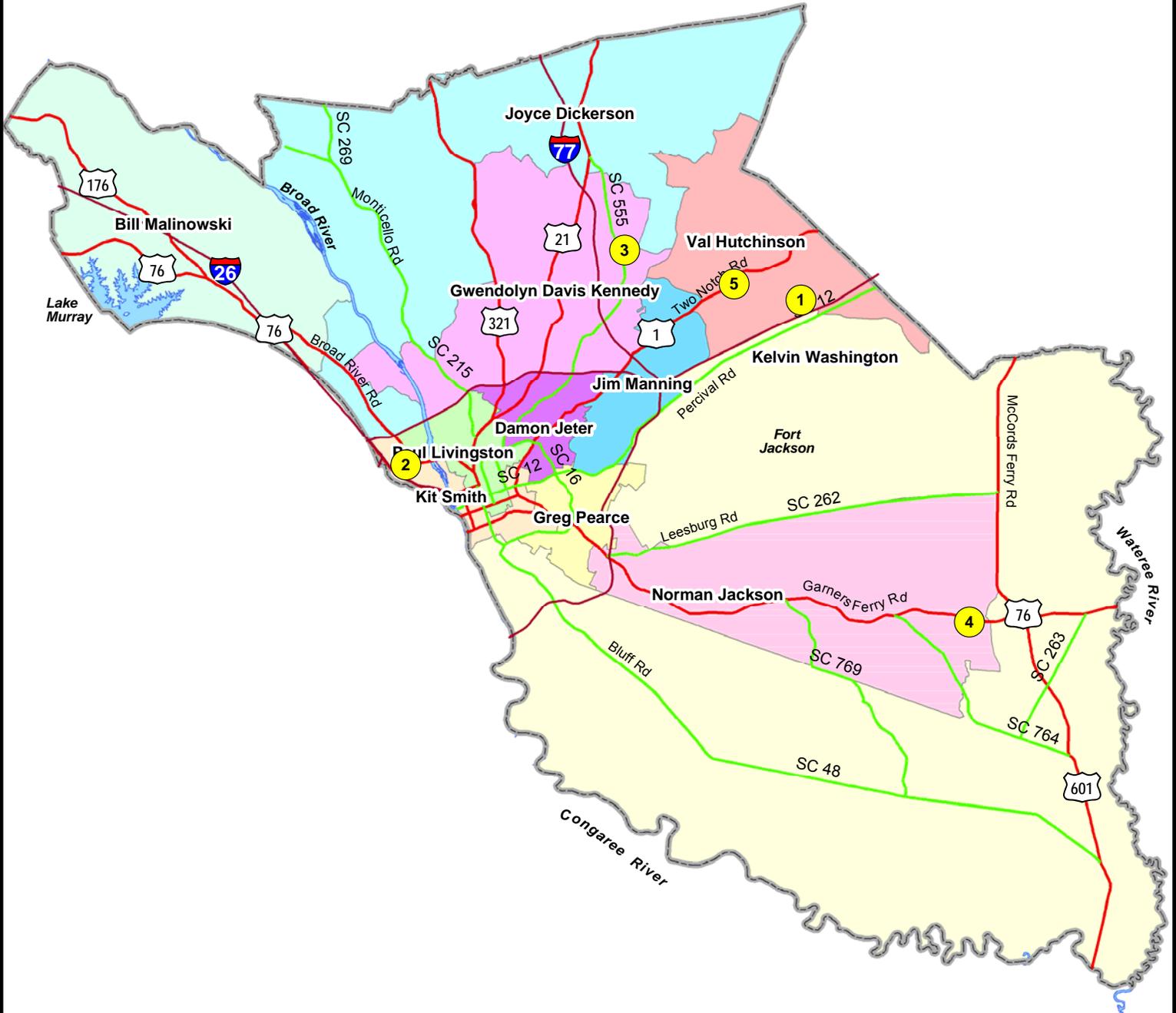


RICHLAND COUNTY
PLANNING COMMISSION



September 2, 2010

RICHLAND COUNTY PLANNING COMMISSION SEPTEMBER 2, 2010



CASE NO.	APPLICANT	TMS NO.	LOCATION	DISTRICT
1. 10-23 MA	Cynthia South	07306-05-15 & 07306-04-05/21/24	Brevard St. & Jefferson Allen Dr.	Livingston
2. 10-24 MA	Lexington Land Development Co., LLC	17400-04-02/06/11	Clemson Rd. & Farrow Rd.	Kennedy
3. 10-25 MA	Josh Williamson	35200-09-06 & 60	11315 & 11325 Garners Ferry Rd.	Jackson
4. 10-26 MA	Hughes Commercial Properties	22914-06-03/04/05/06/07/08/16/17	Two Notch Rd. & Fore Ave.	Hutchinson

RICHLAND COUNTY PLANNING COMMISSION

Thursday, September 2, 2010

Agenda

1:00 PM

***2020 Hampton Street
2nd Floor, Council Chambers***

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

PUBLIC MEETING CALL TO ORDER Pat Palmer, Chairman

PUBLIC NOTICE ANNOUNCEMENT

PRESENTATION OF MINUTES FOR APPROVAL

a. July 2010 minutes

ROAD NAME APPROVALS

AGENDA AMENDMENTS

SUBDIVISION REVIEW

SD-05-231
Ashland Subdivision @ Lake Carolina
Phases 3C, 5, 6
23300-03-01
Page 3

MAP AMENDMENTS

1. Case #10-23 MA
Cynthia South
RS-LD to RS-MD (8.18 acres)
Brevard St. & Jefferson Allen Dr.
TMS # 07306-05-15 & 07306-04-05/21/24
Page 7

2. Case #10-24 MA
Lexington Land Development Co., LLC.
Gregorio M. Leon, Jr.
HI to GC (1.65 acres)
Clemson Rd. & Farrow Rd.
TMS # 17400-04-02/06/11
Page 13

3. Case #10-25 MA
Josh Williamson
Ray Head
PDD to RC (2.35 acres)
11315 & 11325 Garners Ferry Rd.
TMS # 35200-09-06 & 60
Page 19

4. Case #10-26 MA
Hughes Commercial Properties
Grands Investment Company
MH/M-1 to GC
Two Notch Rd. & Fore Ave
TMS# 22914-06-/03/04/05/06/07/08/16/17
Page 27

TEXT AMENDMENTS

1. 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; SUBSECTION (B); SO AS TO CORRECT THE SECTION REFERENCE FOR THE ADOPTED FLOOD INSURANCE RATE MAP.
Page 33
2. AN ORDINANCE AMENDING THE RICHLAND COUNTY CODE OF ORDINANCES; CHAPTER 26, LAND DEVELOPMENT; SO AS TO ADOPT THE NEW FIRM MAPS WITH EFFECTIVE DATES OF SEPTEMBER 29, 2010, AND OTHER UPDATES AS REQUIRED BY FEMA TO MAINTAIN THE NATIONAL FLOOD INSURANCE PROGRAM.
Page 35

OTHER BUSINESS

SIDEWALKS DISCUSSION

ADJOURNMENT



Planning & Development Services Department

2020 Hampton Street, 1st Floor • Columbia, South Carolina 29204-1002
 Post Office Box 192 • Columbia, South Carolina 29202-0192

TO: Planning Commission Members
FROM: Alfreda W. Tindal, E9-1-1 Addressing Coordinator Specialist
DATE: August 9, 2010
SUBJECT: Street Name Approval

Pursuant Section 6-29-1200 (A), SC Code of Laws requires the Planning Commission to approve street names. Specifically, states "...A local planning commission created under the provisions of this chapter shall, by proper certificate, approve and authorize the name of a street or road laid out within the territory over which the commission has jurisdiction..."

The proposed street/road/subdivision name(s) listed below has/ have been reviewed and meet(s) the Enhanced 9-1-1 emergency road/subdivision naming requirements.

Action Requested

The Addressing Coordinator Specialist recommends the Commission give **final** approval of the road name(s) listed below. **Unless specifically stated, the street name suffix (es) is/ are added after receipt of the subdivision lot layout.**

PROPOSED NAME(S)	PETITIONER/ INITIATOR	LOCATION	PROPERTY OWNERS/ LOT(S)	COUNCIL DISTRICT
1. Aldershot 2. Ashchurch 3. Barnetby 4. Bournemouth	Clay Walsh, Civil Engineering of Columbia	Landon Station S/D Located off Longreen Pkwy	N/A	(7) Gwendolyn Davis Kennedy



Richland County Planning & Development Services Department Staff Report

PC MEETING DATE: September 2, 2010
RC PROJECT: SD-05-231
APPLICANT: Ashland at Lake Carolina Phases 3C, 5, and 6
LOCATION: Kelly Mill Road
TAX MAP NUMBER: 23300-03-01

ACREAGE: Phase 3C– (11.03)
Phase 5– (10.01)
Phase 6 – (10.01)

EXISTING ZONING: PDD

NUMBER OF LOTS: Phase 3C – (32)
Phase 5 – (50)
Phase 6 – (50)

LOT SIZE RANGE: Phase 3C – (7,816 – 14,169 sq. ft.)
Phase 5 – (4,704 - sq. ft)
Phase 5 – (4,704 sq. ft)

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:

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) 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 3C, 5 and 6 preliminary plats were transmitted to Richland County Land Development staff on August 18, 2010. The Phase 3C proposed development consists of 32 residential single-family lots that are located near the intersection of Kelly Mill Road and Ashland Drive. Phase 5 consists of 50 residential single-family lots that are located near the intersection of Brooksdale Drive and Parnell Court. Phase 6 consists of 50 residential single-family lots that are located near the intersection of Brooksdale Drive and Pennywell Court. 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 3C lots have frontage on Plyler Lane, Mapleside Drive and Sydney Drive, Phase 5 lots have frontage on Parnell Court, and Phase 6 lots have frontage on Pennywell Court, 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	Richland School District 2
Adjacent West	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 1,254 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 2009 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 1,254ADTs to the SCDOT reported 3,400 ADTs yields 9,642 ADTs. Dividing the 9,642 ADTs by 8,600 ADTs yields a volume to capacity (V/C) ratio of 1.12. This reduces Kelly Mill Road to a Level-of-Service "D". 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 3C preliminary plat dated June, 2010 with no revisions, the Phase 5 preliminary plat dated June, 2010 with no revisions and Phase 6 preliminary plat dated June, 2010 with no revisions were submitted for review.

Planning Staff recommends conditional approval of the Ashland at Lake Carolina Phases 3C, 5 and 6 preliminary plats with the following conditions:

1. Submission of revised plans for the following:
 - a) Include a note identifying setbacks for Phases 3C, 5 and 6.
 - b) Provide building envelopes on Ashland at Lake Carolina Phase 5 and 6 Preliminary plat.
2. Approval from E-911 Addressing
3. Approval from the Richland County Public Works
4. Approval from the Richland County Fire Marshal.
5. Approval from the Richland County Flood Manager.
6. Submission of a copy of approval from DHEC for the sewer lines.
7. Approval from Palmetto Utilities for all sewer line easements.
8. 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.





**Richland County
Planning & Development Services Department**

Map Amendment Staff Report

PC MEETING DATE: September 2, 2010
RC PROJECT: 10-23 MA
APPLICANT: Cynthia South
PROPERTY OWNER: Cynthia South

LOCATION: Brevard Street and Jefferson Allen Drive

TAX MAP NUMBER: 07306-04-05, 21, 24 & 07306-05-15
ACREAGE: 8.18 acres
EXISTING ZONING: RS-LD
PROPOSED ZONING: RS-MD

PC SIGN POSTING: August 13, 2010

Staff Recommendation

Approval

Background /Zoning History

The current zoning, Residential Single Family Low Density District (RD-LD) reflects the original zoning as adopted September 7, 1977.

The parcels contain one thousand six hundred and thirty four (1634) feet of frontage along Brevard Street. The parcels contain nine hundred and nineteen (919) feet of frontage along Jefferson Allen Drive.

Parcel TMS#07306-04-01 had two previous proposed rezoning attempts under case 03-29MA and case 04-15MA. Case 03-029MA the proposed change was to rezone the property from RS-1 to M-1 and the request was withdrawn. Case 04-15MA the applicant requested the same rezoning for the property RS-1 to (M-1) and it was denied.

Summary

The Residential Single Family Medium Density District (RS-MD) is intended as a single family, detached residential district of medium densities, and the requirements for this district are designed to maintain a suitable environment for single family living.

Minimum lot area is 8,500 square feet, or as determined by DHEC. The maximum density standard: no more than one principal dwelling unit may be placed on a lot except for permitted accessory dwellings.

- The gross density for this site is approximately: 42 dwelling units
- The net density for this site is approximately: 29 dwelling units

Direction	Existing Zoning	Use
<u>North:</u>	RS-MD	Residences
<u>South:</u>	RS-LD	Residences
<u>East:</u>	RS-LD/M-1	Residences/ Warehouse (Vendor Supply)
<u>West:</u>	RS-LD	Residences

Plans & Policies

The 2009 Richland County Comprehensive Plan “Future Land Use Map” designates this area as a **Priority Investment Area** in the **Beltway Planning Area**.

Priority Investment Area

Objective: “Residential housing should be varied at moderate to high densities (4-16 dwelling units per acre).”

Compliance: The Residential Single Family Medium Density District (RS-MD) would permit 5.1 dwelling units per acre in accordance with the plan. The medium density district would be compatible with the Residential Single Family Medium Density District (RS-MD) to the north of the subject parcels. The surrounding Residential Single Family Low Density District to the south of the subject parcels permit 3.6 dwelling units per acre. The Residential Single Family Low Density District permits residential dwelling units at a lower density than what is recommended in the Comprehensive Plan.

Traffic Impact

The 2009 SCDOT traffic count (Station # 183), west of the subject parcel on Broad River Road identifies 26,000 Average Daily Trips (ADT’s). Broad River Road is classified as a five lane undivided Principal Arterial, maintained by SCDOT with a design capacity of 33,600 ADT’s. Broad River Road is currently operating at a Level of Service (LOS) “C”.

The 2009 SCDOT traffic count (Station # 299), east of the subject parcel on Greystone Boulevard identifies 15,800 Average Daily Trips (ADT’s). Greystone Boulevard is classified as a four lane undivided Minor Arterial, maintained by SCDOT with a design capacity of 24,800 ADT’s. Greystone Boulevard is currently operating at a Level of Service (LOS) “B”.

There are no planned or programmed improvements for Greystone Boulevard or this section of Broad River Road. Currently the River Drive bridge is undergoing repairs to bring it up to current standards inclusive of pedestrian and bicycle safety standards.

Conclusion

The proposed rezoning would be compatible with the surrounding land uses.

The subject parcels are part of the Broad River Corridor and Community Study area. The draft document (see pg. 70) recommends, policy number one (1) to “*promote new and diverse housing stock.*” The proposed Residential Single Family Medium Density District (RS-MD) would create additional new homes and diversify the existing housing stock. Potentially new development will act as a catalyst for redevelopment opportunities within the immediate study area.

The existing parcels are wooded and undeveloped. Northeast of the subject parcel is “Vender Supply”, a company that specializes in warehousing and supplies vending machine consumables. Contiguous to the North are a number of Residential Single Family Medium Density District (RS-MD) zoned parcels. To the West and South are Residential Single Family Low Density District (RS-LD) zoned properties with some of the parcels containing single family residences. This site represents an opportunity for infill development in an area with existing services and infrastructure.

The subject parcels are part of the Richland One school district and are within eighteen hundred (1800) feet of H.B. Rhame Jr. Elementary and Saint Andrews Middle. The elementary and middle school is located on the same parcel.

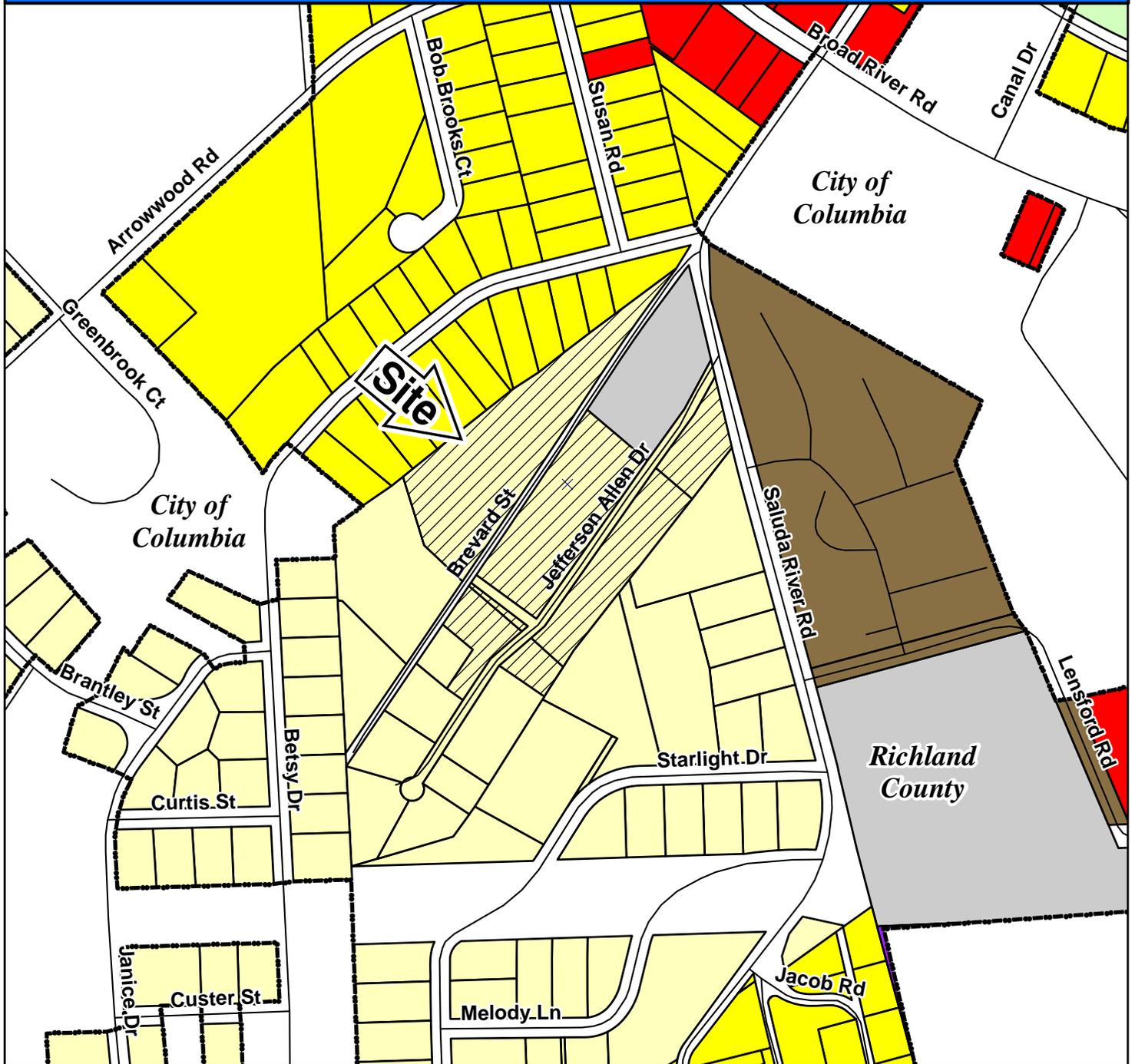
The Saint Andrews fire station (station number 6) is located on Briargate Circle roughly 1.4 miles northwest of the subject parcel. There is a fire hydrant located northeast of the subject parcel on Betsy Drive near the intersection of Brevard Street and Saluda River Road; an additional fire hydrant is located south of Jefferson Allen Drive on Saluda River Road. The proposed rezoning would not have a negative impact on public services or traffic. Water and sewer is provided by the City of Columbia.

The proposed Zoning Map Amendment **is compatible** with the surrounding land uses. Planning Staff recommends **Approval** of this map amendment.

Zoning Public Hearing Date

September 28, 2010

Case 10-23 MA RS-LD to RS-MD



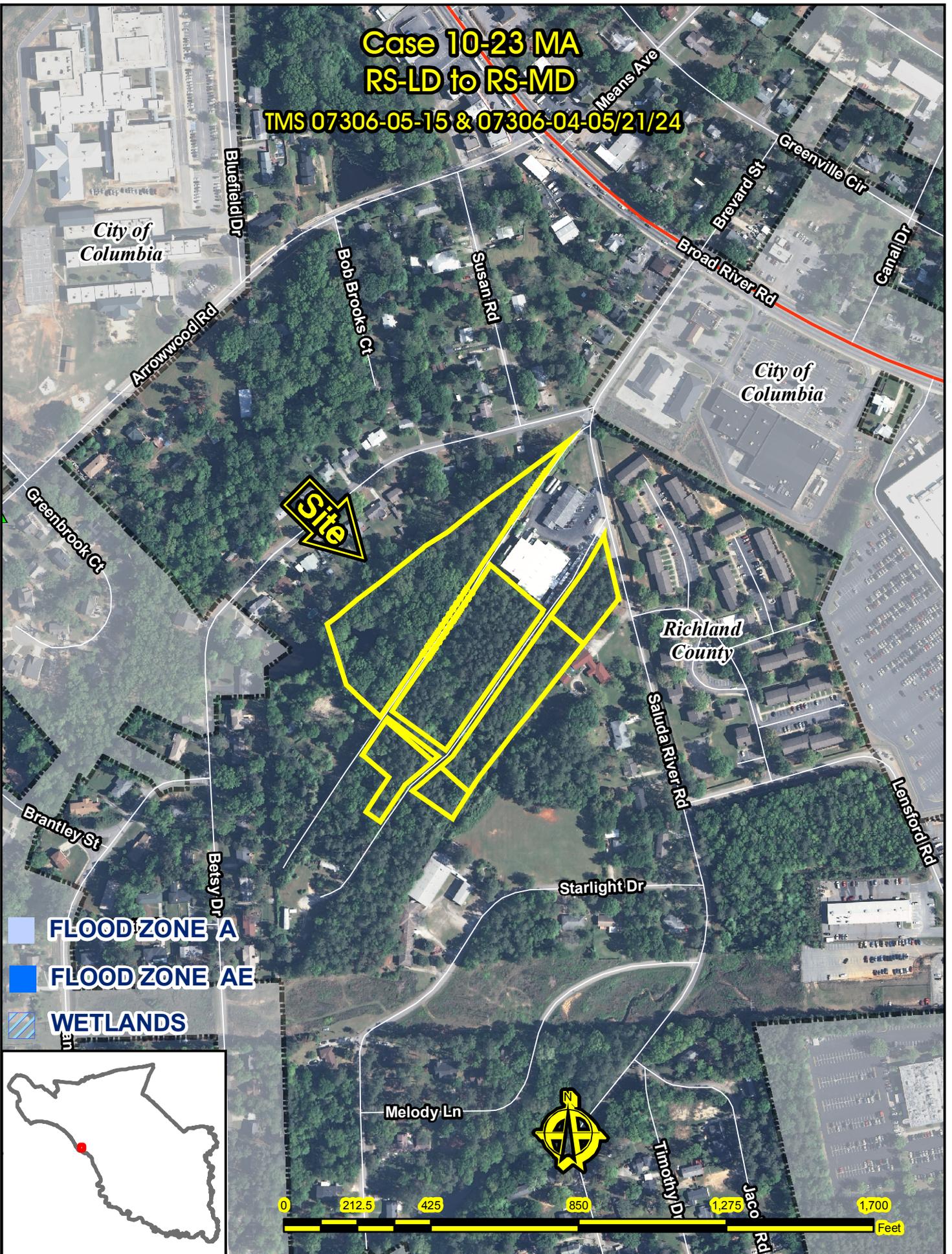
ZONING CLASSIFICATIONS

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



**Case 10-23 MA
RS-LD to RS-MD**

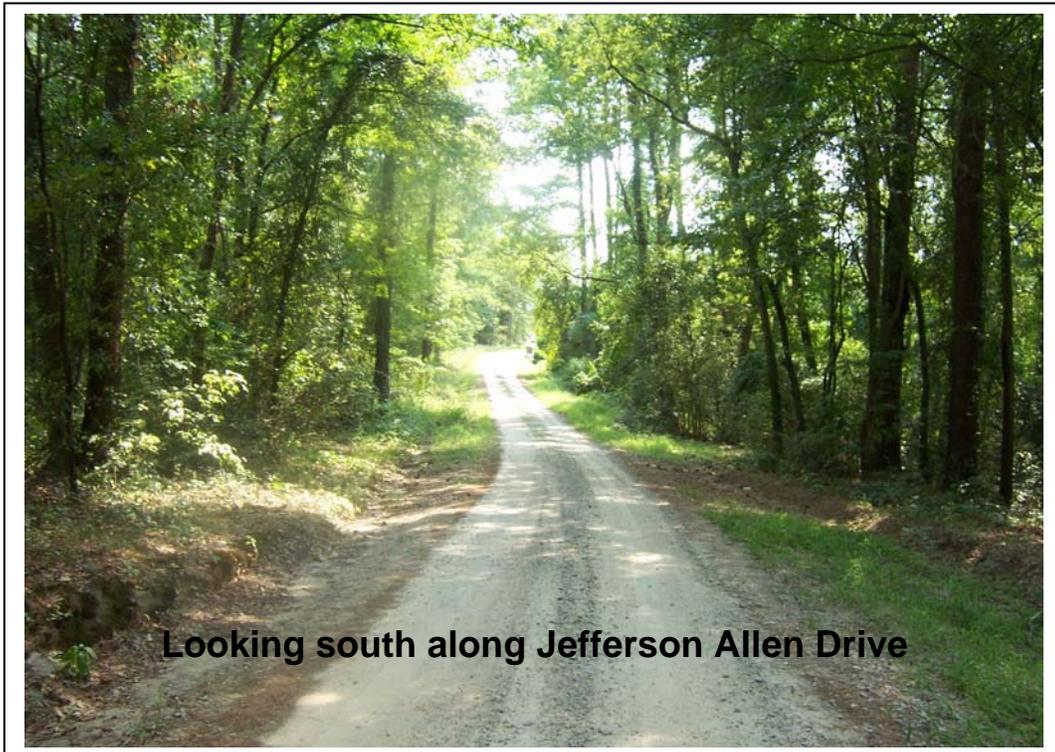
TMS 07306-05-15 & 07306-04-05/21/24



CASE 10-23 MA

From RS-LD to RS-MD

TMS 07306-04-05, 21, 25 & 07306-05-15 Brevard Street & Jefferson Allen Drive





**Richland County
Planning & Development Services Department**

Map Amendment Staff Report

PC MEETING DATE: September 2, 2010
RC PROJECT: 10-24 MA
APPLICANT: Lexington Land Development, LLC
PROPERTY OWNER: Gregorio M. Leon, Jr.

LOCATION: Farrow Road and Clemson Road

TAX MAP NUMBER: 17400-04-02, 06, & 11
ACREAGE: 1.65 acres
EXISTING ZONING: HI
PROPOSED ZONING: GC

PC SIGN POSTING: August 13, 2010

Staff Recommendation

Approval

Background /Zoning History

The current zoning, Heavy Industrial District (HI) reflects the original zoning as adopted September 7, 1977.

The parcels contain six hundred and ninety four (694) feet of frontage along Farrow Road and two hundred and twenty five (225) feet of frontage along Clemson Road.

Summary

The General Commercial (GC) District is intended to accommodate a variety of commercial and nonresidential uses characterized primarily by retail, office, and service establishments and oriented primarily to major traffic arteries or extensive areas of predominantly commercial usage and characteristics.

No minimum lot area, except as required by DHEC. The maximum allowed density for residential uses is sixteen (16) dwelling units per acre.

- The gross density for this site is approximately: 26 dwelling units
- The net density for this site is approximately: 13 dwelling units

Direction	Existing Zoning	Use
<u>North:</u>	HI	Undeveloped
<u>South:</u>	HI	Storage facility
<u>East:</u>	HI	Undeveloped
<u>West:</u>	PDD	Graded for a detention pond (to be used as open space)

Plans & Policies

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

Suburban

Objective: “Commercial/Office activities should be located at traffic junctions or areas where existing commercial and office uses are located. These uses should not encroach on established residential areas.”

Compliance: The subject parcels are located at a traffic junction (intersection of Clemson Road and Farrow Road). West of the subject parcels an automotive dealership is currently under construction and no established residential lots in the immediate area.

Traffic Impact

The 2009 SCDOT traffic count (Station # 442), east of the subject parcel on Clemson Road shows 23,000 Average Daily Trips (ADT's). Clemson Road is classified as a five lane undivided Minor Arterial, maintained by SCDOT with a design capacity of 24,800 ADT's. Clemson Road is currently operating at a Level of Service (LOS) “C”.

Clemson Road is controlled access by the South Carolina Department of Transportation (SCDOT) which restricts curb cuts and access. The location of the site relative to the intersection will limit the placement of access to Farrow Road. This segment of Farrow Road is controlled access leading up to the intersection and access will be limited to south of the intersection on Farrow Road. There are no planned or programmed improvements for these sections of Clemson Road and Farrow Road.

Conclusion

The proposed rezoning would be compatible with the surrounding land uses.

East of the subject parcel the Southern Railway railroad tracks run parallel to Farrow Road. The railroad tracks have a sixty (60) foot right-of-way that runs parallel with the subject parcels along the eastern parcel lines. The setbacks for the Heavy Industrial District (HI) and the General Commercial District (GC) are the same at twenty five (25) feet for the front and ten (10) for the rear with no side setbacks. Due to the location of the subject parcels, development will be constrained by the controlled access limitations and the parcel configurations.

The character of the surrounding area is changing to commercial in nature. East of the subject sites is Sam's Crossing that contains a number of commercial uses; these uses include gas stations, banks, fast food restaurants, a church, a home improvement store, and three chain pharmacies. Northwest and west of the subject parcels is the three hundred and ninety six (396) acre Planned Development District (PDD) Killian's Crossing. The Killian's Crossing Planned Development District (PDD) will contain commercial, residential, open space/green space and office uses. The parcel immediately west of the subject site is being developed as part of the Killian's Crossing Planned Development District (PDD) and is identified as open space and currently contains a detention pond.

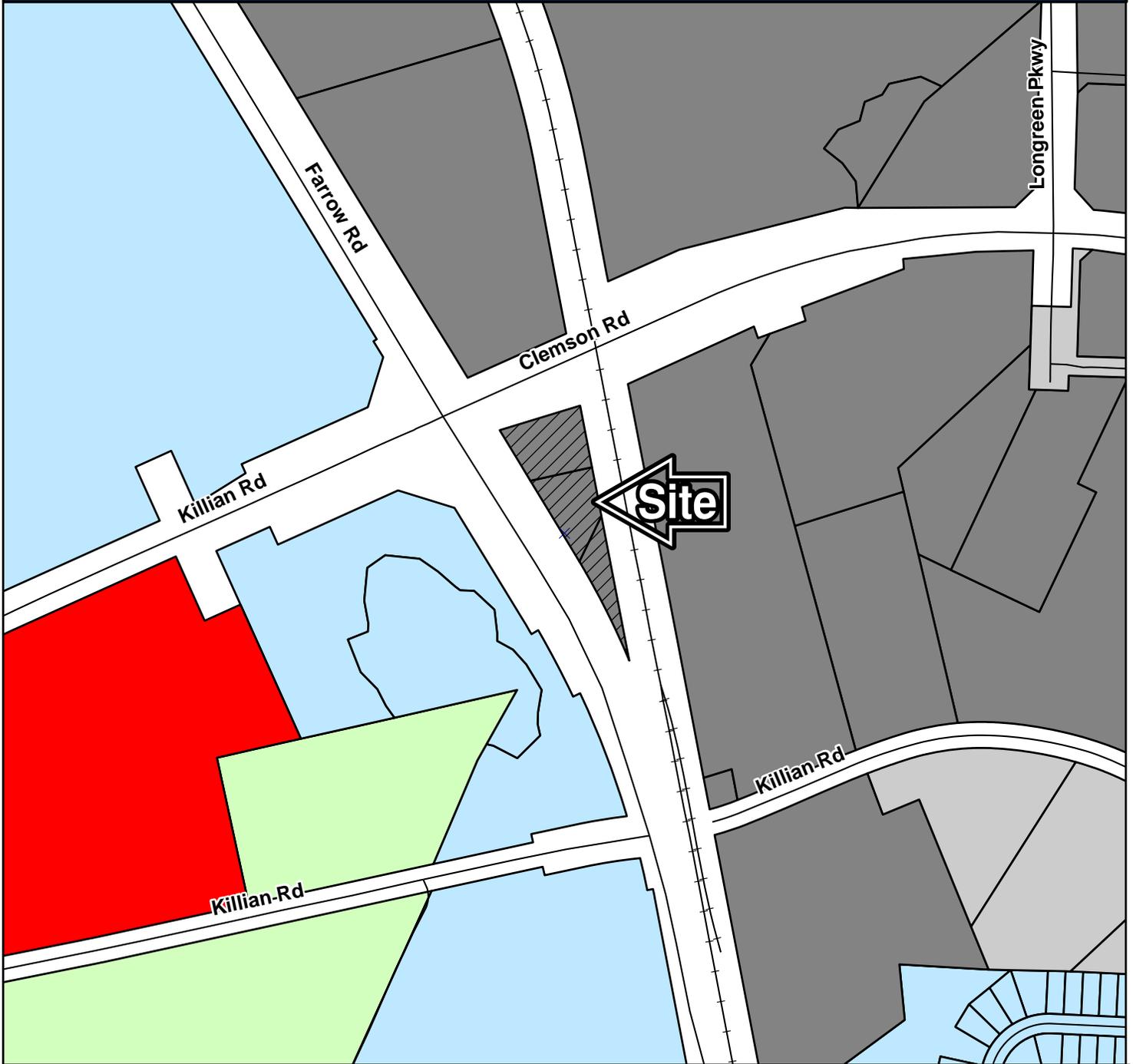
The Killian fire station (station number 27) is located on Farrow Road .257 miles or one thousand three hundred and sixty (1360) feet south of the subject parcel. The proposed rezoning would not have a negative impact on public services or traffic. Water and sewer is provided by the City of Columbia.

The proposed Zoning Map Amendment **is compatible** with the surrounding land uses. Planning Staff recommends **Approval** of this map amendment.

Zoning Public Hearing Date

September 28, 2010

Case 10-24 MA HI to GC

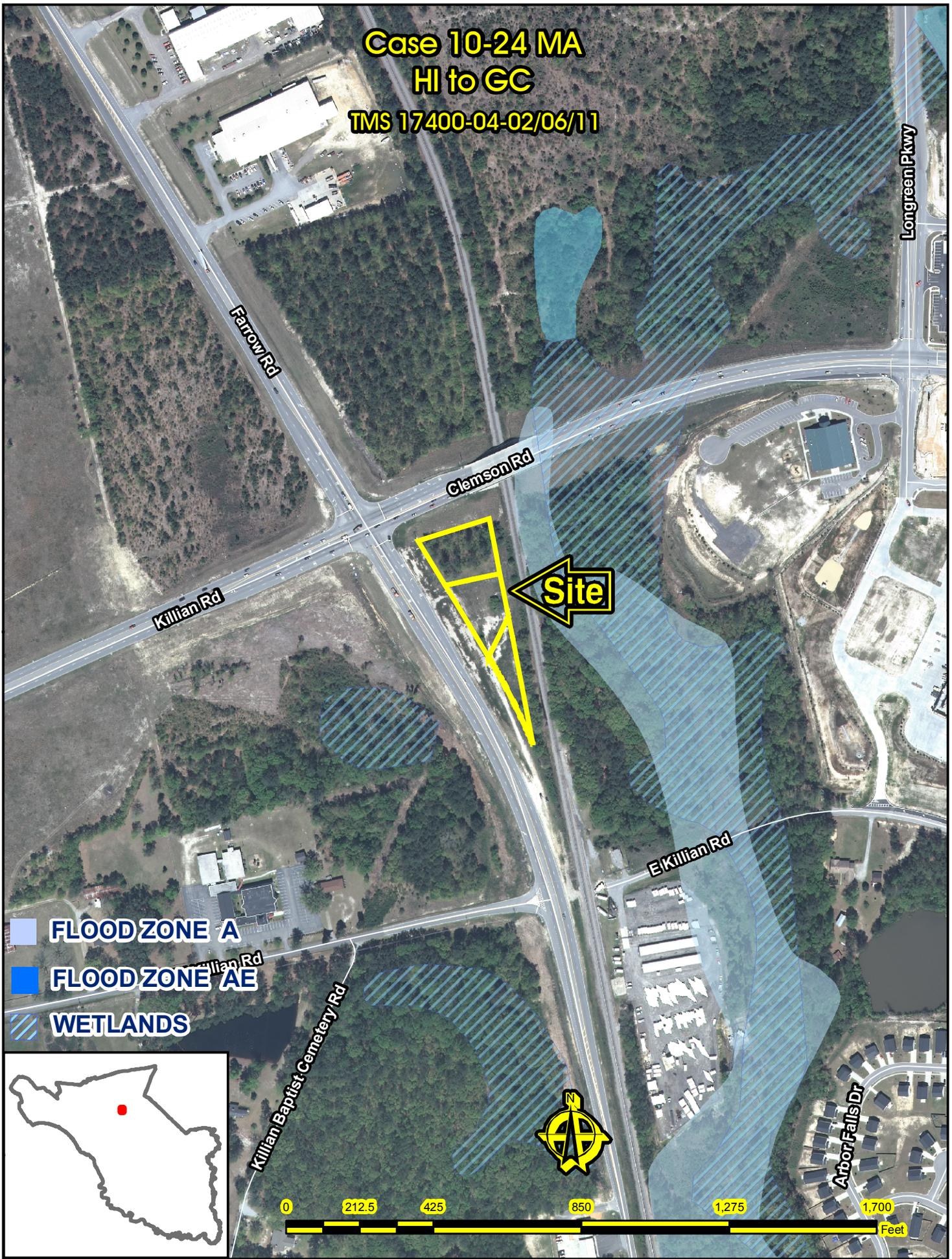


ZONING CLASSIFICATIONS

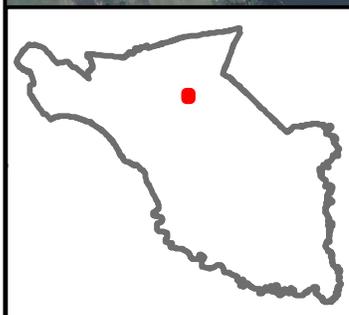
RR	RS-E	MH	NC	LI	TROS
C-1	RS-LD	RM-MD	GC	HI	Subject Property
C-3	RS-MD	RM-HD	RC	PDD	
RG-2	RS-HD	OI	M-1	RU	



Case 10-24 MA
HI to GC
TMS 17400-04-02/06/11



- FLOOD ZONE A
- FLOOD ZONE AE
- WETLANDS



CASE 10-24 MA

From HI to GC

TMS# 17400-04-02, 06, 11

Farrow Road





Richland County Planning & Development Services Department

Map Amendment Staff Report

PC MEETING DATE: September 2, 2010
RC PROJECT: 10-25 MA
APPLICANT: Josh Williamson
PROPERTY OWNER: Ray Head

LOCATION: 11315 & 11325 Garners Ferry

TAX MAP NUMBER: 35200-09-06 & 35200-09-60
ACREAGE: 2.35 acres
EXISTING ZONING: PDD
PROPOSED ZONING: RC

PC SIGN POSTING: August 13, 2010

Staff Recommendation

Denial

Background /Zoning History

The original zoning, Rural District (RU) was adopted September 7, 1977. The current zoning, Planned Development District (PDD) reflects the zoning as approved in 2004 under 04-02MA (Ordinance 076-03HR).

The parcel contains five hundred and seventy six (576) feet of frontage along Garners Ferry Road (U.S. HWY 378).

Summary

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

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

Direction	Existing Zoning	Use
<u>North:</u>	RU	Residence
<u>South:</u>	RU	Tri County Electric substation
<u>East:</u>	RU	Tri County Electric substation
<u>West:</u>	RU	Residence

Plans & Policies

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

Rural Area

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

Non-Compliance: The property is surrounded by rural residential lots in addition to the lack of operating commercial or office uses in the immediate area. The parcel does however contain access to a principle arterial and is adjacent to Tri County Electric.

Traffic Impact

The 2009 SCDOT traffic count (Station # 173), west of the subject parcel on Garners Ferry Road (US HWY 378) shows 16,100 Average Daily Trips (ADT’s). Garners Ferry Road (US HWY 378) is classified as a four lane divided Principle Arterial, maintained by SCDOT with a design capacity of 33,600 ADT’s. Garners Ferry Road (US HWY 378) is currently operating at a Level of Service (LOS) “A”.

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

Conclusion

The proposed rezoning would not be compatible with the surrounding land uses.

The parcel is located along a major highway, but not located at a major intersection; there is an existing one story structure approximately (1,740) square feet on the parcel. The closest major intersection is Garners Ferry Road and McCords Ferry Road located 2 miles east of the site. The closest established general commercial use is the Center Express convenience store and gas station located .4 miles west of the subject parcel on the south side of Garners Ferry Road and is considered non-conforming. East of the site within approximately eight hundred and sixty six (866.6) feet of the subject parcel is a Rural Commercial District (RC) that was rezoned in 2009 under case 09-11MA (Ordinance 075-09HR) with an existing one thousand two hundred and twenty three (1223.04) square foot building.

The RC District allows uses such as automobile parking (commercial), hotel and motels, repair and maintenance services automobile minor, convenience stores with pumps, and liquor stores. The RC zoning district limits the floor area of the structure to 20,000 square feet.

“The maximum structure coverage in the RC District shall be fifty percent (50%). New structures in the RC District shall have an aggregate building footprint of not more than twenty thousand (20,000) square feet. The aggregate gross floor area of new structures shall not exceed twenty thousand (20,000) square feet. Existing structures shall not be expanded to exceed an aggregate building footprint or aggregate gross floor area of twenty thousand (20,000) square feet.” [sec. 26-97 (c) (3)]. “

The structure size limitation could limit the development and economic viability of any retail land use on the subject site. The size limitation was deliberately included in the Land Development Code to limit the commercialization of rural areas of the County, while still allowing for limited commercial services and small neighborhood oriented business that are useful and desired near intersections of arterial and/or major collector roads.

The conditions of the Planned Development District (PDD) under ordinance no. 076-03HR state the following;

“The subject site is limited to the locations depicted in the site plan; attachment B identifies a site plan layout which is part of the ordinance. (Section II A) The use of the subject site shall be limited to the uses, and their locations, described in attachment B (Section II B). All development shall conform to the land development regulations in effect when an individual development permit application is received (Section II C). The Planning Commission is hereby authorized to make minor amendments, as determined by the Zoning Administrator, to attachment B pursuant to the provisions of section 26-70.17 of the County Code of Ordinances (or its relevant successor regulations).”

The conditions under Ordinance number 076-03HR were approved as part of the Planned Development District (PDD) identifying building locations with a truck wash/garage, a mobile home, and a one story restaurant. To date the truck wash/garage building has burned down, the mobile home has been removed from the site and the restaurant is no longer in operation. The property owner and any subsequent owners can rebuild and operate the truck wash/garage and operate the restaurant as a permitted use under the approved Planned Development District (PDD). The established Planned Development District (PDD) can not be amended unless it were to establish mixed uses as required under the new Planned Development District (PDD) guidelines. Chapter 29 of the South Carolina Local Government Comprehensive Planning and Enabling Act of 1994 requires all Planned Development Districts (PDD) to include commercial, residential, office or a combination thereof. Article 5 section 6-29-730 Zoning districts; matters regulated; uniformity; zoning techniques subsection C(4) defines a planned development as;

““Planned development district” or a development project comprised of housing of different types and densities and of compatible commercial uses, or shopping centers, office parks, and mixed-use developments.”

Three parcels east of the subject site are zoned (Planned Development District) PDD for commercial uses. The first Planned Development District (PDD) zoned parcel east of the subject site contains a vacant restaurant; the southern parcel contains a vacant residential structure and both parcels are part of a Planned Development District (PDD) approved in 2004 under 04-26MA (Ordinance 011-04HR). Contiguous to the east of the vacant restaurant and residential parcel is a Planned Development District (PDD) zoned parcel that was approved in 1998 under 98-011MA (Ordinance 007-98HR). The parcel contains a vacant eight thousand (8,000) square foot steel building. The intent of the Planned Development District (PDD) was to allow the operation of a flea market onsite.

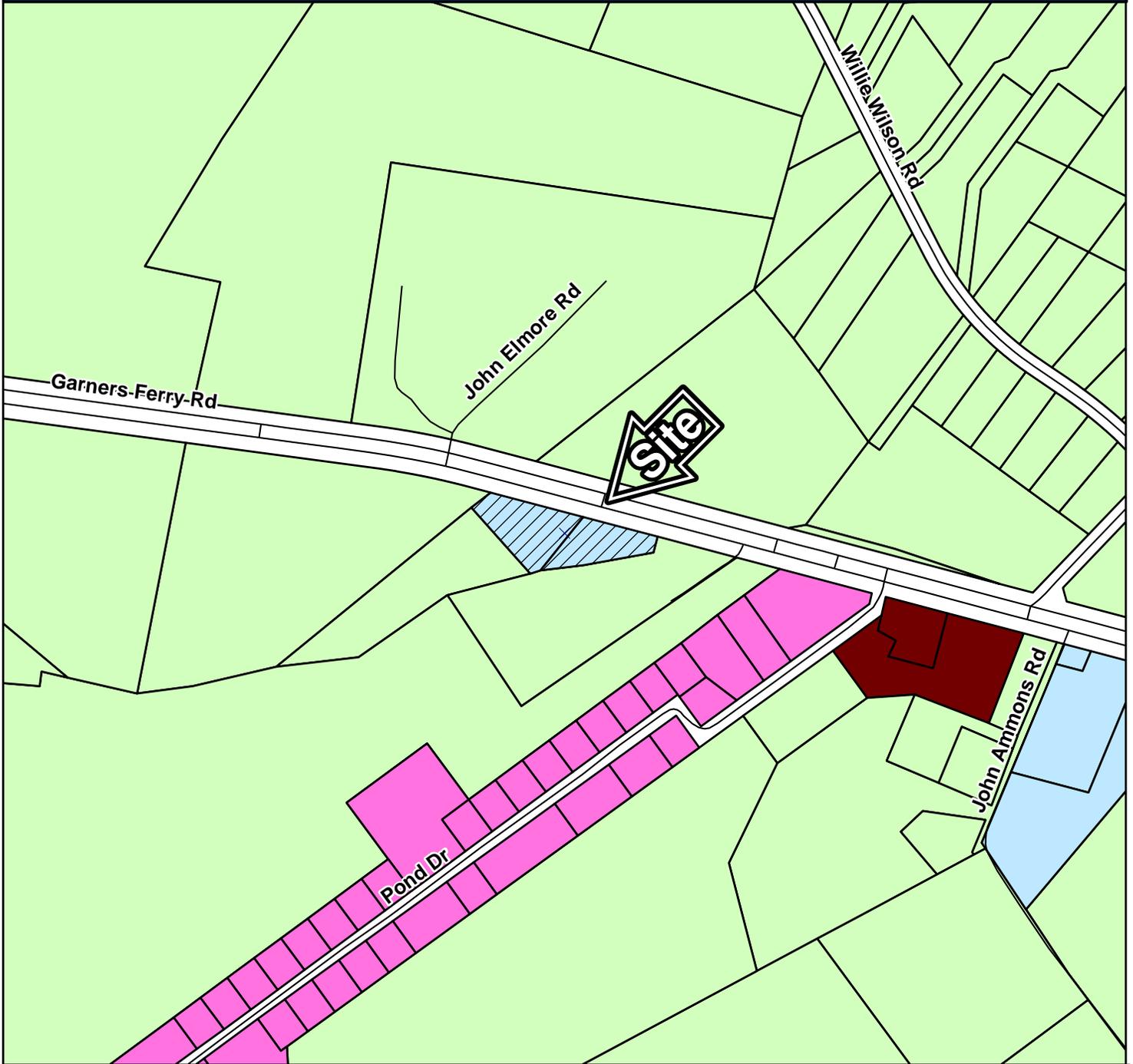
The Congaree Run fire station (station number 29) is located on Old Congaree Run roughly 3.5 miles west of the subject parcel. Fire hydrants are not available in proximity to the subject parcel. The proposed rezoning would not have a negative impact on public services or traffic. Water and sewer is provided by well and septic.

The proposed Zoning Map Amendment **is not compatible** with the surrounding land uses. Planning Staff recommends **Denial** of this map amendment.

Zoning Public Hearing Date

September 28, 2010

Case 10-25 MA PDD to RC



ZONING CLASSIFICATIONS

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



Garners Ferry Rd

RU to PDD
Approved

RU to GC
Withdrawn

RU to RU

RU to GC
Withdrawn

RU to PDD
Approved

RU to PDD
Approved

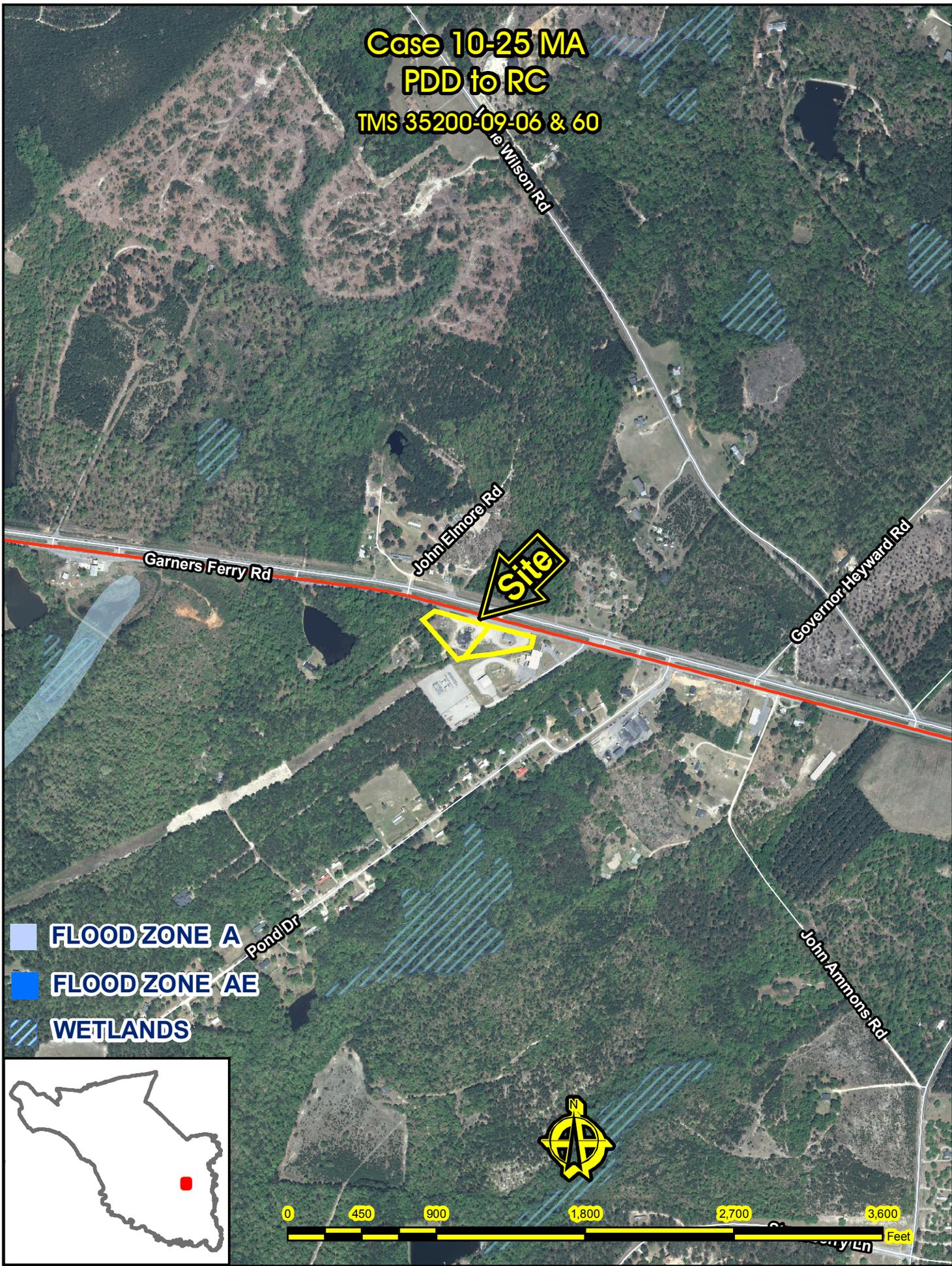
RU to RU

John-Ammons Rd

RU to GC

Pond Dr

Case 10-25 MA
PDD to RC
TMS 35200-09-06 & 60



- FLOOD ZONE A
- FLOOD ZONE AE
- WETLANDS



CASE 10-25 MA

From PDD to RC

TMS# 35200-09-06 & 60

Garners Ferry Road





Richland County Planning & Development Services Department

Map Amendment Staff Report

PC MEETING DATE: September 2, 2010
RC PROJECT: 10-26 MA
APPLICANT: Hughes Commercial Properties
PROPERTY OWNER: Grands Investment Company

LOCATION: Two Notch Road and Fore Ave

TAX MAP NUMBER: 22914-06-03, 04, 05, 06, 07, 08, 16, 17
ACREAGE: 9.9 acres
EXISTING ZONING: MH, M-1
PROPOSED ZONING: GC

PC SIGN POSTING: August 13, 2010

Staff Recommendation

Approval

Background /Zoning History

The current zoning, Mobile Home District (MH) and Light Industrial District (M-1) reflect the original zoning as adopted September 7, 1977.

The subject parcels were part of a previous proposed rezoning request, case 06-10MA, where the proposed zoning change was to General Commercial District (GC) and the request was withdrawn.

The parcels contain two hundred and thirty four (234) feet of frontage along Two Notch Road and seven hundred and twenty (720) feet of frontage on Fore Ave.

Summary

The General Commercial (GC) District is intended to accommodate a variety of commercial and nonresidential uses characterized primarily by retail, office, and service establishments oriented primarily to major traffic arteries or extensive areas of predominantly commercial usage.

No minimum lot area, except as required by DHEC. The maximum allowed density for residential uses is sixteen (16) dwelling units per acre.

- The gross density for this site is approximately: 158 dwelling units.
- The net density for this site is approximately: 110 dwelling units.

Direction	Existing Zoning	Use
<u>North:</u>	NC/GC/MH	Undeveloped/undeveloped/residences
<u>South:</u>	M-1	HUSQVARNA Construction Products
<u>East:</u>	RS-MD/MH	Residences/residences
<u>West:</u>	M-1/GC	Multi-tenant commercial strip/undeveloped

Plans & Policies

The 2009 Richland County Comprehensive Plan “**Future Land Use Map**” designates this area as a **Priority Investment Area** in the **Northeast Planning Area**.

Priority Investment Area

Objective: “Commercial/Office activities should be located along arterial roads, traffic junctions, or areas where existing commercial and office uses are located.”

Compliance: The subject parcels are contiguous to existing commercial uses, located at the intersection of Two Notch Road and Fore Avenue which is signalized. Forum Drive which is located at northwest of the site provides access to the Village of Sandhills.

Traffic Impact

The 2009 SCDOT traffic count (Station # 118), east of the site on Two Notch Road identifies 19,800 Average Daily Trips (ADT’s). Two Notch Road is classified as a five lane undivided Principal Arterial road, maintained by SCDOT with a design capacity of 33,600 ADT’s. Two Notch Road is currently functioning below the designed roadway capacity and operating at a Level of Service (LOS) “B”.

The 2009 SCDOT traffic count (Station # 117), west of the site on Two Notch Road identifies 31,100 Average Daily Trips (ADT’s). This section of Two Notch Road is currently functioning at the designed roadway capacity and operating at a Level of Service (LOS) “C”.

Traffic count station 117 and 118 are located within 1.15 miles of each other. There is an 11,300 Average Daily Trip difference between the two traffic count stations. The difference in the two traffic counts can be attributed to Fashion Drive, which is located between both traffic count stations and is an additional entrance into the Village of Sandhill. These differences can be attributed to vehicles utilizing the dedicated turn lanes at the intersection of Two Notch Road and Fashion Drive.

There are no planned or programmed improvements for this section of Two Notch Road or Fore Avenue.

Conclusion

The proposed rezoning would be compatible with the surrounding land uses.

The subject parcels are located along a principal arterial road with existing commercial uses. The Light Industrial District (M-1) zoned parcel to the south of the subject parcels is home to a manufacturing facility that manufactures saw blades and hand saws, and a variety of uses are located north of the subject parcels. The Neighborhood Commercial District (NC) parcels to the north are undeveloped as is the General Commercial District (GC) that is contiguous to the

subject parcels. The Manufactured Home Residential District (MH) parcels to the north side of Fore Avenue contain a range of single family and manufactured homes.

Royal Pines is an existing residential subdivision to the north of the property. Aubrey Street is internal to the Royal Pines Estates subdivision and runs perpendicular to Fore Avenue. Aubrey Street contains a variety of commercial uses and zoning districts such as General Commercial District (GC) and Neighborhood Commercial District (NC). The proposed commercial zoning would complete a block face keeping in character with the block face west of the site along Two Notch Road. The proposed General Commercial District (GC) would downzone the Light Industrial (M-1) property abutting the Woodlands to a less intensive commercial district that would complement the existing zoning districts and uses in the immediate area. The comprehensive plan states that...

“Priority Investment Areas (PIA’s) are areas where growth should be concentrated. These areas should contain a deliberate mix of residential, commercial, and civic uses. Housing should be varied at moderate densities (4-16 dwelling units per acre) and should include affordable housing. Complete streets should be available with access for vehicles, cyclists, and pedestrians and open space should be included and respected.”

This rezoning presents a unique opportunity to capitalize on the growth and development momentum in the area and in doing so could serve as a catalyst for redevelopment. The proposed rezoning could serve as an ideal case study for initiating proactive rezoning, thereby implementing the intended goals of the Priority Investment Area initiatives. The Royal Pines Estates subdivision is an area experiencing transition; a variety of housing exists, manufactured homes, stick built homes, rental properties, and commercial uses are currently established. In this case the lots that are along Fore Ave, Burmaster Drive, and Wynette Way down to Sarah Street could be considered for proactive rezoning to a transitional district such as multifamily or Office and Institutional District (OI), thereby complimenting the existing residential in addition to providing opportunities to enhance the tax base. By proactively rezoning portions of Royal Pines Estates, the County can lay the foundation for infill and redevelopment in an area with existing infrastructure while allowing the existing parcels to continue to be utilized residentially.

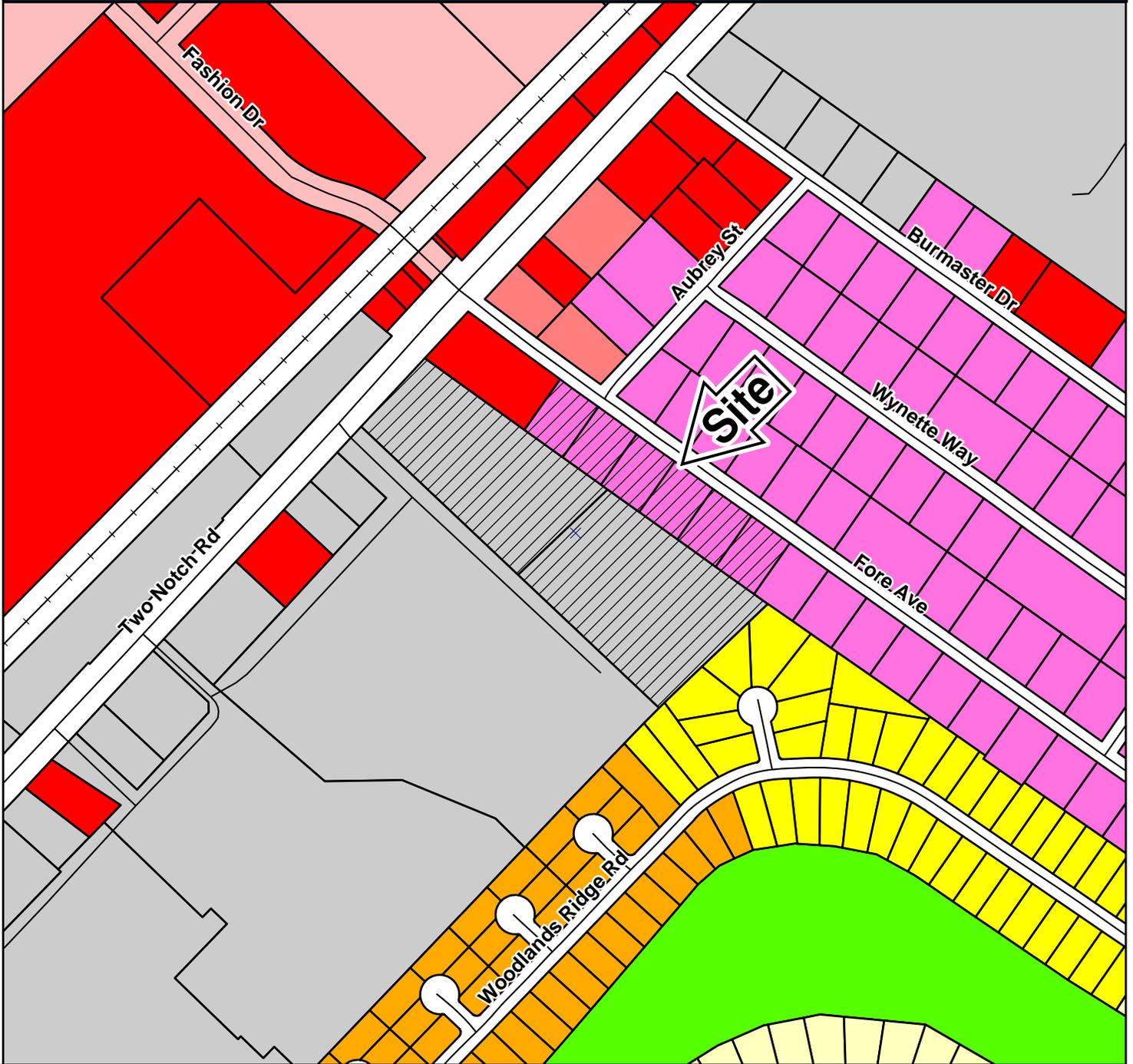
The Sand Hill fire station (station number 29) is located on Sparkleberry Lane roughly .8 miles south of the subject parcel. There are two fire hydrants in the vicinity in addition to a fire hydrant located at the corner of Two Notch Road and Fore Avenue. The proposed rezoning would not have a negative impact on public services, water is provided by the City of Columbia and sewer is provided by Palmetto Utilities.

The proposed Zoning Map Amendment **is compatible** with the surrounding land uses. Planning Staff recommends **Approval** of this map amendment.

Zoning Public Hearing Date

September 28, 2010

Case 10-26 MA MH/M-1 to GC



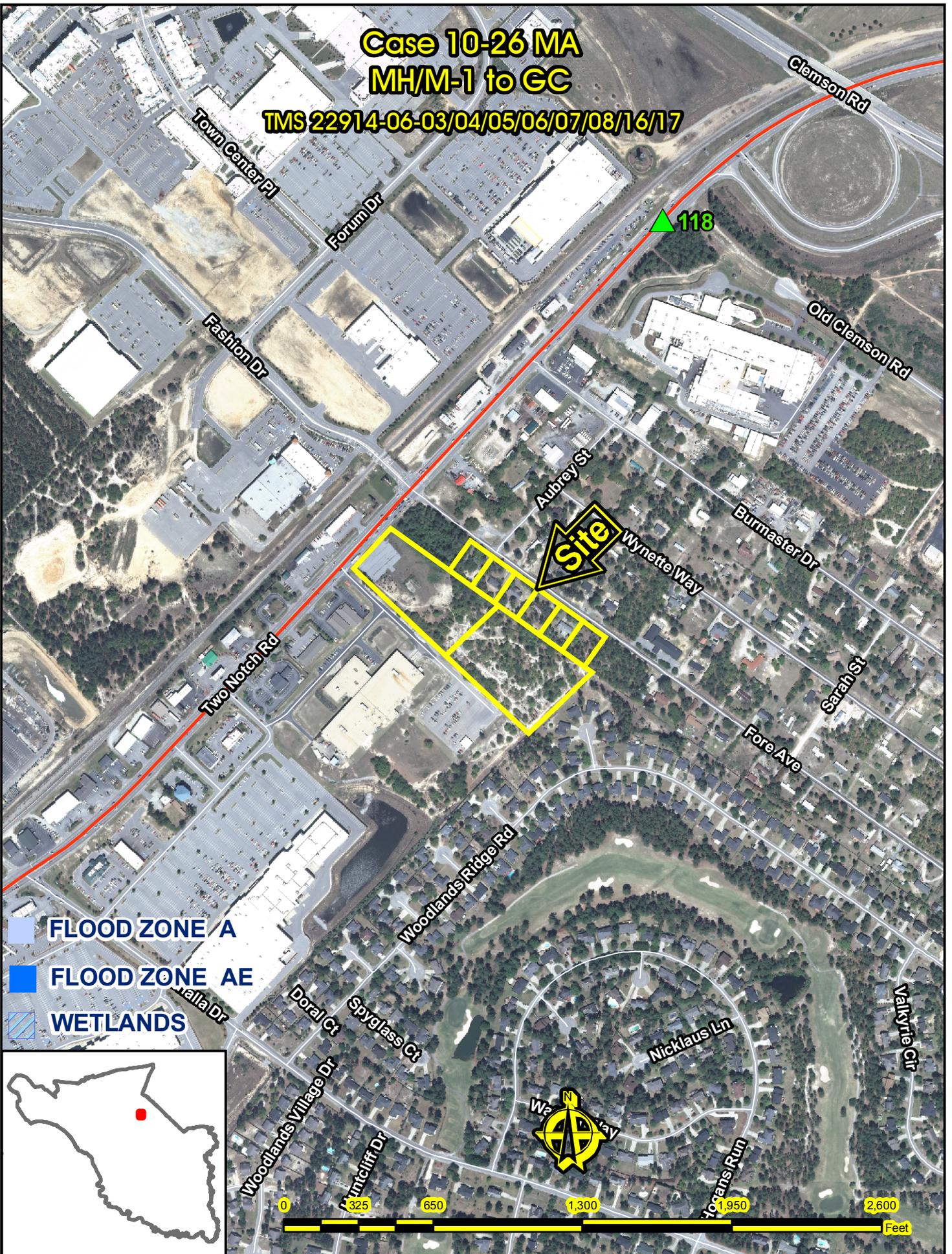
ZONING CLASSIFICATIONS

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



**Case 10-26 MA
MH/M-1 to GC**

TMS 22914-06-03/04/05/06/07/08/16/17



CASE 10-26 MA

From MH/M-1 to GC

TMS# 22914-03-03, 04, 05, 06, 07, 08, 16, 17 Two Notch Rd & Fore Ave



DRAFT

STATE OF SOUTH CAROLINA
COUNTY COUNCIL FOR RICHLAND COUNTY
ORDINANCE NO. ___10HR

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; SUBSECTION (B); SO AS TO CORRECT THE SECTION REFERENCE FOR THE ADOPTED FLOOD INSURANCE RATE MAP.

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

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

- (b) *Sketch (site) plans and plats to show flood limit lines as depicted on the current FIRM panel.* All sketch (site) plans for subdivisions and plats submitted for approval pursuant to this section shall be prepared by a registered engineer or licensed surveyor and shall contain a delineation of all flood lines and floodway boundary lines, as shown on the County’s Flood Insurance Rate Map as adopted in Section ~~26-105~~ 26-106 (b).

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

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

SECTION IV. This ordinance shall be effective from and after _____, 2010.

RICHLAND COUNTY COUNCIL

BY: _____
Paul Livingston, Chair

Attest this the _____ day of _____, 2010

Michielle R. Cannon-Finch
Clerk of Council

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

STATE OF SOUTH CAROLINA
COUNTY COUNCIL FOR RICHLAND COUNTY
ORDINANCE NO. ___-10HR

AN ORDINANCE AMENDING THE RICHLAND COUNTY CODE OF ORDINANCES; CHAPTER 26, LAND DEVELOPMENT; SECTION 26-22; DEFINITIONS; SECTION 26-35, RICHLAND COUNTY PLANNING AND DEVELOPMENT SERVICES DEPARTMENT; AND SECTION 26-106, FP FLOODPLAIN OVERLAY DISTRICT; SO AS TO ADOPT NEW FIRM MAPS WITH EFFECTIVE DATES OF SEPTEMBER 29, 2010, AND OTHER UPDATES AS REQUIRED BY FEMA IN ORDER TO MAINTAIN THE NATIONAL FLOOD INSURANCE PROGRAM WITHIN RICHLAND COUNTY.

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 II, Rules of Construction/Definitions; Section 26-22, Definitions; the Definition of “Manufactured Home Park”; is hereby amended to read as follows:

Manufactured home park. A lot used, designed or intended to be used for the purpose of supplying a parking space for ~~four (4)~~ two (2) or more occupied manufactured homes for rent or sale, and which includes buildings, structures, vehicles, or enclosures used or intended to be used as part of that manufactured home park. Sales or storage lots for unoccupied manufactured homes are not considered to be manufactured home parks.

SECTION II. The Richland County Code of Ordinances, Chapter 26, Land Development; Article II, Rules of Construction/Definitions; Section 26-22, Definitions; the Definition of “Manufactured Home Subdivision”; is hereby amended to read as follows:

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

SECTION III. The Richland County Code of Ordinances, Chapter 26, Land Development; Article II, Rules of Construction/Definitions; Section 26-22, Definitions; the Definition of “Start of Construction”; is hereby amended to read as follows:

Start of construction. The date the building permit was issued; provided, however, the actual start of construction, repair and reconstruction, rehabilitation, addition, or substantial improvement was within one hundred and eighty (180) days of the permit date. The actual start means the first placement of permanent construction of a structure (including a manufactured home) on a site, such as the pouring of slabs or footings, installation of piles, construction of columns, or any work beyond the ~~state~~ stage of excavation or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading, and filling; nor does it include the installation of roads and/or walkways; nor does it include excavation for footings, piers or foundations, or the

erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of the building, whether or not that alteration affects the external dimensions of the building.

SECTION IV. The Richland County Code of Ordinances, Chapter 26, Land Development; Article III, Administration; Section 26-35, Richland County Planning and Development Services Department; Subsection (b), Specific Powers and Duties of Certain Planning Department Officers; Paragraph (4), Flood Coordinator; is hereby deleted in its entirety.

SECTION V. The Richland County Code of Ordinances, Chapter 26, Land Development; Article III, Administration; Section 26-36, Richland County Engineer/Stormwater Manager; is hereby amended to read as follows:

Sec. 26-36. Richland County ~~Engineer/Stormwater Manager~~ Public Works.

(a) *Powers and duties pursuant to this chapter.*

(1) Engineering Division/Stormwater ~~Manager~~ Management Division. The Richland County Engineering Division and the/ Stormwater ~~Manager~~ Management Division, under the direction of the Richland County ~~Public Works Director~~ Engineer, shall have the following powers and duties in administering and implementing Article VIII. of this chapter and other relevant laws and regulations pertaining to stormwater management and erosion and sediment control in Richland County:

- a. To review and approve/deny all plans for stormwater management to assure that all applicable requirements of this chapter have been satisfied.
- b. To enforce all provisions of the stormwater management and erosion and sediment control provisions of this chapter and other relevant laws and regulations relating to stormwater management. (See Sections 26-64, 26-202 and 26-203 of this chapter).
- c. To review and approve/deny all applications for land disturbance permits to assure that all applicable requirements of this chapter have been satisfied.
- d. To interpret the terms and provisions of Section 26-64 and Article VIII. of this chapter.

(2) Flood coordinator. The Richland County Flood Coordinator, under the direction of the Richland County Engineer, shall have the following powers and duties in administering and implementing Section ~~26-105~~ 26-

106 of this chapter and other relevant laws and regulations pertaining to floodplain management in Richland County:

- a. To review all applications for zoning and land disturbance permits within the FP Floodplain Overlay District to assure that all applicable requirements of this chapter have been satisfied.
- b. To advise any applicant for a zoning and/or land disturbance permit within the FP Floodplain Overlay District that additional federal or state permits may be required and require that copies of any permits or permit applications for activities on the proposed site be provided and maintained on file with the flood coordinator.
- c. To notify adjacent communities and the State Coordinator for the National Flood Insurance Program of the South Carolina Department of Natural Resources, Land, Water Resources and Conservation ~~Districts~~ Division, prior to any alteration or relocation of a watercourse, and to submit evidence of such notification to FEMA.
- d. To prevent encroachments within floodways unless the certification and flood hazard reduction provisions of Section ~~26-105~~ 26-106 of this chapter are met.
- e. Where interpretation is needed as to the exact location of the boundaries of special flood hazard areas (for example, where there appears to be a conflict between a mapped boundary and actual field conditions), to make the necessary interpretation.
- f. When base flood elevation data of floodway data have not been provided in accordance with Section ~~26-105~~ 26-106 of this chapter, to obtain, review, and reasonably utilize the best available base flood elevation data and floodway data available from a federal, state or other source at his/her discretion, in order to administer the provisions of Section ~~26-102~~ 26-106 of this chapter and other relevant laws and regulations pertaining to floodplain management in Richland County.
- g. When a regulatory floodway has not been designated, the flood coordinator must require that no encroachments, including fill, new construction, substantial improvements, or other development shall be permitted within Zones AE and A1-30 on the community's FIRM, unless it is demonstrated by an engineer registered with the state, that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the

base flood at any point within the community more than one (1) foot.

- h. Mail annually a notice, including a copy of the application of a development permit, to owners or occupants of structures within or touched by the regulatory floodplain areas, to provide information as to the status of the flood hazard for each property. This notice shall require that owners provide this notice and a copy of the development permit to subsequent purchasers of the property.
- i. To serve notices of violation, issue stop work orders, revoke or suspend permits and take corrective actions for violations of Section ~~26-105~~ 26-106 of this chapter and other relevant laws and regulations pertaining to floodplain management in Richland County.

(b) *Reserved.*

SECTION VI. The Richland County Code of Ordinances, Chapter 26, Land Development; Article V, Zoning Districts and District Standards; Section 26-106, FP Floodplain Overlay District; Subsection (a), Purpose; is hereby amended to read as follows:

(a) *Purpose General.*

(1) Purpose. Certain areas within Richland County are subject to periodic inundation by floodwater, which results or may be reasonably foreseen to result in loss of life or property, health and safety hazards, disruption of commerce and governmental services, and extraordinary public expenditures for flood protection and relief, all of which adversely affect the public health, safety, and general welfare of the citizens of Richland County. These hazards are caused or extended in part by the occupancy of flood hazard areas by uses that increase flood damage upon other lands, or uses that are vulnerable to floods because they are inadequately elevated or not otherwise protected from flood damages. In order for owners of property located within the county that is subject to periodic inundation to obtain flood damage insurance through the National Flood Insurance Program, the United States government, by statute and through regulations promulgated by the Federal Emergency Management Agency (FEMA) requires that the county enact floodplain regulations designed to reduce the amount of potential flood losses. It is, therefore, the intent of this section to lessen such hazards and losses and ensure insurance coverage by those affected property owners by restricting or prohibiting uses that are dangerous to health, safety, or property in times of flood or that cause excessive increases in flood heights or velocities. This shall be accomplished by requiring that uses vulnerable to floods be protected against flood hazards at the time of initial construction, and by controlling

filling, grading, mineral extraction, placing of obstructions within the flood channels, and other activities, uses, or characteristics of use which may increase flood damage.

(2) *Warning and disclaimer of liability.* The degree of flood protection required by this Section is considered reasonable for regulatory purposes and is based on scientific and engineering standards. Larger floods can and will occur on rare occasions. Flood heights may be increased by man-made or natural causes. This Section does not imply that land outside the areas of special flood hazard, or uses permitted within such areas, will be free from flooding or flood damages. This Section shall not create liability on the part of Richland County or by any officer or employee thereof for any flood damage that results from reliance on the provisions contained herein or on any administrative decision lawfully made hereunder.

SECTION VII. The Richland County Code of Ordinances, Chapter 26, Land Development; Article V, Zoning Districts and District Standards; Section 26-106, FP Floodplain Overlay District; Subsection (b), Applicability/Establishment; is hereby amended to read as follows:

(b) *Applicability/establishment.* The FP Overlay District shall function as an overlay district providing additional requirements to the regulations of the underlying general use zoning classification(s). It shall be applied to those areas designated on the Federal Emergency Management Agency's Flood Insurance Study, dated ~~February 20, 2002~~ September 29, 2010, with accompanying Flood Insurance Rate Maps (FIRM), dated ~~February 20, 2002~~ September 29, 2010, as areas of special flood hazard. In addition to other required development approvals, development applicants subject to the FP Overlay District must also receive a floodplain development permit from the county's flood coordinator. Review of developments subject to these requirements shall be conducted as part of the review for a grading or land development permit, whichever is applicable.

SECTION VIII. The Richland County Code of Ordinances, Chapter 26, Land Development; Article V, Zoning Districts and District Standards; Section 26-106, FP Floodplain Overlay District; Subsection (d), Standards in the Floodplain; Paragraph (1), General Standards; is hereby amended by the addition of a new subparagraph following subparagraph k., to read as follows:

l. *Watercourse alterations and maintenance.* In addition to the notifications required for watercourse alterations per Section 26-35 (b)(4)(c), written reports of maintenance records must be maintained to show that maintenance has been provided with the altered or relocated portion of said watercourse so that the flood-carrying capacity is not diminished. This maintenance must consist of a comprehensive program of periodic inspections, and routine channel clearing and dredging, or other related functions. The assurance shall consist of a description of maintenance activities, frequency of performance, and the local official

responsible for maintenance and performance. Records shall be kept on file for FEMA inspection.

SECTION IX. The Richland County Code of Ordinances, Chapter 26, Land Development; Article XII, Code Compliance; is hereby amended by the addition of a new Section, to read as follows:

Sec. 26-274. Definition of violation as it applies to Section 26-106.

For the purpose of Section 26-106 only, the term “violation” shall mean the failure of a structure or other development to be fully compliant with the community's flood plain management regulations.

Secs. 26-275 – 26-290. Reserved.

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

SECTION XII. Effective Date. This ordinance shall be effective from and after September 29, 2010.

RICHLAND COUNTY COUNCIL

BY: _____
Paul Livingston, Chair

ATTEST THIS THE _____ DAY

OF _____, 2010.

Michielle R. Cannon-Finch
Clerk of Council

First Reading: September 7, 2010 (tentative)
Public Hearing: September 21, 2010 (tentative)
Second Reading: September 21, 2010 (tentative)
Third Reading: September 28, 2010 (tentative)

