet spacing of digital signs on the same side of the road; there shall also be three thousand (3,000) feet spacing of digital signs on the opposite side of the road if the signs are facing in the same direction.
- m. Digital signs shall be allowed only on 'arterial' streets as defined in Section 26-22; provided, however, such signs shall not be located within one thousand (1,000) feet of a signalized intersection, or exit or entrance ramp.
- n. Digital signs shall not be permitted inside the boundaries of any Historic District as defined by the National Historic Register, nor shall they be permitted inside the boundaries of any Neighborhood Master Plan Overlay District.

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

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

SECTION IV. Effective Date. This ordinance shall be effective from and after _____, 2009.

RICHLAND COUNTY COUNCIL

BY: _____
Paul Livingston, Chair

ATTEST THIS THE ____ DAY
OF _____, 2009

Michielle R. Cannon-Finch
Clerk of Council

RICHLAND COUNTY ATTORNEY'S OFFICE

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

First Reading: June 2, 2009
Public Hearing: July 28, 2009 (tentative)
Second Reading:
Third Reading:

EXPLANATION OF DIGITAL SIGN ORDINANCE

Title:

AN ORDINANCE AMENDING THE RICHLAND COUNTY CODE OF ORDINANCES; CHAPTER 26, LAND DEVELOPMENT; ARTICLE VII, GENERAL DEVELOPMENT, SITE, AND PERFORMANCE STANDARDS; SECTION 26-180, SIGNS; SO AS TO CREATE A NEW SECTION THAT WOULD ALLOW DIGITAL DISPLAY DEVICES UNDER CERTAIN CONDITIONS.

Background:

The federal Department of Transportation is concerned with roadway safety and factors that may contribute to driver distraction. The DOT is undertaking a comprehensive study of driver distraction.

Phase 1, a literature search of existing studies is complete; a report was issued in February 2009. The report concludes:

The basic research question being addressed in the present report is whether the presence of Commercial Electronic Variable Message Signs (CEVMS) used for outdoor advertising is associated with a reduction in driving safety for the public. When regarded from a scientific perspective, the present literature review does not provide an adequate answer to this question. The studies reviewed are inconclusive.

The report further states:

the driver's eye glances should be concentrated in the region of the roadway ahead, and any frequent or long eye glances away from this region toward other objects, including CEVMS, could be regarded as an indication of possible driver distraction.

...the more stringent restrictions on the placement of billboards found in other countries might be regarded as a conservative precautionary measure, erring on the side of protecting public health from a possible but unproven threat and not as a response to an established driving safety hazard.

The federal DOT acknowledges the complexity of this issue: *Investigating the possible safety effects of CEVMS is sufficiently complex so that no single experiment will answer all of the relevant scientific and engineering questions.* Phase 2 of this study, a program of additional research is underway and anticipated to be completed with 12 months.

The Planning Department recommends caution in approving unlimited use of new technology, Commercial Electronic Variable Message Signs (CEVMS) until phase 2 of the federal study is completed and we have a better understanding if CEVMS contributes to driver distraction. As an interim measure, the Department proposes allowing CEVMS with strict limitations on the use of the technology.

What this ordinance will do:

This ordinance will add definitions for:

- “Sign, electronic changeable copy”
- “Sign, electronic graphic display”
- “Sign, multi-vision”
- “Sign, video display”

The ordinance would prohibit the use of electronic graphic display signs, multi-vision signs, and video display signs, but would allow electronic changeable copy signs in all zoning districts with the following regulations:

- Time and temperature displays are allowed, but must not exceed twenty (20) square feet of the sign face.
- All other changeable copy signs shall only be permitted with the following restrictions:
 - Such signs shall remain static at all times – scrolling and/or movement of any kind is prohibited.
 - The electronic area may not exceed (20) square feet of the sign face.
 - The message must not change more than once every five (5) minutes.
 - Illumination should be no greater than 5,000 nits during daylight hours and no greater than 500 nits during evening hours.
 - Signs shall not display flashing lights.
 - Audio speakers or any form of pyrotechnics are prohibited in association with an electronic changeable copy sign.
 - The bottom of the sign shall be at least ten (10) feet from the ground.
 - The leading edge of the sign must be a minimum distance of one hundred (100) feet from an abutting residential district boundary.
 - Signs shall only be used or displayed between the hours of 6:00 a.m and 11:00 p.m.

STATE OF SOUTH CAROLINA
COUNTY COUNCIL FOR RICHLAND COUNTY
ORDINANCE NO. ___-09HR

AN ORDINANCE AMENDING THE RICHLAND COUNTY CODE OF ORDINANCES; CHAPTER 26, LAND DEVELOPMENT; ARTICLE VII, GENERAL DEVELOPMENT, SITE, AND PERFORMANCE STANDARDS; SECTION 26-180, SIGNS; SO AS TO CREATE A NEW SECTION THAT WOULD ALLOW DIGITAL DISPLAY DEVICES UNDER CERTAIN CONDITIONS.

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

SECTION I. The Richland County Code of Ordinances, Chapter 26, Land Development; Article II, Rules of Construction/Definitions; Section 26-22, Definitions; is hereby amended to include in the appropriate alphabetical order, the following definition:

Sign, electronic changeable copy. A sign or portion thereof that displays electronic, non-pictorial, text information in which each alphanumeric character, graphic, or symbol is defined by a small number of matrix elements using different combinations of light emitting diodes (LEDs), fiber optics, light bulbs, or other illumination devices within the display area. Electronic changeable copy signs include computer programmable, microprocessor controlled electronic displays.

Sign, electronic graphic display sign. A sign or portion thereof that displays electronic, static images, static graphics or static pictures, with or without text information, defined by a small number of matrix elements using different combinations of light emitting diodes (LEDs), fiber optics, light bulbs, or other illumination devices within the display area where the message change sequence is accomplished immediately or by means of fade, repixelization or dissolve modes. Electronic changeable copy signs include computer programmable, microprocessor controlled electronic or digital displays. Electronic graphic display signs include projected images or messages with these characteristics onto buildings or other objects.

Sign, multi-vision. Any sign composed in whole or in part of a series of vertical or horizontal slats or cylinders that are capable of being rotated at intervals so that partial rotation of the group of slats or cylinders produces a different image and when properly functioning allows on a single sign structure the display at any given time one of two or more images.

Sign, video display. A sign that changes its message or background in a manner or method of display characterized by motion or pictorial imagery, which may or may not include text and depicts action or a special effect to imitate movement, the presentation of pictorials or graphics displayed in a progression of frames that give the illusion of motion, including, but not limited to, the illusion of moving objects, moving patterns or bands of light, or expanding or contracting shapes, not including electronic changeable copy signs.

Video display signs include projected images or messages with these characteristics onto buildings or other objects.

SECTION II. The Richland County Code of Ordinances, Chapter 26, Land Development; Article VII, General development, Site, and Performance Standards; Section 26-180, Signs; Subsection (e); is hereby amended to read as follows:

- (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, unless specifically allowed elsewhere in this chapter.
 - (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.* All signs located in the right-of-way, unless specifically allowed elsewhere in this chapter.
 - (10) *Inflatable signs or balloons.*

(11) Electronic graphic display signs.

(12) Multi-vision signs.

(13) Video display signs.

SECTION III. The Richland County Code of Ordinances, Chapter 26, Land Development; Article VII, General development, Site, and Performance Standards; Section 26-180, Signs; is hereby amended to create a new subsection to read as follows:

(p) Electronic changeable copy signs. Electronic changeable on-premise copy signs are permitted in all zoning districts.

(1) Time and temperature displays are allowed, but must not exceed twenty (20) square feet of the sign face.

(2) All other changeable copy signs shall only be permitted with the following restrictions:

a. Such signs shall remain static at all times – scrolling and/or movement of any kind is prohibited.

b. The electronic area may not exceed (20) square feet of the sign face.

c. The message must not change more than once every five (5) minutes.

d. Illumination should be no greater than 5,000 nits during daylight hours and no greater than 500 nits during evening hours.

e. Signs shall not display flashing lights.

f. Audio speakers or any form of pyrotechnics are prohibited in association with an electronic changeable copy sign.

g. The bottom of the sign shall be at least ten (10) feet from the ground.

h. The leading edge of the sign must be a minimum distance of one hundred (100) feet from an abutting residential district boundary.

i. Signs shall only be used or displayed between the hours of 6:00 a.m and 11:00 p.m.

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

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

SECTION VI. Effective Date. This ordinance shall be enforced from and after _____, 2009.

RICHLAND COUNTY COUNCIL

BY: _____
Paul Livingston, Chair

ATTEST THIS THE ____ DAY

OF _____, 2009

Michielle R. Cannon-Finch
Clerk of Council

RICHLAND COUNTY ATTORNEY'S OFFICE

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

Public Hearing: June 23, 2009 (tentative)
First Reading: June 23, 2009 (tentative)
Second Reading:
Third Reading:

