

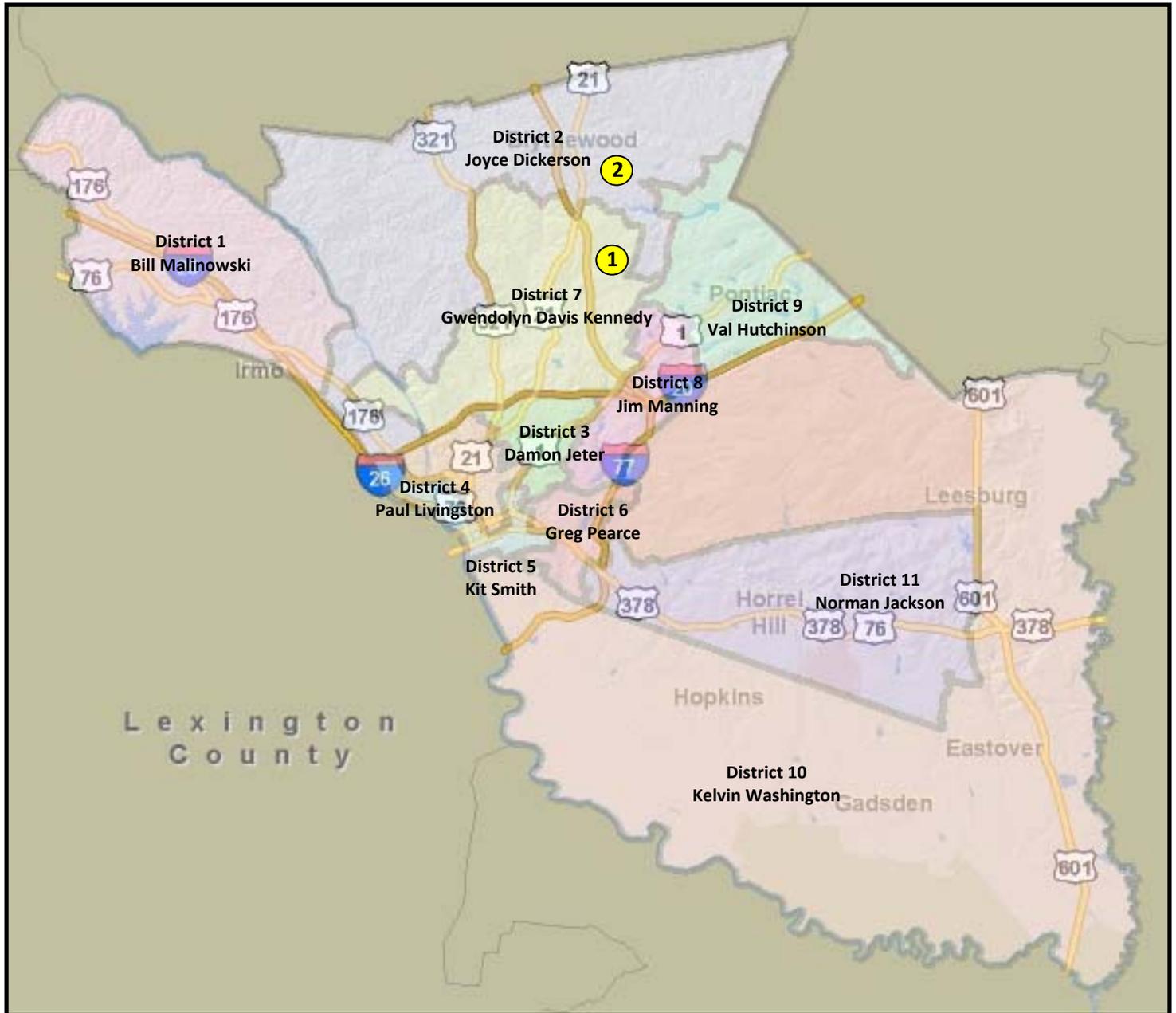
RICHLAND COUNTY
PLANNING COMMISSION



OCTOBER 3, 2011

RICHLAND COUNTY PLANNING COMMISSION

October 3, 2011



CASE NO.	APPLICANT	TMS NO.	LOCATION	DISTRICT
1. 11-18 MA	Kay Hightower (Adams Northeast AME Church)	17400-05-12/13/14/26	409 Longtown Rd., Columbia, SC	Kennedy
2. 11-19 MA	Kevin Steelman	17700-02-07 & 17700-02-09(p)	Rimer Pond Rd., Columbia, SC	Dickerson

RICHLAND COUNTY PLANNING COMMISSION

Monday, October 3, 2011
Agenda
1:00 PM
2020 Hampton Street
2nd Floor, Council Chambers

STAFF Anna Fonseca, AICP..... Planning Director
Amelia R. Linder, Esq Attorney
Geonard Price Deputy Planning Director/Zoning Administrator
Holland Jay Leger, AICP Planning Services Manager

PUBLIC MEETING CALL TO ORDER Patrick Palmer, Chairman

PUBLIC NOTICE ANNOUNCEMENT

PRESENTATION OF MINUTES FOR APPROVAL
September 2011 minutes

ROAD NAME APPROVALS

AGENDA AMENDMENTS

MAP AMENDMENTS

1. Case #11-18 MA
Adams Northeast AME Church
Kay Hightower
RU to GC (10.62 acres)
409 Longtown Rd.
TMS# 17400-05-12/13/14/26
Page 1

2. Case #11-19 MA
Walter & Nancy Smith
Kevin Steelman
RU to RS-MD (16.86 acres)
Rimer Pond Rd.
TMS# 17700-02-07
17700-02-09(p)
Page 7

TEXT AMENDMENTS

1. AN ORDINANCE AMENDING THE RICHLAND COUNTY CODE OF ORDINANCES, CHAPTER 26, LAND DEVELOPMENT; ARTICLE V, ZONING DISTRICTS AND DISTRICT STANDARDS; SECTION 26-141, TABLE OF PERMITTED USES WITH SPECIAL REQUIREMENTS, AND SPECIAL EXCEPTIONS; "INSTITUTIONAL, EDUCATIONAL AND CIVIC USES" OF TABLE 26-V-2.; AND ARTICLE VI, SUPPLEMENTAL USE STANDARDS; SECTION 26-151, PERMITTED USES WITH SPECIAL REQUIREMENTS; SO AS TO REQUIRE PUBLIC AND PRIVATE SCHOOLS TO SUBMIT THEIR PLAN(S) TO THE PLANNING COMMISSION FOR REVIEW AND COMMENT.
Page 15

2. AN ORDINANCE AMENDING THE RICHLAND COUNTY CODE OF ORDINANCES; CHAPTER 26, LAND DEVELOPMENT; ARTICLE X, SUBDIVISION REGULATIONS; SECTION 26-224, DIVISION OF REAL PROPERTY TO HEIRS OF A DECEDENT; SO AS EXEMPT CERTAIN SUBDIVISIONS FROM ROAD CONSTRUCTION REQUIREMENTS.
Page 25

OTHER BUSINESS

1. Lexington/Richland School District 5
2. By- Laws
3. Invitation to the "7th Annual Neighborhood Planning Conference"

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; Interested Parties
FROM: Alfreda W. Tindal, E9-1-1 Addressing Coordinator
DATE: September 14, 2011
SUBJECT: Street Name(s) 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 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 NAMES	PETITIONER/ INITIATOR	LOCATION	PROPERTY OWNERS/ LOT(S)	COUNCIL DISTRICT
1. Barden Drive 2. Ellie Drive 3. Roberts Branch Dr	Chris Smith, URS/BP Barber	Off Killian Rd & I-77 N Proposed Killian's Crossing Development	Crossings Dev, LLC	Gwendolyn Kennedy(7)



**Richland County
Planning & Development Services Department**

Map Amendment Staff Report

PC MEETING DATE: October 3, 2011
RC PROJECT: 11-18 MA
APPLICANT: Kay Hightower
PROPERTY OWNER: Adams Northeast AME Church

LOCATION: 409 Longtown Road

TAX MAP NUMBER: 17400-05-12 13, 14, 26
ACREAGE: 10.62
EXISTING ZONING: RU
PROPOSED ZONING: GC

PC SIGN POSTING: September 16, 2011

Staff Recommendation

Approval

Background /Zoning History

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

The parcels contain three hundred and forty seven (347) feet of frontage on Longtown 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 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: 169 dwelling units
- The net density for this site is approximately: 119 dwelling units

Direction	Existing Zoning	Use
<u>North:</u>	HI/RU/GC	Dog Kennel/Residence / Residence
<u>South:</u>	PDD	Self-storage
<u>East:</u>	GC/GC	Undeveloped/residence
<u>West:</u>	PDD	Heather Green Subdivision

Plans & Policies

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

North East Area

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 in an area with existing commercial zoning and uses. South of the subject parcels is a self-storage facility. Beyond the storage facility is located a commercial subdivision, Longtown Commons. South of the intersection of Clemson Road and Longtown Road is a CVS and Walgreens.

Traffic Impact

The 2011 SCDOT traffic count (Station # 711) located north of the subject parcel on Longtown Road identifies 8,000 Average Daily Trips (ADT's). Longtown Road is classified as a two lane undivided Collector, maintained by SCDOT with a design capacity of 8,600 ADT's. Longtown Road is currently operating at Level of Service (LOS) “C”.

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

Conclusion

The surrounding area is characterized by a mix of commercial and residential uses. A small portion of the parcel is currently being utilized by Adams Northeast AME Church along the road frontage. Otherwise, the property is vacant, mostly wooded and characterized by a downhill slope to the northwest ending in a creek branch and 100 year floodplain on the north. To the west of the subject parcels is a Planned Development District (PDD) parcel that is part of the Heather Green subdivision. The area near the intersection of Longtown Road and Clemson Road is characterized by a mixture of commercial uses. The property to the south of the subject parcels is zoned Planned Development District (PDD) and contains a self-storage facility. The General Commercial District (GC) parcels to the east along Longtown Road are undeveloped.

The General Commercial District (GC) permits uses outright such as exterminating and pest care services, rental centers with outside storage, banks, drugstores/pharmacies with drive throughs, minor automobile repair and maintenance services, and restaurants. The General Commercial District (GC) also permits residential development at sixteen dwelling units per acre.

The site is currently served by the City of Columbia for water and sewer service. There is a fire hydrant located on the subject parcel along Longtown Road; and the Killian fire station (number 27) is located 0.77 miles southwest of the subject parcels on Farrow Road.

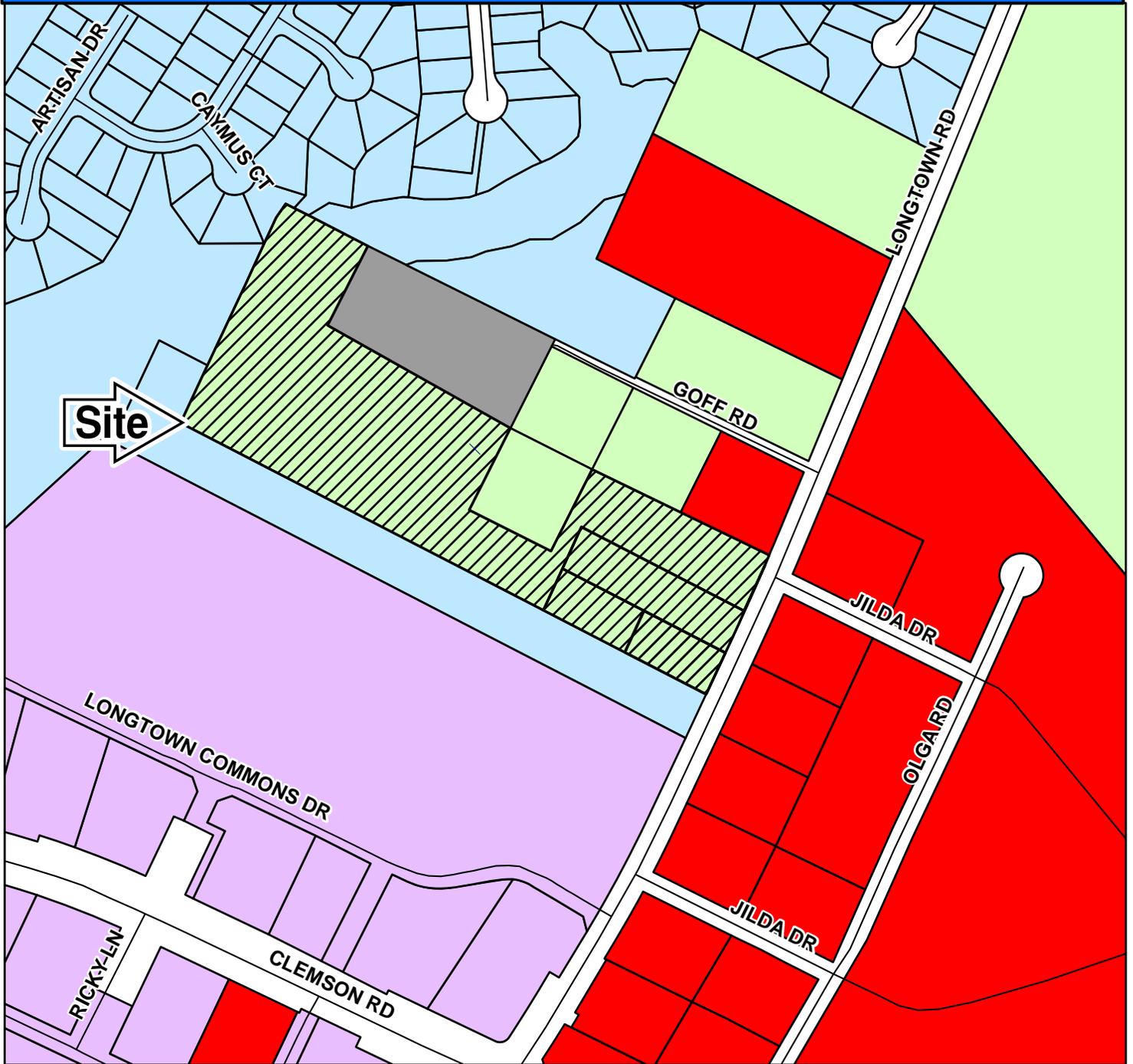
Staff is of the opinion that the creek branch and associated 100 year floodplain to the north of the subject property serves as an adequate buffer limiting non-residential encroachment between the proposed rezoning and the PDD zoned subdivision, Heather Green. Recognizing the predominance of commercial zoning and uses in the vicinity, staff is confident that this property is no longer viable for a rural designation and believes that the proposed rezoning is appropriate at this time. Additionally, the proposed map amendment would not negatively impact public services or traffic.

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

Zoning Public Hearing Date

October 25, 2011

Case 11-18 MA RU 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 11-18 MA
RU to GC
TMS 17400-05-12, 13, 14, 26**

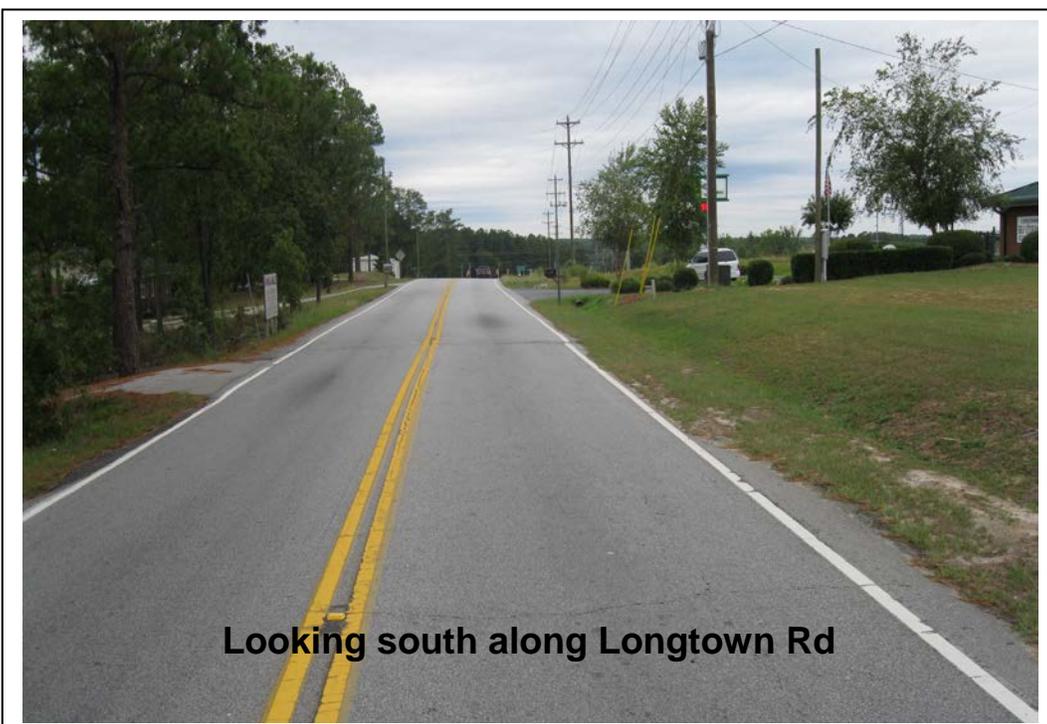


CASE 11-18 MA

From RU to GC

TMS# 17400-05-12, 13, 14, 26

Longtown Road





**Richland County
Planning & Development Services Department**

Map Amendment Staff Report

PC MEETING DATE: October 3, 2011
RC PROJECT: 11-19 MA
APPLICANT: Kevin Steelman
PROPERTY OWNER: Walter and Nancy Smith

LOCATION: Rimer Pond Road

TAX MAP NUMBER: 17700-02-07 & 09 (Portion of)
ACREAGE: 16.85
EXISTING ZONING: RU
PROPOSED ZONING: RS-MD

PC SIGN POSTING: September 16, 2011

Staff Recommendation

Approval

Background /Zoning History

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

The parcels contain six hundred and six (606) feet of frontage on Rimer Pond Road.

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: 86 dwelling units
- The net density for this site is approximately: 60 dwelling units

Direction	Existing Zoning	Use
<u>North:</u>	RU	Residence
<u>South:</u>	RU/RU	Residence/Residence
<u>East:</u>	RU	Round Top Elementary
<u>West:</u>	RU	Residence

Plans & Policies

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

North East Area

Objective: 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 PDD including a buffer from higher intensity uses. Residential developments should occur at medium densities of 4-8 dwelling units per acre.

Compliance: The proposed zoning is appropriate considering the parcels are located near two schools and would meet the proposed minimum density outlined for suburban in the Comprehensive Plan.

Traffic Impact

The 2010 SCDOT traffic count (Station # 713) located north of the subject parcel on Longtown Road identifies 8,000 Average Daily Trips (ADT's). Longtown Road is classified as a two lane undivided Collector, maintained by SCDOT with a design capacity of 8,600 ADT's. Longtown Road is currently operating at Level of Service (LOS) “C”.

There are no planned or programmed improvements for this section of Longtown Road or Rimer Pond Road.

Conclusion

The subject property is currently unoccupied; however, was formerly utilized as the Rimer Pond Golf Center and driving range. The surrounding area is primarily characterized by scattered, well-established, large-lot, rural residential uses, as well as civic-related land uses in the form of Round Top Elementary School, contiguous to the east, and Blythewood Middle School, thirteen hundred feet to the southeast. Otherwise, the Columbia Country Club and Windermere golf courses are located to the south with the remainder of surrounding properties containing small and large tracks of residential and undeveloped forested lands. Approval of the proposed zoning would allow for infill development in an area with existing services while keeping in line with the recommendations of the Comprehensive Plan.

Water service would be provided by the City of Columbia and sewer service would be provided by Palmetto Utilities. There are no fire hydrants located along Rimer Pond Road. The Blythewood fire station (station number 26) is located on Main Street, approximately 2.3 miles northwest of the subject parcel.

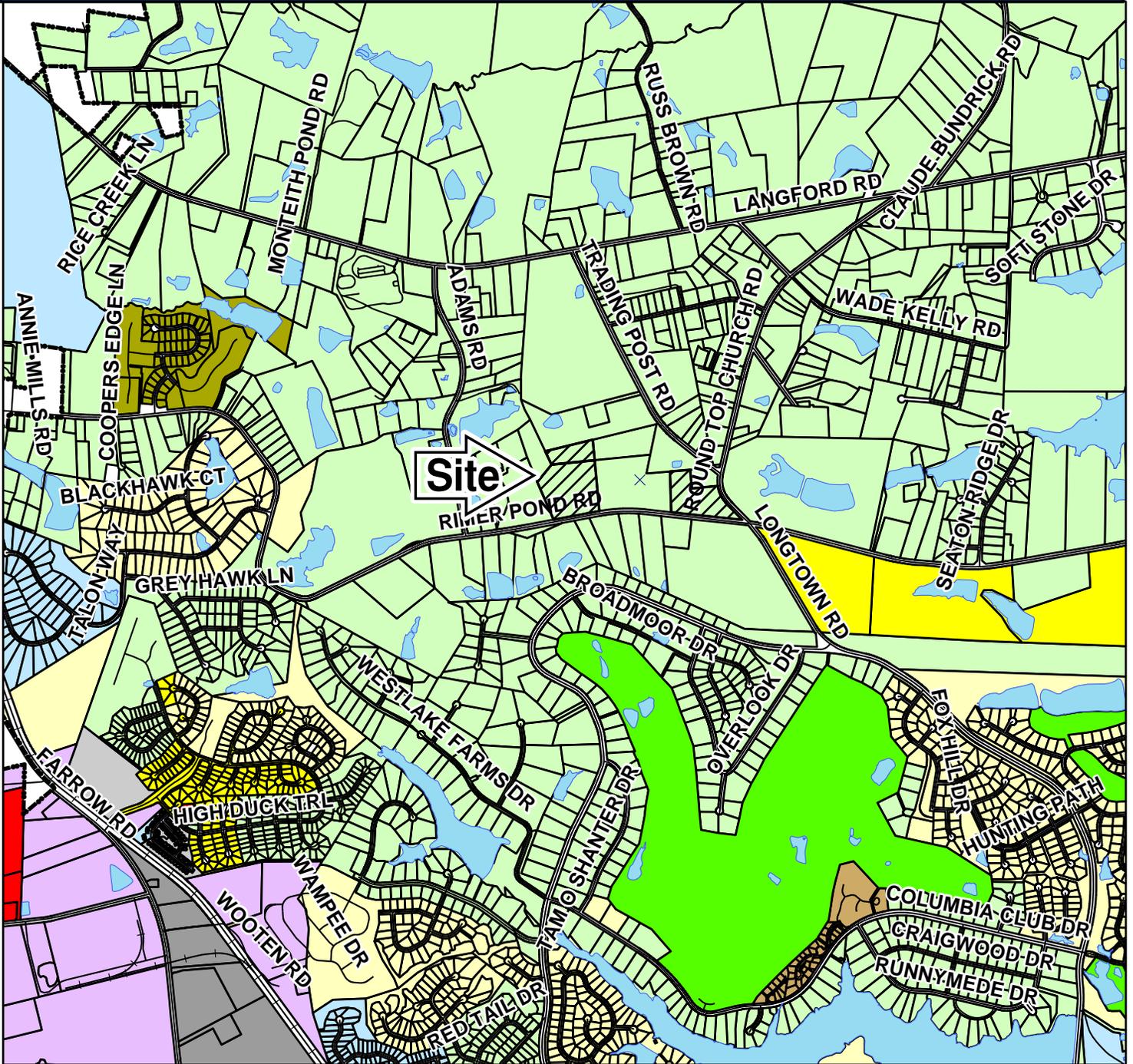
Based upon the predominance of single family residential zoning and uses in the vicinity, the nearby location of school facilities, the availability of water and sewer services, as well as the compatibility to the Comprehensive Plan recommendation for medium density residential, the staff is of the opinion that the proposed map amendment would not negatively impact public services or traffic and can support the rezone request.

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

Zoning Public Hearing Date

October 25, 2011

Case 11-19 MA RU to RS-MD



ZONING CLASSIFICATIONS

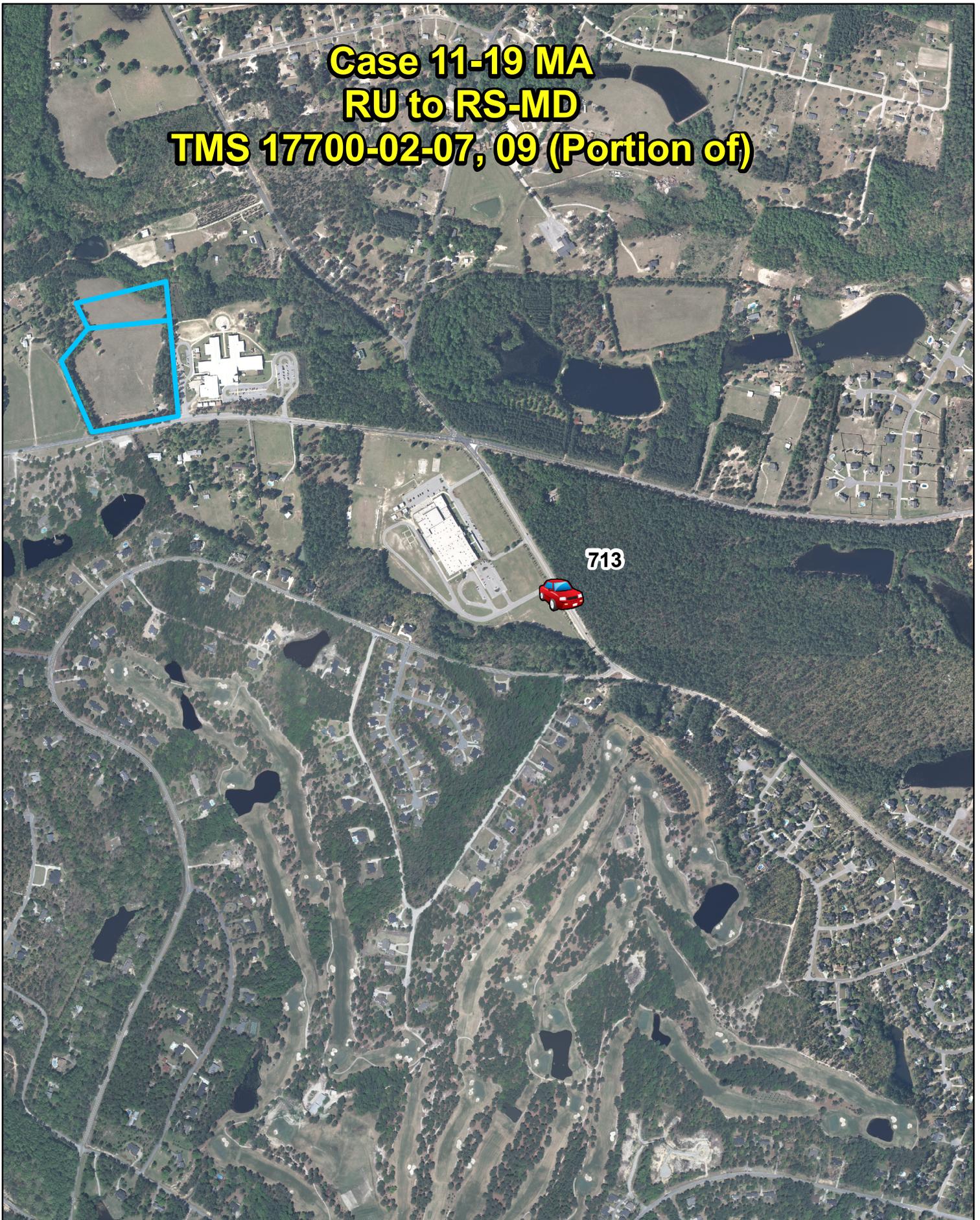
RR	RS-E	MH	NC	LI	TROS
C-1	RS-LD	RM-MD	GC	HI	Subject Property
C-3	RS-MD	RM-HD	RC	PDD	
RG-2	RS-HD	OI	M-1	RU	



**Case 11-19 MA
RU to RS-MD
TMS 17700-02-07, 09 (Portion of)**



**Case 11-19 MA
RU to RS-MD
TMS 17700-02-07, 09 (Portion of)**



CASE 11-19 MA

From RU to RS-MD

TMS# 17700-02-07 & 17700-02-09(P)

Rimer Pond Road



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

AN ORDINANCE AMENDING THE RICHLAND COUNTY CODE OF ORDINANCES, CHAPTER 26, LAND DEVELOPMENT; ARTICLE V, ZONING DISTRICTS AND DISTRICT STANDARDS; SECTION 26-141, TABLE OF PERMITTED USES WITH SPECIAL REQUIREMENTS, AND SPECIAL EXCEPTIONS; “INSTITUTIONAL, EDUCATIONAL AND CIVIC USES” OF TABLE 26-V-2.; AND ARTICLE VI, SUPPLEMENTAL USE STANDARDS; SECTION 26-151, PERMITTED USES WITH SPECIAL REQUIREMENTS; SO AS TO REQUIRE PUBLIC AND PRIVATE SCHOOLS TO SUBMIT THEIR PLAN(S) TO THE PLANNING COMMISSION FOR REVIEW AND COMMENT.

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 26-141, 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
<u>Institutional, Educational and Civic Uses</u>																	
Ambulance Services, Emergency		P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Ambulance Services, Transport											P		P	P	P	P	
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	SR
Colleges and Universities											P		P	P			
Community Food Services											P	P	P	P	P	P	
Correctional Institutions		SE													P	SE	SE
Courts											P	P	P	P			
Day Care, Adult, Home Occupation (5 or Fewer)		SR	SR	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				
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

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:

- (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 - (RU, RR, RM-MD, RM-HD, OI, NC, RC, GC)
- (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)
- (15) Car and Light Truck Washes- (RC)
- (16) Cemeteries and Mausoleums - (RU, OI, NC, RC, GC, M-1, LI, HI)
- (17) Continued Care Retirement Communities - (RM-MD, RM-HD, OI, RC, GC)
- (18) Construction, Building, General Contracting, with Outside Storage - (M-1, LI)
- (19) Construction, Building, Heavy, with Outside Storage - (M-1, LI)

- (20) Construction, Special Trades, with Outside Storage - (M-1, LI)
- (21) Country Clubs with Golf Courses - (TROS, RU, GC, M-1, LI)
- (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)
- (23) Day Care Centers, Adult - (RU, OI, NC, RC, GC, M-1)
- (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)
- (25) Day Care Centers, Child, Licensed Centers - (RU, OI, NC, RC, GC, M-1)
- (26) Drugs and Druggists' Sundries – (GC)
- (27) Durable Goods, Not Otherwise Listed – (GC)
- (28) Dwellings, Manufactured Homes on Individual Lots - (RU, MH)
- (29) Dwellings, Manufactured Homes on Individual Lots - (RR, RS-E)
- (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)
- (31) Electrical Goods – (GC)
- (32) Fuel Oil Sales (Non-Automotive) - (M-1, HI)
- (33) Furniture and Home Furnishings – (GC)
- (34) Golf Courses - (TROS, GC, M-1, LI)
- (35) Golf Driving Ranges (Freestanding) - (TROS, RC, GC, M-1, LI)
- (36) Go-Cart, Motorcycle, and Similar Small Vehicle Tracks - (GC)
- (37) Group Homes (9 or Less) - (RU, RR, RS-E, RS-LD, RS-MD, RS-HD, MH, RM-MD, RM-HD)
- (38) Home Occupations - (RU, RR, RS-E, RS-LD, RS-MD, RS-HD, MH, RM-MD, RM-HD, OI, NC, RC, GC)
- (39) Kennels - (RU, OI, RC, GC, M-1, LI)

- (40) Libraries – (RU, RR, RS-E, RS-LD, RS-MD, RS-HD, MH, RM-MD, RM-HD)
- (41) Lumber and Other Construction Materials – (GC)
- (42) Machinery, Equipment and Supplies – (GC)
- (43) Manufactured Home Sales – (GC, M-1)
- (44) Manufactured Home Parks – (MH, M-1)
- (45) Market Showrooms - (GC)
- (46) Motor Vehicles, New Parts and Supplies – (GC)
- (47) Motor Vehicles, Tires and Tubes – (GC)
- (48) Nondurable Goods, Not Otherwise Listed – (GC)
- (49) Paints and Varnishes – (GC)
- (50) Pet Care Services – (NC, RC)
- (51) Petroleum and Coal Products Manufacturing - (HI)
- (52) Petroleum and Petroleum Products - (M-1, HI)
- (53) Places of Worship – (RU, RR, RM-MD, RM-HD, RC)
- (54) Plumbing and Heating Equipment and Supplies – (GC)
- (55) Poultry Farms – (RU)
- (56) Produce Stands – (RU)
- (57) Public or Private Parks- (All Districts)
- (58) Public Recreation Facilities- (All Districts)
- (59) Radio, Television, and Other Similar Transmitting Towers – (M-1)
- (60) Recreational Vehicle Parks and Recreation Camps – (RU)
- (61) Rental Centers, With Outside Storage – (GC)

- (62) Repair and Maintenance Service, Appliance and Electronics - (RC, GC, M-1, LI)
- (63) Research and Development Services – (OI)
- (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, OI, NC, RC, GC)
- (65) Sexually Oriented Businesses - (GC, HI)
- (66) Sporting Firearms and Ammunition – (GC)
- (67) Swim and Tennis Clubs – (TROS)
- (68) Swimming Pools - (TROS, RU, RR, RS-E, RS-LD, RS-MD, RS-HD, MH, RM-MD, RM-HD, OI, NC, RC, GC)
- (69) Tobacco and Tobacco Products – (GC)
- (70) Utility Substations - (All Districts)
- (71) Veterinary Services (Non-Livestock, May Include Totally Enclosed Kennels Operated in Connection with Veterinary Services) - (OI, NC)
- (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)
- (73) Warehouses (Self Storage) - (RC, GC, M-1, LI)
- (74) Yard Sales - (RU, RR, RS-E, RS-LD, RS-MD, RS-HD, MH, RM-MD, RM-HD, OI, NC, RC, GC)
- (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; Paragraph (64), Schools, Including Public and Private Schools, Having a Curriculum Similar to Those Given in Public Schools; hereby amended to read as follows:

- (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. 1. The minimum lot size for a school shall be two (2) acres.

e. 2. Parking and active recreation areas shall not be located within any required setback.

d. 3. Primary access shall be provided from a collector or a thoroughfare road.

4. Pursuant to the S.C. Code of Laws, Section 6-29-540, the location, character, and extent of the proposal must be submitted to the Planning Commission for review and comment as to its compatibility with the County's Comprehensive Plan prior to construction. In the event the Planning Commission finds the proposal to be in conflict with the comprehensive plan, the Commission shall transmit its findings and the particulars of the nonconformity to the entity proposing the facility. If the entity proposing the facility determines to go forward with the project which conflicts with the Comprehensive Plan, the governing or policy making body of the entity shall publicly state its intention to proceed and the reasons for the action. A copy of this finding must be sent to the County Council, the Planning Commission, and published as a public notice in a newspaper of general circulation in the community at least thirty (30) days prior to awarding a contract or beginning construction.

b. Use districts: Office and Institutional; Neighborhood Commercial; Rural Commercial; General Commercial.

Pursuant to the S.C. Code of Laws, Section 6-29-540, the location, character, and extent of the proposal must be submitted to the Planning Commission for review and comment as to its compatibility with the County's Comprehensive Plan prior to construction. In the event the Planning Commission finds the proposal to be in conflict with the comprehensive plan, the Commission shall transmit its findings and the particulars of the nonconformity to the entity proposing the facility. If the entity proposing the facility determines to go forward with the project which conflicts with the Comprehensive Plan, the governing or policy making body of the entity shall publicly state its intention to proceed and the reasons for the action. A copy of this finding must be sent to the County Council, the Planning Commission, and published as a public

notice in a newspaper of general circulation in the community at least thirty (30) days prior to awarding a contract or beginning construction.

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 _____, 2011.

RICHLAND COUNTY COUNCIL

BY: _____
Paul Livingston, Chair

ATTEST THIS THE ____ DAY

OF _____, 2011

Michelle M. Onley
Assistant Clerk of Council

RICHLAND COUNTY ATTORNEY'S OFFICE

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

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

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

AN ORDINANCE AMENDING THE RICHLAND COUNTY CODE OF ORDINANCES; CHAPTER 26, LAND DEVELOPMENT; ARTICLE X, SUBDIVISION REGULATIONS; SECTION 26-224, DIVISION OF REAL PROPERTY TO HEIRS OF A DECEDENT; SO AS EXEMPT CERTAIN SUBDIVISIONS FROM ROAD CONSTRUCTION REQUIREMENTS.

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 II, Rules of Construction/Definitions; Section 26-22, Definitions; so as to include a definition for “Immediate Family”, as follows:

Family, immediate. A spouse, parents and grandparents, children and grand children, brothers and sisters, mother-in-law and father-in-law, brothers-in-law and sisters-in-law, daughters-in-law and sons-in-law. Adopted, half, and step members are also included in this definition.

SECTION II. The Richland County Code of Ordinances, Chapter 26, Land Development; Article X, Subdivision Regulations; Section 26-224, Division of Real Property to Heirs of a Decedent; Subsection; is hereby amended to read as follows:

~~Sec. 26-224. Division of real property to heirs of a decedent.~~

- ~~(a) — *Purpose.* Real property held by a deceased person is frequently devised to other family members, and a probate estate is opened. Probate judges will oversee the division of all property of the deceased, including real property. However, probate judges sometimes see the heirs’ difficulty in transferring real property of the deceased due to the county’s land development regulations, especially as they apply to subdivisions and the need to construct paved roads and install sidewalks. The purpose of this section is to ease the burden of Richland County citizens and to reduce the expenses that heirs may be required to expend in settling the deceased’s estate. It also provides a means for real property to be subdivided and transferred to heirs of deceased property owners.~~
- ~~(b) — *Applicability.* The provisions of this section shall apply to all zoning districts.~~
- ~~(c) — *Special requirements for private road subdivisions.*~~
 - ~~(1) — *Review.* Subdivision of heir property is subject to the minor subdivision review procedure found at Sec. 26-54(e)(2). All Planning Department subdivision plan review fees shall be waived; provided, however, all fees charged by DHEC (and collected by the Richland County Public Works Department) shall be paid by the applicant.~~

- (2) ~~*Roads.* Roads in subdivisions of heir property shall be exempt from the road paving requirements of Sec. 26-181 of this chapter, but shall not be exempt from any other road design requirement. Roads in subdivisions of heir property shall not be eligible or accepted for county maintenance, which is otherwise provided pursuant to Section 21-5 of the Richland County Code of Ordinances, until they meet the road construction standards provided in Chapter 21 of the Richland County Code. The roadway shall have a minimum right-of-way width of sixty-six (66) feet and minimum twenty (20) foot wide passable surface, which meets the standards established and set forth by the county engineer. The subdivision documents shall include a conspicuous statement stating that improvements to the roadway without the approval of the county engineer are prohibited.~~
- (3) ~~*Sidewalks.* Subdivisions of heir property shall be exempt from the sidewalk requirements of Sec. 26-179 of this chapter.~~
- (4) ~~*Size of lots.* Any and all lots created in a subdivision of heir property shall conform to the zoning district's requirements.~~
- (5) ~~*Number of dwelling units.* Only one (1) dwelling unit shall be permitted on each lot.~~
- (6) ~~*E-911 requirements.* The road, and each lot, shall conform to the county's E-911 system addressing and posting requirements.~~
- (d) ~~*Legal documents required.* An applicant for a subdivision of heir property shall submit:~~
- (1) ~~A copy of the certificate of appointment from the probate court.~~
- (2) ~~A copy of the probate court's order that divides the property amongst the heirs, if there is one.~~
- (3) ~~A copy of the will, if there is one.~~
- (4) ~~The necessary legal documents that:~~
- a. ~~Clearly provide permanent access to each lot.~~
- b. ~~State that the county shall not be responsible for either construction or routine (i.e. recurring) maintenance of the private road.~~
- c. ~~Clearly state that the parcels created by this process shall not be divided again, except in full compliance with all regulations in effect at the time.~~

~~(5) — A “Hold Harmless Agreement” as to Richland County.~~

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

Sec. 26-224. Certain subdivisions exempt from road standards.

The planning director, or his/her designee, may exempt subdivisions from the road construction requirements of Sec. 26-181 of this chapter only if the property is being transferred to the owners’ immediate family members or is being transferred by will or intestate succession or forced division decreed by appropriate judicial authority. The subdivider must submit legal documentation satisfactory to the planning director, or his/her designee, in order to establish eligibility for this exemption. This exemption shall apply only to initial division of property, not to subsequent sale or further subdivision by the heirs, devisees, or transferees. Plats of subdivisions so exempted shall show an ingress/egress easement providing access to all parcels, and shall contain the following information:

- (a) Names of owners of each parcel being created; and
- (b) Purpose of the subdivision; and
- (c) A note stating that “ROAD ACCESS NOT PROVIDED”; and
- (d) A note stating “THESE LOTS/PARCELS MAY NOT BE FURTHER SUBDIVIDED UNTIL ROAD ACCESS IS PROVIDED AND A REVISED PLAT IS APPROVED BY RICHLAND COUNTY”.
- (e) Should the planning director, or his/her designee, exempt a proposed subdivision from the construction of the private roadway, the property shall also be exempt from delineation of jurisdictional and non-jurisdictional wetlands (for purposes of approving the plat for recordation only; this section shall not supersede any state and/or federal requirement for construction in, around or through a jurisdictional wetland or flood zone). In the situation that a property owner requests exemption from road construction as outlined in this section, the property owner shall sign a statement that he/she understands that the proposed subdivision of land shall not be exempted from any other minimum standard set forth in this Chapter, including any and all review fees, minimum lot size, etc.

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

SECTION V. Effective Date. This ordinance shall be effective from and after _____, 2011.

RICHLAND COUNTY COUNCIL

BY: _____
Paul Livingston, Chair

Attest this the ____ day of
_____, 2011

Michelle M. Onley
Assistant Clerk of Council

RICHLAND COUNTY ATTORNEY'S OFFICE

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

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



Richland County Planning & Development Services Department

Staff Report

PC MEETING DATE: October 3, 2011
RC PROJECT: New High School #4
APPLICANT: Lexington/Richland School District 5

LOCATION: Broad River Road

TAX MAP NUMBER: 01700-07-15
ACREAGE: 120.24
EXISTING ZONING: RU

Comprehensive Planning Enabling Legislation

The information below identifies and explains the rationale behind the current necessity for Planning Commission review and comment regarding public buildings, such as schools in this case.

SECTION 6-29-540. Review of proposals following adoption of plan; projects in conflict with plan; exemption for utilities.

When the local planning commission has recommended and local governing authority or authorities have adopted the related comprehensive plan element set forth in this chapter, no new street, structure, utility, square, park, or other public way, grounds, or open space or public buildings for any use, whether publicly or privately owned, may be constructed or authorized in the political jurisdiction of the governing authority or authorities establishing the planning commission until the location, character, and extent of it have been submitted to the planning commission for review and comment as to the compatibility of the proposal with the comprehensive plan of the community. In the event the planning commission finds the proposal to be in conflict with the comprehensive plan, the commission shall transmit its findings and the particulars of the nonconformity to the entity proposing the facility. If the entity proposing the facility determines to go forward with the project which conflicts with the comprehensive plan, the governing or policy making body of the entity shall publicly state its intention to proceed and the reasons for the action. A copy of this finding must be sent to the local governing body, the local planning commission, and published as a public notice in a newspaper of general circulation in the community at least thirty days prior to awarding a contract or beginning construction. Telephone, sewer and gas utilities, or electric suppliers, utilities and providers, whether publicly or privately owned, whose plans have been approved by the local governing body or a state or federal regulatory agency, or electric suppliers, utilities and providers who are acting in accordance with a legislatively delegated right pursuant to Chapter 27 or 31 of Title 58 or Chapter 49 of Title 33 are exempt from this provision. These utilities must submit construction information to the appropriate local planning commission.

Background /Zoning History

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

The parcels contain four hundred and seventy one (471) feet of frontage on Broad River Road and three hundred and forty seven (347) feet of frontage on Mount Vernon Church Road.

Direction	Existing Zoning	Use
<u>North:</u>	PDD/RU/RU	Residential Subdivision/Electric Substation/Residence
<u>South:</u>	RU	Residence
<u>East:</u>	RU	Residence
<u>West:</u>	RU	Residence

Plans & Policies

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

North West Area

Objective: Institutional uses such as schools, libraries, government facilities, police and fire stations should be located on arterial roads and/or major traffic junctions to better serve the community. Public facilities such as schools, libraries, and recreation centers should be located to reinforce neighborhoods and communities.

Non-Compliance: The school site is located in an area designated as Rural. As previously stated, the objective of the Comprehensive Plan recommends schools to be located on arterial roads or at major traffic junctions, neither of which exist at this site.

Since 2002, there have been Five (5) zoning amendments for residential subdivisions/developments in the general area of the subject parcel. All five of the amendments are noncompliant according to the Imagine Richland 2020 Comprehensive Plan (the previous Comprehensive Plan). The three amendments are:

1. 94-041 MA (Ordinance number 083-94HR)
 Location – 1.7 miles southeast of the subject parcel
 Zoning- Residential Single-Family Low Density District (RS-LD)
 Acreage – 167.57; Dwelling Units - 121
 Project Name & Number- Rolling Creek SD-02-143; Status – Developed

2. 97-026 MA (Ordinance number 053-97HR)
 Location – 1.3 miles southeast of the subject parcel
 Zoning- Residential Single-Family Low Density District (RS-LD)
 Acreage – 122; Dwelling Units - 116
 Project Name & Number- Courtyards at Rolling Creek SD-04-258;
 Status – Still under development

3. 02-013 MA (Ordinance number 065-01HR)
 Location – 1.01 miles southeast of the subject parcel
 Zoning- Planned Development District (PDD)
 Acreage – 62.22; Dwelling Units - 190
 Project Name & Number- Waterfall SD-02-142; Status - Developed

4. 04-041 MA (Ordinance number 022-04HR)
Location – North of the subject parcel
Zoning- Planned Development District (PDD)
Acreage – 241.03; Dwelling Units - 490
Status - Undeveloped

5. 06-06 MA (Ordinance number 058-06HR) Westcott
Location – .93 miles southeast of the subject parcel
Zoning- Residential Single-Family Medium Density District (RS-MD)
Acreage - 73; Dwelling Units - 175
Project Name & Number- Westcott SD-06-29; Status - Under development

Traffic Impact

The 2010 SCDOT traffic count (Station # 178) located east of the subject parcel on Broad River Road identifies 6,500 Average Daily Trips (ADT's). Broad Rover Road is classified as a two lane undivided Collector, maintained by SCDOT with a design capacity of 8,600 ADT's. Broad River Road is currently operating at Level of Service (LOS) "C".

Development Summary

The subject property is currently under construction. Proposed is the New High School #4 and the Cate Center (a career and technology center) for Lexington/Richland School District #5. As schools are allowed in the Rural District with Special Requirements, the proposed school was reviewed and approved with conditions by the Development Review Team (DRT) under case# SP-10-83 at the September 9, 2010 meeting.

Conditions of DRT approval are as follows:

- 1) Buffer adjacent to residential property must provide full opacity. Specify buffer width on plans.
- 2) Provide acreage of student parking lot to determine if additional landscape requirements apply.
- 3) Lighting plans should indicate pole color, lumens per acre, and must state that all fixtures are full cut-off certified.
- 4) Bike racks must be provided.
- 5) Submit emergency plan to Richland County Emergency Services Department for review and approval due to site's location in the nuclear impact zone for the Jenkinsville nuclear facility.
- 6) Approval from Richland County Transportation Planner
- 7) Approval from Richland County Utilities for sewer
- 8) Approval from City of Columbia for water
- 9) Approval from Richland County Public Works
- 10) Approval from the Army Corps of Engineers
- 11) Approval from SCDOT

Water service will be provided by the City of Columbia. Sewer service will be provided by Richland County. There are no fire hydrants located along Broad River Road or Mount Vernon Church Road. The Dutch Fork Spring Hill fire station number 21 is located .56 miles northwest of the subject parcel.

The proposed site location is not in compliance with the Comprehensive Plan. According to the Comprehensive Plan schools should be located on an arterial road or at a major traffic junction.

