

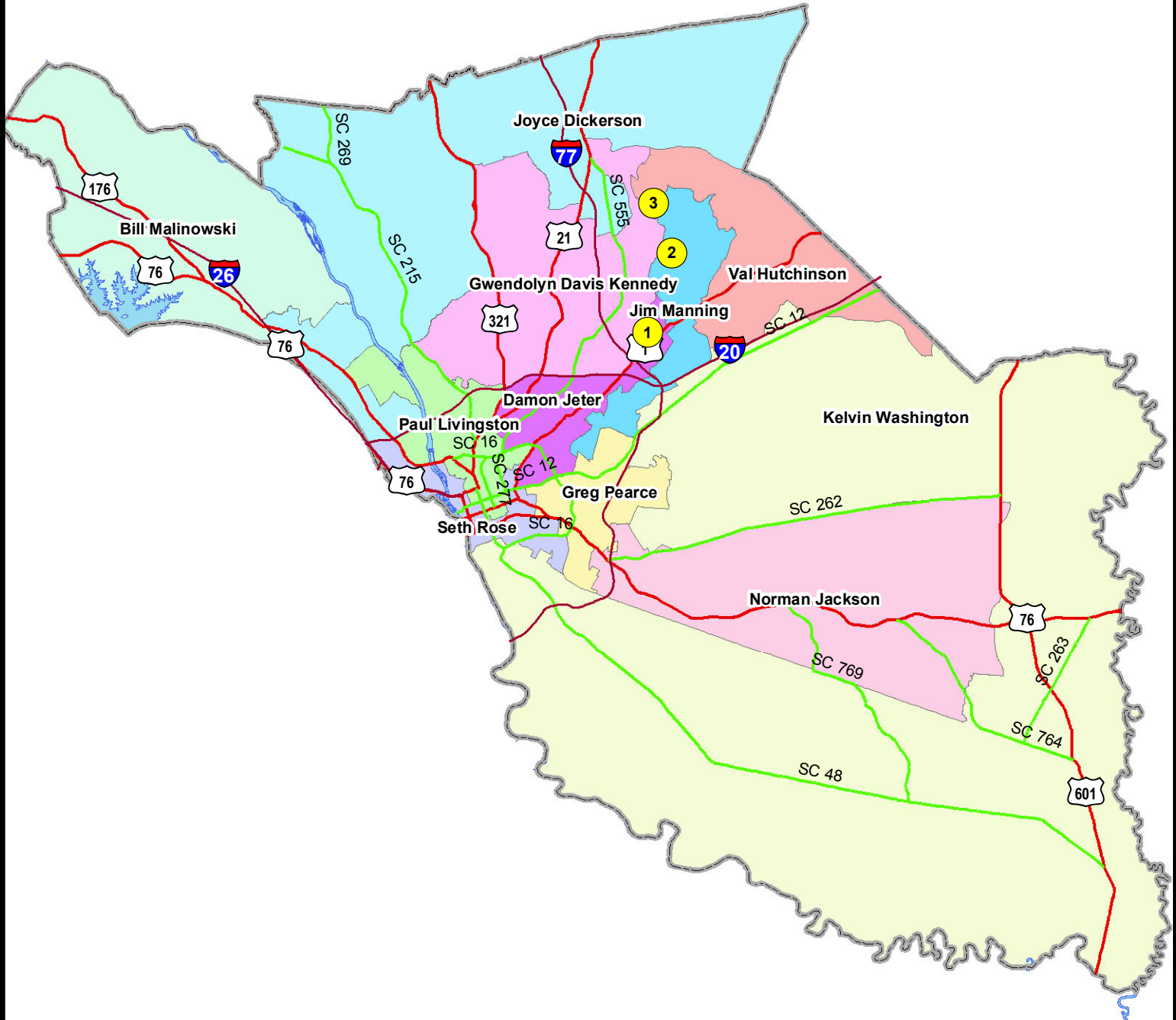
RICHLAND COUNTY COUNCIL  
ZONING PUBLIC HEARING



NOVEMBER 27, 2012



# RICHLAND COUNTY COUNCIL ZONING PUBLIC HEARING NOVEMBER 27, 2012



CASE NO.	APPLICANT	TMS NO.	LOCATION	DISTRICT
1. 12-30 MA	Oliver Gospel Mission	19904-03-02	140 Flora Drive	Jeter
2. 12-19 MA	Myung Chan Kim	20281-01-45	2201 Clemson Road	Manning
3. 12-33 MA	Trinity Presbyterian, Inc.	20300-02-48	Longtown Road & Longtown Road East	Manning





**RICHLAND COUNTY COUNCIL ZONING PUBLIC HEARING**

**Tuesday, November 27, 2012**

**7:00 P.M.**

**2020 Hampton Street  
2<sup>nd</sup> Floor, Council Chambers  
Columbia, South Carolina**

**STAFF:**

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

**CALL TO ORDER**.....Honorable Kelvin E. Washington, Sr.  
Chairman of Richland County Council

**ADDITIONS / DELETIONS TO THE AGENDA**

**OPEN PUBLIC HEARING**

**MAP AMENDMENTS**

1. Case # 12-30 MA  
Oliver Gospel Mission  
M. Kevin Garrison, Esq.  
RS-MD to OI (6.82 acres)  
140 Flora Dr.  
TMS# 19904-03-02 [**FIRST READING**]  
Planning Commission Denied 6-0  
Page
  
2. Case # 12-19 MA  
Myung Chan Kim  
NC to GC (1.93 acres)  
2201 Clemson Rd.  
TMS# 20281-01-45 [**FIRST READING**]  
Planning Commission Denied 6-0  
Page
  
3. Case #12-33 MA  
Trinity Presbystery, Inc.  
Frank Strasburger  
RU to RS-MD (10 acres)  
Longtown Rd. & Longtown Rd. East  
TMS# 20300-02-48 [**FIRST READING**]  
Planning Commission Approve 6-0  
Page

## **TEXT AMENDMENT**

1. AN ORDINANCE AMENDING THE RICHLAND COUNTY CODE OF ORDINANCES, CHAPTER 26, LAND DEVELOPMENT; ARTICLE IV, AMENDMENTS AND PROCEDURES; SECTION 26-53, LAND DEVELOPMENT PERMITS; SO AS TO CLARIFY THE PERMITTING PROCESS.

**[FIRST READING]**

Planning Commission Approved 6-0  
Page

2. AN ORDINANCE AMENDING THE RICHLAND COUNTY CODE OF ORDINANCES, CHAPTER 26, LAND DEVELOPMENT; ARTICLE IV, AMENDMENTS AND PROCEDURES; SECTION 26-54, SUBDIVISION REVIEW AND APPROVAL; SO AS TO CLARIFY THE SUBDIVISION REVIEW AND APPROVAL PROCESS.

**[FIRST READING]**

Planning Commission Approved 6-0  
Page

## **OTHER BUSINESS**

## **ADJOURNMENT**



**Richland County  
Planning & Development Services Department**

Map Amendment Staff Report

**PC MEETING DATE:** October 1, 2012  
**RC PROJECT:** 12-30 MA  
**APPLICANT:** Kevin Garrison

**LOCATION:** Flora Drive

**TAX MAP NUMBER:** 19904-03-02  
**ACREAGE:** 6.82  
**EXISTING ZONING:** RS-MD  
**PROPOSED ZONING:** OI

**PC SIGN POSTING:** September 12, 2012

**Staff Recommendation**

**Disapproval**

**Background /Zoning History**

The current zoning, Residential Single-family Medium Density District (RS-MD), reflects the original zoning as adopted September 7, 1977.

The parcel contains seventy six (76) feet of frontage along Flora Drive.

**Summary**

The Office and Institutional District (OI) is intended to accommodate office, institutional, and certain types of residential uses in an area whose characteristics are neither general commercial nor exclusively residential in nature. Certain related structures and uses required to serve the needs of the area are permitted outright or are permitted as special exceptions subject to restrictions and requirements.

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

- The gross density for this site is approximately: 109 dwelling units  
The net density for this site is approximately: 76 dwelling units

Direction	Existing Zoning	Use
<b><u>North:</u></b>	RS-MD/RS-MD	Multifamily Residences (Pitts Apartments)/Single Family Residences (Rabon Farms)
<b><u>South:</u></b>	RS-MD	Single Family Residences (Greengate)
<b><u>East:</u></b>	RS-MD	Single Family Residences (Greengate)
<b><u>West:</u></b>	RS-MD	Single Family Residences

**Plans & Policies**

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

**Suburban 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.

Non-Compliance: The proposed zoning would not be in compliance with the recommended objective for suburban commercial/office activities in the Comprehensive Plan. The site is not located at a traffic junction and would be surrounded by residential zoning.

**Traffic Impact**

The 2010 SCDOT traffic count (Station # 611) located northwest of the subject parcel on Rabon Road identifies 8,700 Average Daily Trips (ADT’s). Rabon Road is classified as a two lane undivided Collector, maintained by SCDOT with a design capacity of 8,600 ADT’s. Rabon Road is currently operating at Level of Service (LOS) “D”.

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

**Conclusion**

The subject parcel contains existing brick structures that are being utilized as an addiction recovery facility for homeless males (The Bethel House Ministries). Otherwise, the parcel has sidewalks and limited frontage along Flora Drive, residential vegetation, some street lighting, wooden and chain link fencing on the perimeter and a gentle slope. The immediate area is primarily characterized by residential use in all directions. North of the subject parcel is a non-conforming multi-family development (Pitts Development) and the Rabon Farms Abutting the south and east of the subject parcel is the Greengate Subdivison. Further south of the subject parcel at the intersection of Rabon Road and Flora Drive are some undeveloped and commercial uses. These uses are located on the south side of Rabon Road and include an automotive shop (Fish’s Customs), a landscaping service (Ambrosia Landscaping), and a convenience store with gas pumps (Exon Gas Station). There are two General Commercial District (GC) parcels located on the northwest and northeast corners of the intersection of Rabon Road and Flora Drive. Both sites are undeveloped.

The Office and Institutional District (OI) permits certain uses outright, such as residential, recreational, institutional, educational, civic, business and professional services, and retail trade and food services.

The subject parcel is within the boundaries of School District 2. Windsor Elementary School is located .6 miles southeast of the subject parcel on Dunbarton Road. The Jackson fire station



(number 32) is located .3 miles east of the subject parcel on Two Notch Road. There is a fire hydrant located on site as well as west of the parcel on Flora Drive. The proposed map amendment would not negatively impact public services or traffic. Water is provided by the City of Columbia and sewer service is provided by East Richland County Public Service District.

The subject parcel is contiguous to residential zoning uses on all sides. As such, any rezoning in the immediate area could have negative effects on the well-established residential community. The fact that Rabon Farms, among others, is a relatively recent development attests to continued residential development in the area. The apartments north of the subject parcel are considered non-conforming and are allowed to continue under their current status. As there exists no other non-residential zoning nearby, particularly OI zoning, rezoning this parcel could set a precedent for the rezoning of adjacent parcels and could be out of character with Rabon Farms, Greengate and other residential communities in the area. The exception is the commercial at the intersection of Flora Drive and Rabon Road. Since the parcel is surrounded by two established residential subdivisions staff is of the opinion that rezoning would encroach upon the established residential uses in the area. Based upon this rationale and the potential for negative impacts staff believes that the proposed request is not in compliance with the Comprehensive Plan and recommends **Disapproval** of this map amendment.

#### Zoning Public Hearing Date

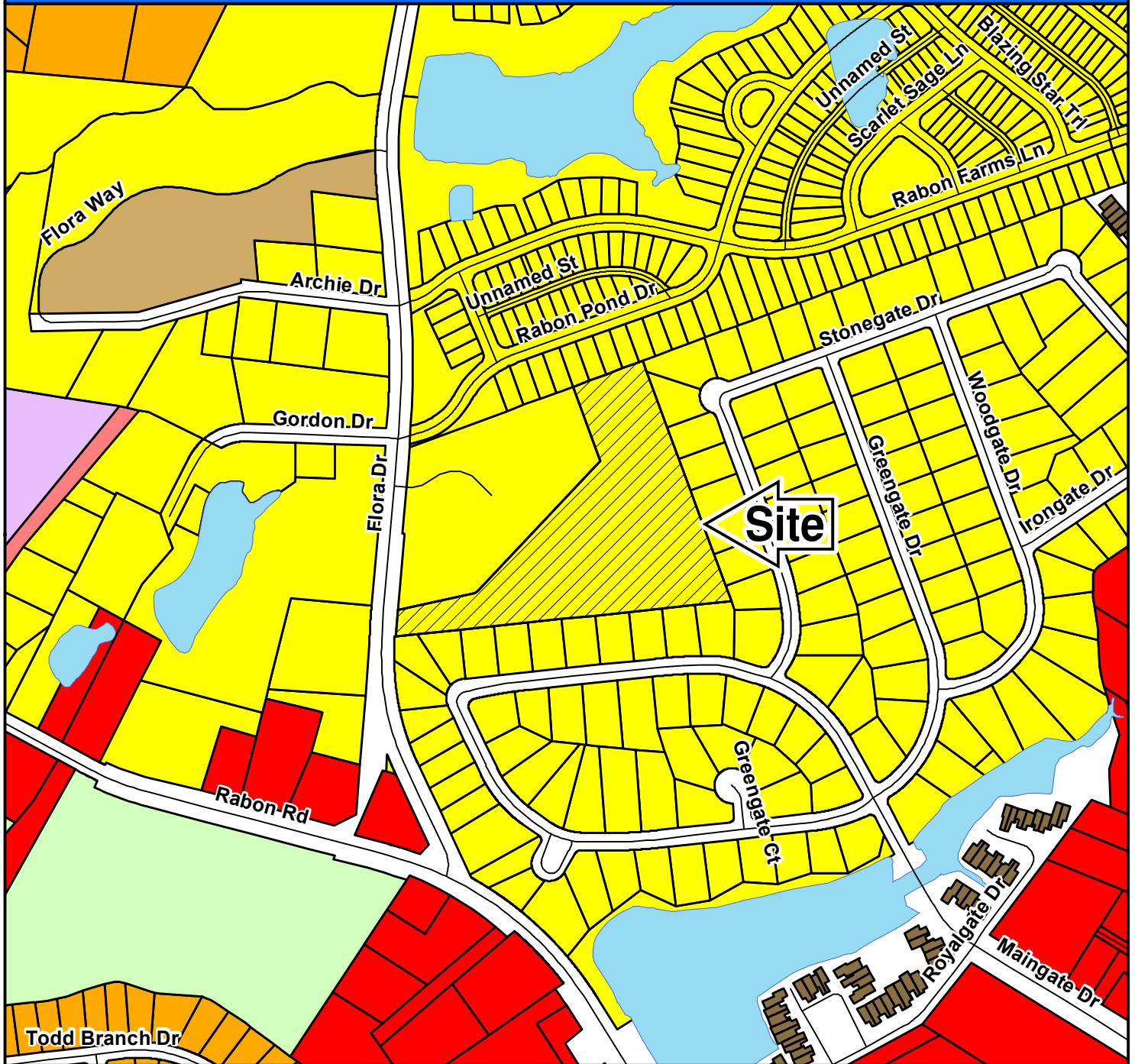
**October 23, 2012**

#### Planning Commission Action

At their meeting of **October 1, 2012** the Richland County Planning Commission **agreed** with the PSDS recommendation and recommends the County Council **disapprove** the proposed **Amendment** for **RC Project # 12-30 MA**.

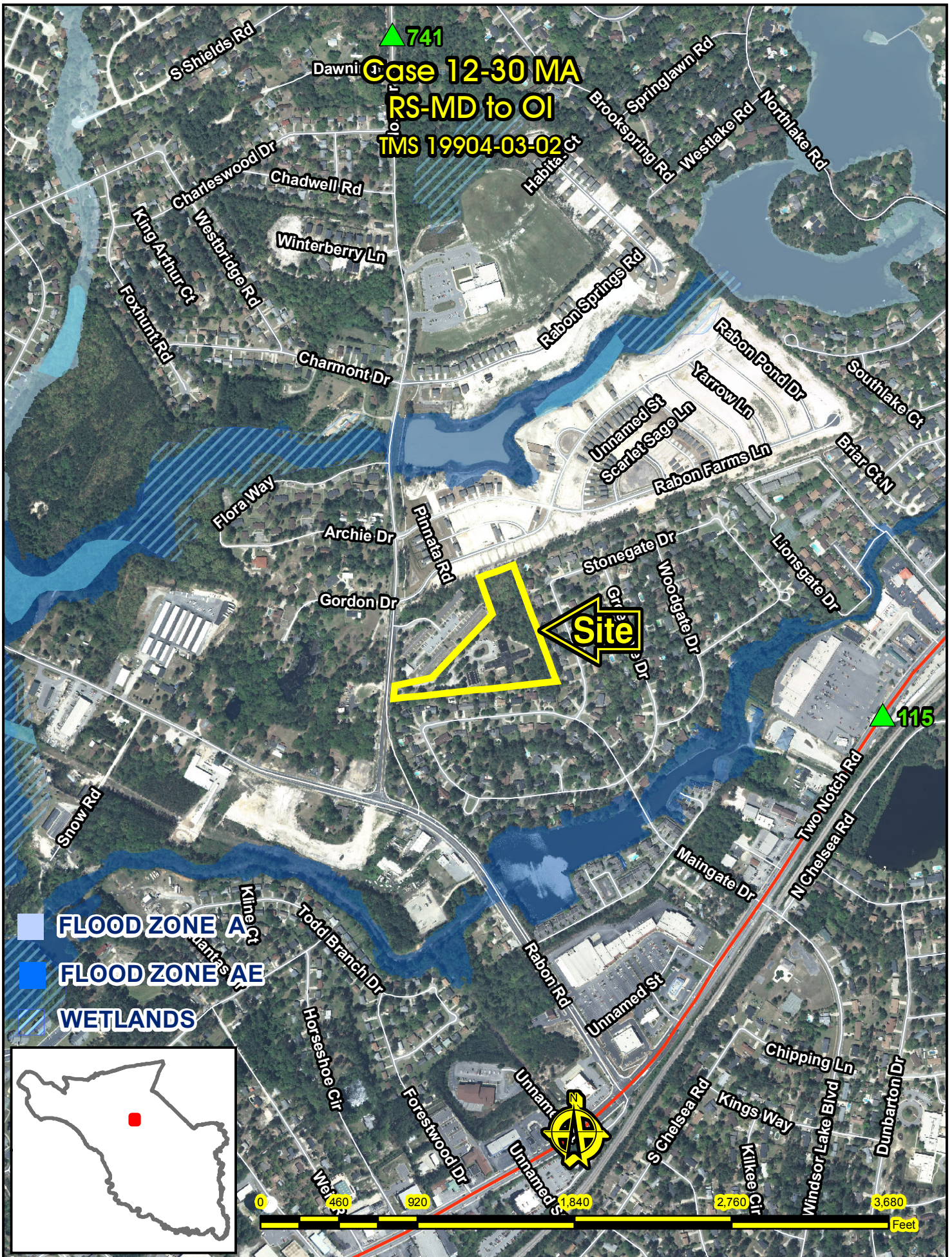
# Case 12-30 MA

## RS-MD to OI



### ZONING CLASSIFICATIONS

CC-1	C-1	RS-E	MH	NC	LI	TROS
CC-2	C-3	RS-LD	RM-MD	GC	HI	Subject Property
CC-3	RG-2	RS-MD	RM-HD	RC	PDD	
CC-4	RR	RS-HD	OI	M-1	RU	



# CASE 12-30 MA

## From RS-MD to OI

TMS# 19904-03-02

Flora Drive



**The zoning change from RS-MD (Residential Medium Density) to OI (Office/Institutional) would permit the introduction of the following uses which were not allowed previously in the original zoning**

<b>USE TYPES</b>	<b>OI</b>
Continued Care Retirement Communities	SR
Dormitories	SE
Multi-Family, Not Otherwise Listed	P
Fraternity and Sorority Houses	P
Group Homes (10 or More)	SE
Rooming and Boarding Houses	SE
Special Congregate Facilities	SE
Clubs or Lodges (Ord No.054-08HR; 9-16-08)	P
Dance Studios and Schools	P
Martial Arts Instructional Schools	P
Physical Fitness Centers	P
Ambulance Services, Transport	P
Animal Shelters	
Auditoriums, Coliseums, Stadiums	P
Cemeteries, Mausoleums (Ord. 069-10HR)	SR
Colleges and Universities	P
Community Food Services	P
Correctional Institutions	
Courts	P
Day Care Centers, Adult (Ord. 008-09HR; 2-17-09)	SR
Day Care, Child, Licensed Center (Ord. 008-09HR; 2-17-09)	SR
Government Offices	P
Hospitals	P

Individual and Family Services, Not Otherwise Listed	P
Museums and Galleries	P
Nursing and Convalescent Homes	P
Orphanages	P
Post Offices	P
Postal Service Processing & Distribution	
Schools, Administrative Facilities	P
Schools, Business, Computer and Management Training	P
Schools, Fine Arts Instruction	P
Schools, Junior Colleges	P
Schools, Technical and Trade (Except Truck Driving)	P
Zoos and Botanical Gardens	SE
Accounting, Tax Preparation, Bookkeeping, and Payroll Services	P
Advertising, Public Relations, and Related Agencies	P
Automatic Teller Machines	P
Automobile Parking (Commercial)	P
Banks, Finance, and Insurance Offices	P
Barber Shops, Beauty Salons, and Related Services	P
Bed and Breakfast Homes/Inns (Ord. 020-10HR; 5-4-10)	SR
Computer Systems Design and Related Services	P

Clothing Alterations/Repairs; Footwear Repairs	P
Construction, Special Trades, without Outside Storage	P
Employment Services	P
Engineering, Architectural, and Related Services	P
Funeral Homes and Services	P
Kennels	SR
Landscape and Horticultural Services	
Laundromats, Coin Operated	
Laundry and Dry Cleaning Services, Non-Coin Operated	P
Legal Services (Law Offices, Etc.)	P
Management, Scientific, and Technical Consulting Services	P
Massage Therapists	P
Medical/Health Care Offices	P
Medical, Dental, or Related Laboratories	P
Office Administrative and Support Services, Not Otherwise Listed	P
Packaging and Labeling Services	P
Pet Care Services (Excluding Veterinary Offices and Kennels)	P
Photocopying and Duplicating Services	P
Photofinishing Laboratories	P
Photography Studios	P
Picture Framing Shops	P
Professional, Scientific, and Technical Services, Not Otherwise Listed	P
Real Estate and Leasing Offices	P

Research and Development Services	SR
Veterinary Services (Non-Livestock, May Include Totally Enclosed Kennels Operated in Connection with Veterinary Services)	SR
Watch and Jewelry Repair Shops	P
Weight Reducing Centers	P
Antique Stores (See Also Used Merchandise Shops and Pawn Shops)	P
Art Dealers	P
Bars and Other Drinking Places	SE
Book, Periodical, and Music Stores	P
Caterers, No On Site Consumption	P
Convenience Stores (with Gasoline Pumps)	P
Convenience Stores (without Gasoline Pumps)	P
Drugstores, Pharmacies, with Drive-Thru	P
Drugstores, Pharmacies, without Drive-Thru	P
Office Supplies and Stationery Stores	P
Optical Goods Stores	P
Outdoor Power Equipment Stores	
Restaurants, Cafeterias	P
Restaurants, Full Service (Dine-In Only)	P
Restaurants, Limited Service (Delivery, Carry Out)	P
Restaurants, Snack and Nonalcoholic Beverage Stores	P
Courier Services, Substations	P
Radio and Television Broadcasting Facilities (Except Towers)	P

Radio, Television, and Other Similar Transmitting Towers	SE
Utility Company Offices	P
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)	SR
Buildings, High Rise, 4 or 5 Stories	SR
Buildings, High Rise, 6 or More Stories	SE

STATE OF SOUTH CAROLINA  
COUNTY COUNCIL OF RICHLAND COUNTY  
ORDINANCE NO. \_\_\_\_-12HR

AN ORDINANCE OF THE COUNTY COUNCIL OF RICHLAND COUNTY, SOUTH CAROLINA, AMENDING THE ZONING MAP OF UNINCORPORATED RICHLAND COUNTY, SOUTH CAROLINA, TO CHANGE THE ZONING DESIGNATION FOR THE REAL PROPERTY DESCRIBED AS TMS # 19904-03-02 FROM RS-MD (RESIDENTIAL, SINGLE-FAMILY, MEDIUM DENSITY DISTRICT) TO OI (OFFICE AND INSTITUTIONAL DISTRICT); AND PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE.

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

Section I. The Zoning Map of unincorporated Richland County is hereby amended to change the real property described as TMS # 19904-03-02 from RS-MD (Residential, Single-Family, Medium Density District) zoning to OI (Office and Institutional District) zoning.

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 \_\_\_\_\_, 2012.

RICHLAND COUNTY COUNCIL

By: \_\_\_\_\_  
Kelvin E. Washington, Sr., Chair

Attest this \_\_\_\_\_ day of  
\_\_\_\_\_, 2012.

\_\_\_\_\_  
Michelle M. Onley  
Clerk of Council

Public Hearing: November 27, 2012 (tentative)  
First Reading: November 27, 2012 (tentative)  
Second Reading:  
Third Reading:





**Richland County  
Planning & Development Services Department**

Map Amendment Staff Report

**PC MEETING DATE:** November 5, 2012  
**RC PROJECT:** 12-19 MA  
**APPLICANT:** Myung Chan Kim  
**PROPERTY OWNER:** Myung Chan Kim

**LOCATION:** 2201 Clemson Road

**TAX MAP NUMBER:** 20281-01-45  
**ACREAGE:** 1.93  
**EXISTING ZONING:** NC  
**PROPOSED ZONING:** GC

**PC SIGN POSTING:** October 19, 2012

**Staff Recommendation**

**Disapproval**

**Background /Zoning History**

The current zoning, Neighborhood Commercial District (NC), reflects the zoning as approved on October 2, 2007 (case number 07-31MA, Ordinance No. 073-07HR).

The parcel contains one hundred and ninety one (191) feet of frontage on 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 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: 31 dwelling units
- The net density for this site is approximately: 22 dwelling units

Direction	Existing Zoning	Use
<b><u>North:</u></b>	RS-HD	Residence
<b><u>South:</u></b>	RU	Residence
<b><u>East:</u></b>	OI	Church
<b><u>West:</u></b>	NC	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: 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.

Non-Compliance: In the immediate area there are a number of residentially developed parcels, a place of worship, and some commercial located closer to the intersection of Clemson Road and Hardscrabble Road. The site is not located at a significant traffic junction or in an area with existing commercial and/or office uses. Rezoning this property from its current status of Neighborhood Commercial District (NC) to General Commercial District (GC) would provide an opportunity for a greater intensity of commercial uses.

## Traffic Impact

The 2010 SCDOT traffic count (Station # 440) located east of the subject parcel on Clemson Road identifies 25,000 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 Level of Service (LOS) “C”.

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

## Conclusion

The subject parcel contains an existing, residential structure abutted by other residential structures and a place of worship to the east. Otherwise, the surrounding area is characterized by large-lot residential homes (accessed by Hardscrabble Road) and commercial/office/institutional uses further to the east and west along Clemson Road located near the intersections of Hardscrabble Road and Barton Creek Court. The parcel is located five hundred and forty (540) feet east of Planned Development District (PDD) zoned property which is currently being utilized as an office development (Palmetto Family Medicine). The adjacent parcel west of the subject parcel was rezoned in conjunction with the subject parcels rezoning to Neighborhood Commercial in 2007 (Ordinance No. 073-07HR). However, the NC parcels remain residential in usage and have yet to be developed commercially.

The General Commercial District (GC) permits certain uses outright, such as residential, recreational, institutional, educational, civic, business and professional services, wholesale trade, transportation, information, warehousing, utilities, and retail trade and food services.

The subject parcels are within the boundaries of School District Two. Killian Elementary School is .66 miles west of the subject parcel on Clemson Road. Water and sewer service would be provided by the City of Columbia. There is one fire hydrant located two hundred and thirty six (236) feet west of the property on the south side of Clemson Road. The Elders Pond fire station (station number 34) is located on Elders Pond Drive, approximately .74 miles northeast of the subject parcel.

Currently the level of service (LOS) on Clemson Road shows that it is operating at capacity. Properties zoned GC, General Commercial, can often be large traffic generators and add to the traffic burdens on commercial corridors, such as Clemson Road. Recently, a rezoning from RU

to NC was approved by the Commission and Council under case number 12-03MA (Ordinance No. 008-12HR). The NC zoned parcel abutting to the west has yet to develop and rezoning additional parcels to a more intense commercial district would be inconsistent with the recommendation of the Comprehensive Plan.

Intense commercial districts should be located at major traffic junctions while less intense commercial districts should transition into residential districts. Staff's opinion is that rezoning the subject parcel to the higher intensity GC district would be out of character with the remaining residential uses located mid-block between the intersections of Hardscrabble Road and Barton Creek Court and the existing neighborhood commercial and office uses.

Based upon the zoning incompatibility, and because the proposed zoning map amendment is not in compliance with the Comprehensive Plan, Planning Staff recommends **Disapproval** of this request.

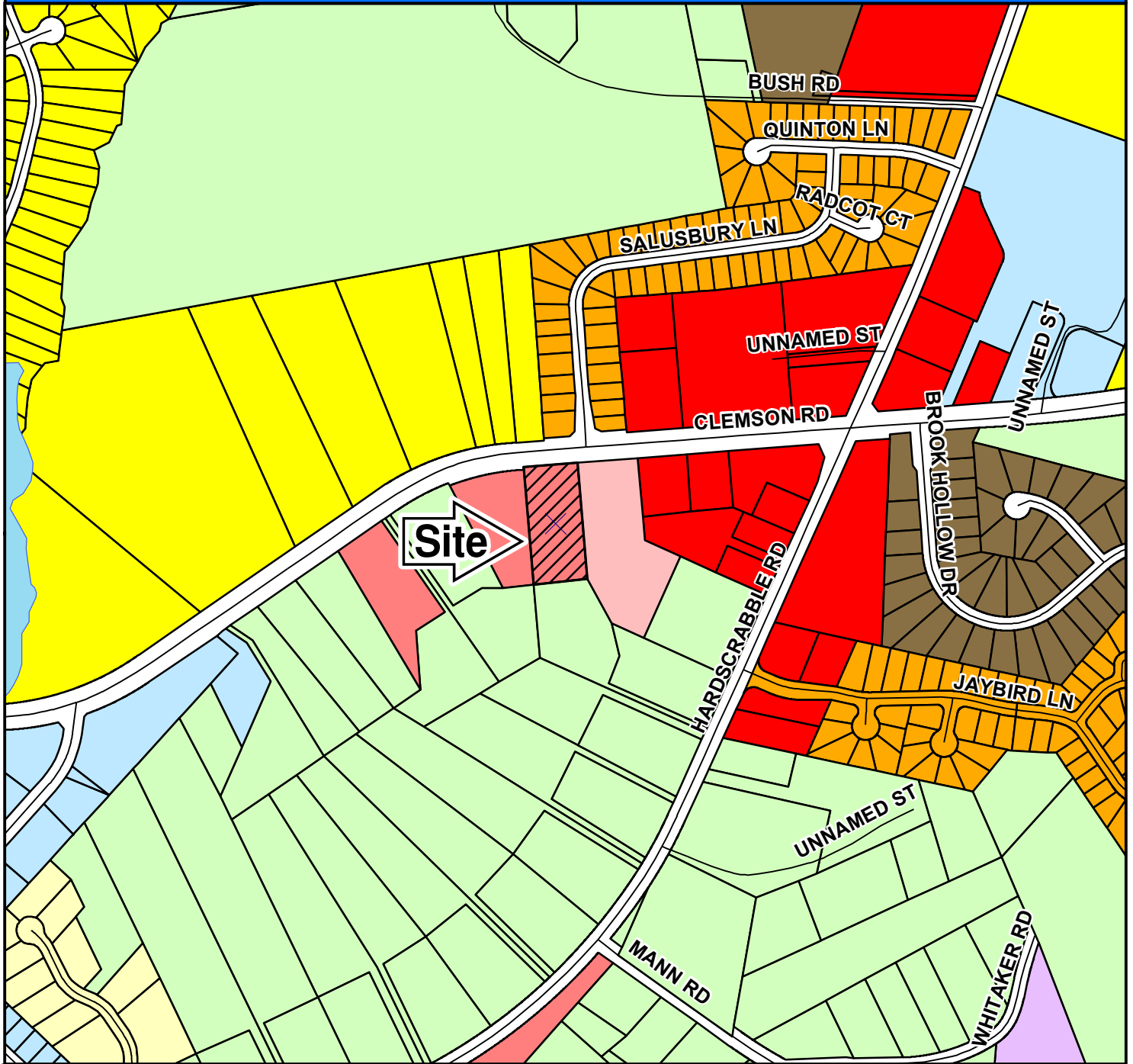
#### **Zoning Public Hearing Date**

**November 27, 2012**

#### **Planning Commission Action**

At their meeting of **November 5, 2012** the Richland County Planning Commission **agreed** with the PDSD recommendation and recommends the County Council **disapprove** the proposed **Amendment for RC Project # 12-19 MA.**

# Case 12-19 MA NC 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 12-19 MA  
NC to GC  
TMS 20281-01-45

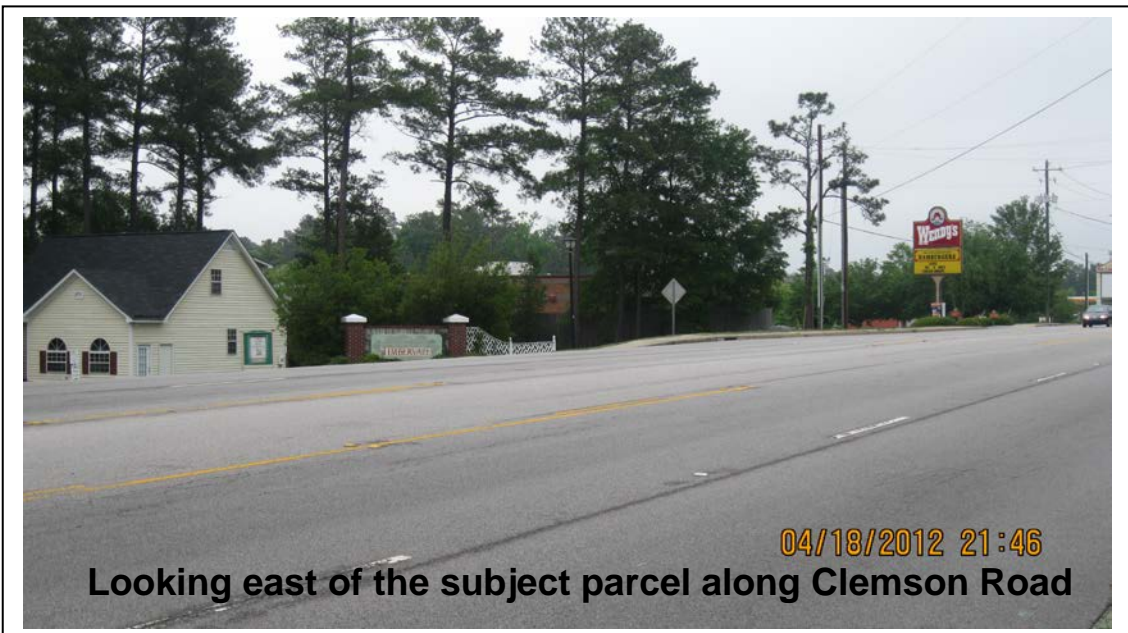


# CASE 12-19 MA

## From NC to GC

TMS# 20281-01-45

Clemson Road



**The zoning change from NC (Neighborhood Commercial) to General Commercial (GC) would permit the introduction of the following uses which were not allowed previously in the original zoning**

USE TYPES	GC
Continued Care Retirement Communities	SR
Dormitories	SE
Multi-Family, Not Otherwise Listed	P
Single-Family, Zero Lot Line, Common	SR
Fraternity and Sorority Houses	P
Special Congregate Facilities	SE
Amusement or Water Parks, Fairgrounds	SR
Batting Cages	SR
Billiard Parlors	P
Bowling Centers	P
Country Clubs with Golf Courses	SR
Go-Cart, Motorcycle and Similar Small Vehicle Tracks	SR
Golf Courses	SR
Golf Courses, Miniature	P
Golf Driving Ranges (Freestanding)	SR
Marinas and Boat Ramps	P
Shooting Ranges, Indoor	P
Skating Rinks	P
Ambulance Services, Transport	P
Animal Shelters	SR
Auditoriums, Coliseums, Stadiums	P
Colleges and Universities	P
Day Care, Adult, Home Occupation (5 or Fewer) (Ord. 008-09HR; 2-17-09)	SR
Day Care, Child, Family Day Care, Home Occupation (5 or Fewer) (Ord No. 054-08HR; 9-16-08; Ord. 008-09HR; 2-17-09)	SR

Hospitals	P
Schools, Truck Driving	P
Zoos and Botanical Gardens	SR
Automobile Rental or Leasing	P
Automobile Towing, Not Including Storage	P
Body Piercing Facilities	SR
Building Maintenance Services, Not Otherwise Listed	P
Car and Light Truck Washes (See also Truck Washes)	P
Carpet and Upholstery Cleaning Services	P
Exterminating and Pest Control Services	P
Furniture Repair Shops and Upholstery	P
Hotels and Motels	P
Janitorial Services	P
Kennels	SR
Landscape and Horticultural Services	P
Linen and Uniform Supply	P
Motion Picture Production/Sound Recording	P
Publishing Industries	P
Rental Centers, with Outside Storage	SR
Rental Centers, without Outside Storage	P
Repair and Maintenance Services, Appliance and Electronics	SR
Repair and Maintenance Services, Automobile, Minor	P

Repair and Maintenance Services, Home and Garden Equipment	P
Research and Development Services	P
Security and Related Services	P
Tattoo Facilities (Ord 010-07HR; 2-20-07) and (Ord No. 054-08HR; 9-16-08)	P
Taxidermists	P
Theaters, Live Performances	P
Theaters, Motion Picture, Drive-Ins	SE
Traveler Accommodations, Not Otherwise Listed	P
Truck (Medium and Heavy) Washes	P
Appliance Stores	P
Auction Houses	P
Automotive Parts and Accessories Stores	P
Boat and RV Dealers, New and Used	P
Building Supply Sales with Outside Storage	P
Building Supply Sales without Outside Storage	P
Direct Selling Establishments, Not Otherwise Listed	P
Drugstores, Pharmacies, with Drive-Thru	P
Electronic Shopping and Mail Order Houses	P
Flea Markets, Indoor	P
Flea Markets, Outdoor	P
Floor Covering Stores	P

[Type text]

Furniture and Home Furnishings	P
Home Centers	P
Manufactured Home Sales	SR
Motor Vehicle Sales – Car and Truck – New and Used	P
Motorcycle Dealers, New and Used	P
Outdoor Power Equipment Stores	P
Pawnshops	P
Restaurants, Limited Service (Drive-Thru)	P
Service Stations, Gasoline	P
Television, Radio or Electronic Sales	P
Tire Sales	P
Truck Stops	P
Warehouse Clubs and Superstores	P
Apparel, Piece Goods, and Notions	P
Beer/Wine/Distilled Alcoholic Beverages	SR
Books, Periodicals, and Newspapers	P
Drugs and Druggists' Sundries	SR
Durable Goods, Not Otherwise Listed	SR
Electrical Goods	SR
Flowers, Nursery Stock, and Florist Supplies	P
Furniture and Home Furnishings	SR
Groceries and Related Products	P
Hardware	P
Jewelry, Watches, Precious Stones	P
Lumber and Other Construction Materials	SR
Machinery, Equipment and Supplies	SR

Market Showrooms (Furniture, Apparel, Etc.)	SR
Motor Vehicles, New Parts and Supplies	SR
Motor Vehicles, Tires and Tubes	SR
Nondurable Goods, Not Otherwise Listed	SR
Paints and Varnishes	SR
Paper and Paper Products	P
Plumbing & Heating Equipment and Supplies	SR
Professional and Commercial Equipment and Supplies	P
Sporting and Recreational Goods and Supplies (Except Sporting Firearms and Ammunition)	P
Sporting Firearms and Ammunition	SR
Tobacco and Tobacco Products	SR
Toys and Hobby Goods and Supplies	P
Bus Facilities, Interurban	P
Bus Facilities, Urban	P
Charter Bus Industry	P
Courier Services, Substations	P
Limousine Services	P
Radio and Television Broadcasting Facilities (Except Towers)	P
Scenic and Sightseeing Transportation	P
Sewage Treatment Facilities, Private	
Taxi Service Terminals	P
Utility Service Facilities (No Outside Storage)	P
Warehouses, Self-Storage	SR
Warehouses, Self-Storage	SR

Bakeries, Manufacturing	P
Computer, Appliance, and Electronic Products	P
Medical Equipment and Supplies	P
Printing and Publishing	P
Signs	P
Sexually Oriented Businesses	SR
Buildings, High Rise, 4 or 5 Stories	SR
Buildings, High Rise, 6 or More Stories	SE



STATE OF SOUTH CAROLINA  
COUNTY COUNCIL OF RICHLAND COUNTY  
ORDINANCE NO. \_\_\_\_-12HR

AN ORDINANCE OF THE COUNTY COUNCIL OF RICHLAND COUNTY, SOUTH CAROLINA, AMENDING THE ZONING MAP OF UNINCORPORATED RICHLAND COUNTY, SOUTH CAROLINA, TO CHANGE THE ZONING DESIGNATION FOR THE REAL PROPERTY DESCRIBED AS TMS # 20281-01-45 FROM NC (NEIGHBORHOOD COMMERCIAL DISTRICT) TO GC (GENERAL COMMERCIAL DISTRICT); AND PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE.

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

Section I. The Zoning Map of unincorporated Richland County is hereby amended to change the real property described as TMS # 20281-01-45 from NC (Neighborhood Commercial District) zoning to GC (General Commercial District) zoning.

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

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

Section IV. Effective Date. This ordinance shall be effective from and after \_\_\_\_\_, 2012.

RICHLAND COUNTY COUNCIL

By: \_\_\_\_\_  
Kelvin E. Washington, Sr., Chair

Attest this \_\_\_\_\_ day of  
\_\_\_\_\_, 2012.

\_\_\_\_\_  
Michelle M. Onley  
Clerk of Council

Public Hearing: November 27, 2012 (tentative)  
First Reading: November 27, 2012 (tentative)  
Second Reading:  
Third Reading:





**Richland County  
Planning & Development Services Department**

Map Amendment Staff Report

**PC MEETING DATE:** November 5, 2012  
**RC PROJECT:** 12-33 MA  
**APPLICANT:** Frank D. Strasburger

**LOCATION:** Longtown Road and Longtown Road East

**TAX MAP NUMBER:** 20300-02-48  
**ACREAGE:** 10  
**EXISTING ZONING:** RU  
**PROPOSED ZONING:** RS-MD

**PC SIGN POSTING:** September 12, 2012

**Staff Recommendation**

**Approval**

**Background /Zoning History**

The current zoning, Rural District (RU), reflects the original zoning as adopted September 7, 1977. The parcel was part of a previous request for a Planned Development District (case number 12-09MA) and contained three parcels with a total acreage of 140 acres. The requested zoning was denied by the planning commission.

The parcel contains five hundred and thirty one (531) feet of frontage along Longtown Road East and seven hundred and twenty four (724) feet of frontage along Longtown 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: 51 dwelling units
- The net density for this site is approximately: 35 dwelling units

Direction	Existing Zoning	Use
<b><u>North:</u></b>	RS-LD	Undeveloped
<b><u>South:</u></b>	GC	Undeveloped
<b><u>East:</u></b>	RU	Undeveloped
<b><u>West:</u></b>	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**.

### Suburban 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 would permit 5.1 dwelling units per acre which is in accordance with the recommended objective for suburban residential use outlined in the Comprehensive Plan.

## Traffic Impact

The 2010 SCDOT traffic count (Station # 711) located north of the subject parcels on Longtown Road identifies 8,700 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 subject parcel is undeveloped and wooded with flat topography. The parcel has frontage along Longtown Road and Longtown Road East, both of which are two-lane residential collector streets without sidewalks or streetlights. The immediate area is primarily characterized by residential use west and north. East of the subject parcel remains undeveloped and wooded. South of the subject parcel are a number of General Commercial District (GC) parcels; with the exception of the GC parcel located at the intersection of Longtown Road and Lee Road the parcels are undeveloped. At the intersection of Longtown Road and Lee Road there are two convenience stores with gas pumps, a church, an elementary school (Sandlapper Elementary School), and a Dollar General store. The Residential Single-Family Low Density District (RS-LD) subdivision (Club Colony) northeast of the subject parcel was approved under 94-008MA (Ordinance number 037-94HR) on May 24th, 1994.

The subject parcel is within the boundaries of School District 2. Sandlapper Elementary School is located 400 feet southeast of the subject parcel on Longtown Road. The Elders Pond fire station (number 34) is located 1.4 miles southeast of the subject parcels on Elders Pond Drive. There are no fire hydrants located along Longtown Road and Longtown Road East. The proposed map amendment would not negatively impact public services or traffic. Water is provided by the City of Columbia and sewer service is provided by Palmetto Utilities.

As a result of this analysis the staff has concluded that the proposed zoning map amendment is in compliance with the Comprehensive Plan and recommends **Approval** of this request.

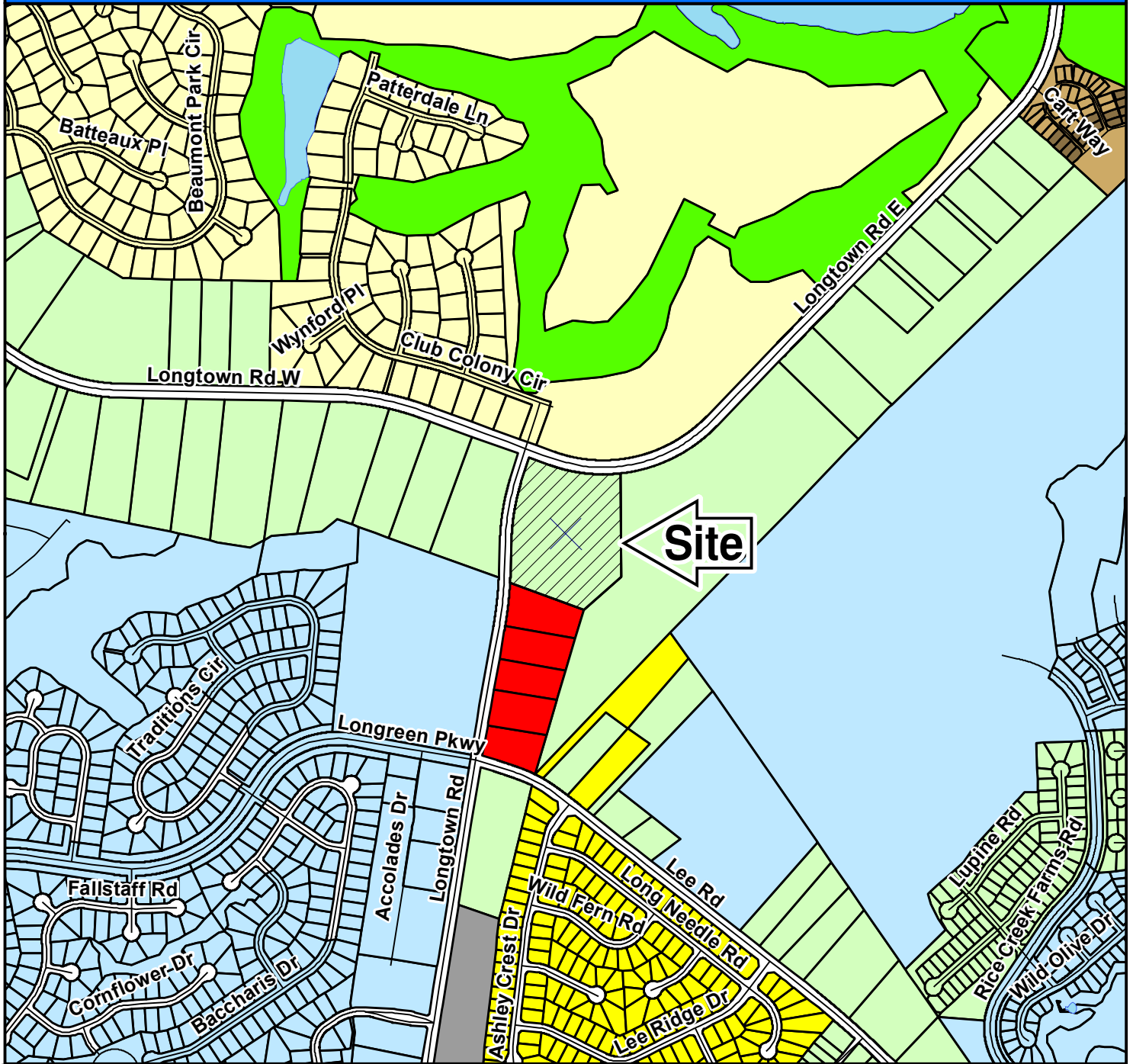
## Zoning Public Hearing Date

**November 27, 2012**

## Planning Commission Action

At their meeting of **November 5, 2012** the Richland County Planning Commission **agreed** with the PDSD recommendation and recommends the County Council initiate the ordinance consideration process to **approve the proposed Amendment** for **RC Project # 12-33 MA**.

# Case 12-33 MA RU to RS-MD

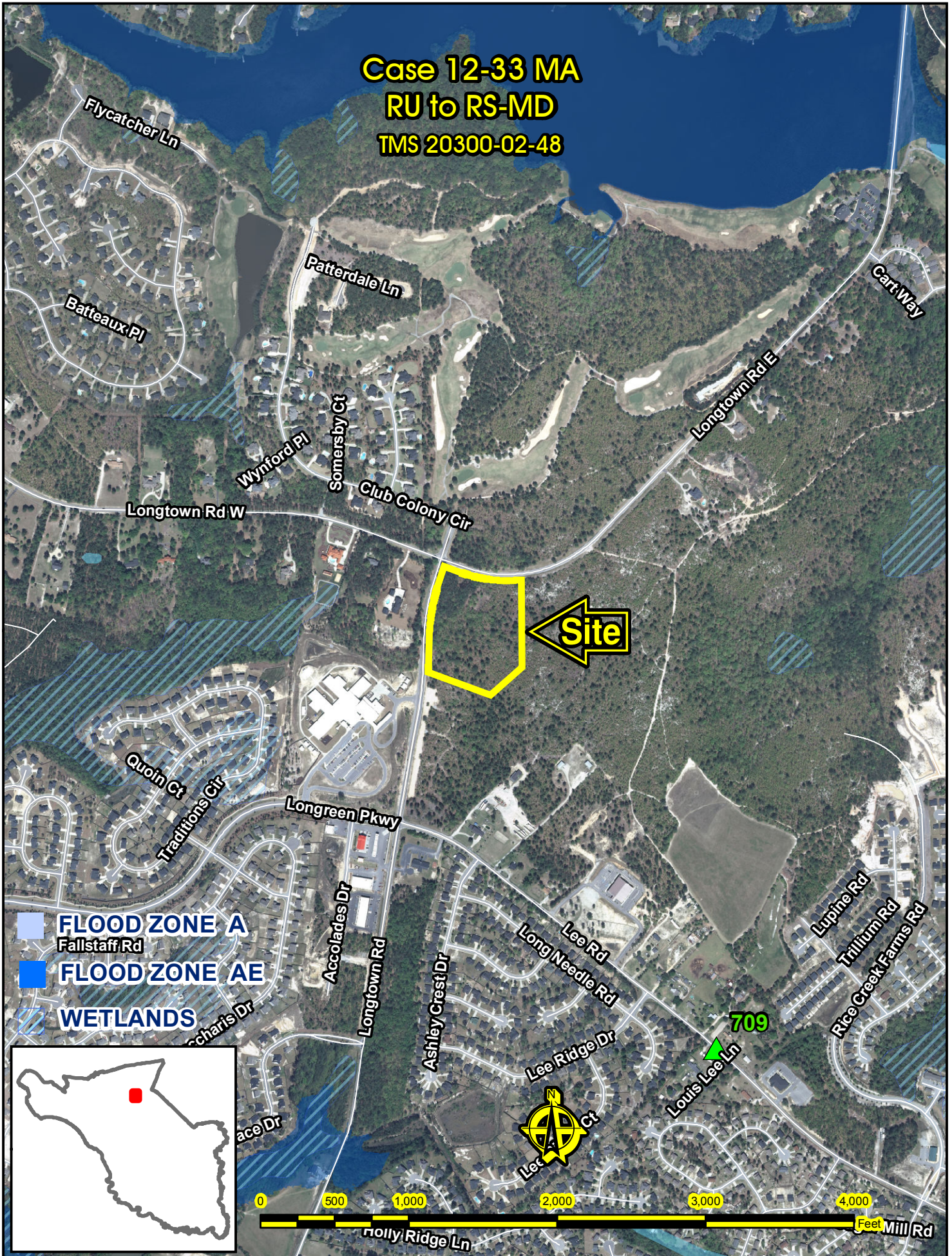


## ZONING CLASSIFICATIONS

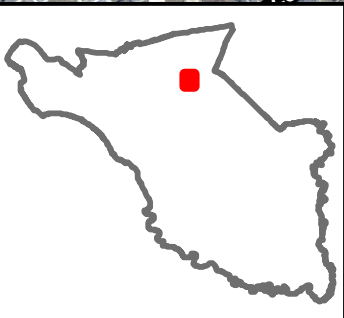
	CC-1		C-1		RS-E		MH		NC		LI		TROS
	CC-2		C-3		RS-LD		RM-MD		GC		HI		Subject Property
	CC-3		RG-2		RS-MD		RM-HD		RC		PDD		
	CC-4		RR		RS-HD		OI		M-1		RU		



**Case 12-33 MA**  
**RU to RS-MD**  
**TMS 20300-02-48**



- FLOOD ZONE A
- FLOOD ZONE AE
- WETLANDS



# CASE 12-33 MA

## From RU to RS-LD

TMS# 20300-02-48

Longtown Rd & Longtown Rd East





The zoning change from RU (Rural) to RS-MD (Residential Medium Density) would permit the introduction of the following uses which were not allowed previously in the original zoning

USE TYPES	RS-MD
Single-Family, Zero Lot Line, Common	SE
Single-Family, Zero Lot Line, Parallel	SR

STATE OF SOUTH CAROLINA  
COUNTY COUNCIL OF RICHLAND COUNTY  
ORDINANCE NO. \_\_\_\_-12HR

AN ORDINANCE OF THE COUNTY COUNCIL OF RICHLAND COUNTY, SOUTH CAROLINA, AMENDING THE ZONING MAP OF UNINCORPORATED RICHLAND COUNTY, SOUTH CAROLINA, TO CHANGE THE ZONING DESIGNATION FOR THE REAL PROPERTY DESCRIBED AS TMS # 20300-02-48 FROM RU (RURAL DISTRICT) TO RS-MD (RESIDENTIAL, SINGLE-FAMILY – MEDIUM DENSITY DISTRICT); AND PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE.

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

Section I. The Zoning Map of unincorporated Richland County is hereby amended to change the real property described as TMS # 20300-02-48 from RU (Rural District) zoning to RS-MD (Residential, Single-Family – Medium Density District) zoning.

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

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

Section IV. Effective Date. This ordinance shall be effective from and after \_\_\_\_\_, 2012.

RICHLAND COUNTY COUNCIL

By: \_\_\_\_\_  
Kelvin E. Washington, Sr., Chair

Attest this \_\_\_\_\_ day of  
\_\_\_\_\_, 2012.

\_\_\_\_\_  
Michelle M. Onley  
Clerk of Council

Public Hearing: November 27, 2012 (tentative)  
First Reading: November 27, 2012 (tentative)  
Second Reading:  
Third Reading:

STATE OF SOUTH CAROLINA  
COUNTY COUNCIL FOR RICHLAND COUNTY  
ORDINANCE NO. \_\_\_-12HR

AN ORDINANCE AMENDING THE RICHLAND COUNTY CODE OF ORDINANCES, CHAPTER 26, LAND DEVELOPMENT; ARTICLE IV, AMENDMENTS AND PROCEDURES; SECTION 26-53, LAND DEVELOPMENT PERMITS; SO AS TO CLARIFY THE PERMITTING PROCESS.

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 26-53, Land Development Permits; is hereby amended to read as follows:

**Sec. 26-53. Land development permits.**

- (a) *General.* No building or other structure shall be erected, moved, added to, or structurally altered without a land development permit being issued by the county. In addition to building or structural change, a land development permit shall also be required for expansions of existing uses as well as for a change of use. A land development permit shall not be issued by the planning department except in conformity with the provisions of this chapter, unless the planning department receives a written order from the Richland County Board of Zoning Appeals in the form of an interpretation involving error (Section 26-58) or a special exception (Section 26-56) or variance (Section 26-57). If the permit is denied, reasons for the denial shall be stated. The planning department shall notify the Building and Inspections Department and the Emergency Services Department whenever plans are submitted that affect the “Emergency Planning Zone” (EPZ) of the V.C. Summer Nuclear Plant (which is located in Fairfield County) that involves an entity that will employ or house more than one hundred (100) persons in a facility on a regular basis, as in those instances an evacuation plan must be first submitted to and approved by the Emergency Services Department prior to the issuance of any building permit or land development permit.
- (b) *Processes.* There are three types of land development permit processes: land development compliance review, minor land development review, and major land development review. The type of process to be applied to a particular development application depends on the nature of the development proposed.
  - (1) *Land development compliance review.*
    - a. *Applicability.* Construction of detached single-family dwelling units and two-family dwellings on individual lots of record are

subject only to land development compliance review in order to obtain a land development permit. In addition, changes of use not involving new construction are subject only to land development compliance review in order to obtain a land development permit.

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

eb. *Plan submittal.* An application for a land development permit subject to land development compliance review shall be filed by the owner of the property or by an authorized agent. All documents/information required on the application must be submitted – including the permit fee, as established by Richland County Council.

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

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

dc. *Staff review.* The planning department shall review the application and determine if it is complete. If the application is incomplete, the planning department shall notify the applicant of the deficiencies. Provided the application is complete, the planning department, for projects not involving some other form of review, shall approve; ~~approve conditionally~~; or deny the approval of the application within thirty (30) days of receipt. Failure to act within thirty (30) days, unless extended by mutual agreement, shall be considered to constitute approval. In most situations, land development compliance review and the issuance of a land development permit can be handled at the time of application submittal. A record of all actions will be maintained as a public record and the applicant must be notified in writing of any actions taken.

ed. *Public notification.* No public notification is required for land development permit issuance subject to land development compliance review.

fe. *Formal review.* No formal review is required for land development permit issuance subject to land development compliance review.

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

hg. *Appeals.* Appeals of the decisions of the planning department regarding land development permit applications, which must be filed within thirty (30) days after actual notice of the decision, shall be heard by the planning commission under the procedures set forth at Section 26-58 of this chapter. Such appeals shall encompass all issues for appeal. An appeal from the decision of the planning commission by a person who may have a substantial interest in the decision must be taken to the circuit court within thirty (30) days after actual notice of the decision. In the alternative, also within thirty (30) days, a property owner whose land is the subject of a decision by the planning commission may appeal by filing a notice of appeal with the circuit court accompanied by a request for pre-litigation mediation in accordance with Section 6-29-1150 and Section 6-29-1155 of the South Carolina Code of Laws.

ih. *Permit validity.* In accordance with Section 6-29-1510, et seq. of the South Carolina Code of Laws 1976, as amended, upon the issuance of a land development permit, the applicant shall have a vested right for two (2) years from the date of issuance to undertake and complete the corresponding development of property under the terms and conditions of the approved site specific development plan. Failure to complete work within this time shall render the permit void. However, the applicant may ~~apply request to the planning department for~~ a one (1) year extension of this time period no later than 30 days and no earlier than 60 days prior to the expiration of the permit. The request for an extension must be approved unless otherwise prohibited by an intervening amendment to this chapter, such amendment having become effective prior to the expiration of the permit. Likewise, and in the same manner, the applicant may apply for four (4) more one (1) year extensions. Any change from the approved site specific development plan that has not first been reviewed and approved by the planning department shall render the land development permit invalid.

(2) *Minor land development review.*

a. *Applicability.* Minor land developments are those developments (exclusive of residential or commercial subdivisions) that do not meet the standards for applicability for “land development compliance review” or “major land development” review. If a phased project would reach the thresholds for a major land development within a five (5) year period, then the project shall be treated as a major land development, regardless of the size of the individual phases. To be considered a minor land development, the subdividing of property or the dedication of land to the county for open space or other public purposes shall not be part of the development. Minor land developments are subject to the review process outlined in subparagraphs b. through f. below in order to obtain a land development permit.

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

cb. *Plan submittal.* An application for a land development permit subject to minor land development review shall be filed by the owner of the property or by an authorized agent. All documents/information required on the application must be submitted – including the permit fee, as established by Richland County Council.

~~1. *Filing of application.* An application for a land development permit subject to minor land development review may be filed by the owner of the property or by an authorized agent. The application for a land development permit shall be filed with the planning department on a form provided by the department and shall be accompanied by plans drawn to scale of the development. The application and plans shall include all information requested by the department.~~

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

dc. *Staff review.* The planning department shall review the application and determine if it is complete. If the application is incomplete, the planning department shall notify the applicant of the deficiencies

within ten (10) days of the most recent submission date. Provided the application is complete, the following shall occur.

1. *Planning staff review.* Plans for development requiring minor land development review shall be reviewed by the planning department for compliance with the requirements of this chapter.
2. *Development review team.* As needed, plans for development requiring minor land development review shall be reviewed by members of the county's development review team for compliance with the requirements of this chapter and other applicable county codes. No formal team review shall be required.

The planning department shall approve, approve conditionally, or deny the approval of the application within thirty (30) days of receipt. Failure to act on an application within thirty (30) days shall be considered to constitute approval. A record of all actions will be maintained as a public record and the applicant must be notified of any actions taken.

~~ed.~~ *Public notification.* No public notification is required for land development permit issuance subject to minor land development review.

~~fe.~~ *Formal review.* No formal review is required for land development permit issuance subject to minor land development review.

~~gf.~~ *Variances.* Requests for variances, unless otherwise specified, shall be heard by the board of zoning appeals under the procedures set forth in Section 26-57 of this chapter. However, requests for variances from the requirements set forth in Article IX. shall be heard by the planning commission.

~~hg.~~ *Appeals.* Appeals of the decisions of the planning department regarding land development permit applications (subject to minor land development review), which must be filed within thirty (30) days after actual notice of the decision, shall be heard by the planning commission under the procedures set forth in Section 26-58 of this chapter. Such appeals shall encompass all issues for appeal. An appeal of the decision of the planning commission by a person who may have a substantial interest in the decision must be taken to the circuit court within thirty (30) days after actual notice of the decision. In the alternative, also within thirty (30) days, a

property owner whose land is the subject of a decision by the planning commission may appeal by filing a notice of appeal with the circuit court, accompanied by a request for pre-litigation mediation in accordance with Section 6-29-1150 and Section 6-29-1155 of the South Carolina Code of Laws.

ih. *Permit validity.* In accordance with Section 6-29-1510, et seq. of the South Carolina Code of Laws 1976, as amended, upon the issuance of a land development permit, the applicant shall have a vested right for two (2) years from the date of issuance to undertake and complete the corresponding development of property under the terms and conditions of the approved site specific development plan. Failure to complete work within this time shall render the permit void. However, the applicant may ~~apply request to the planning department for~~ a one (1) year extension of this time period no later than 30 days and no earlier than 60 days prior to the expiration of the permit. The request for an extension must be approved unless otherwise prohibited by an intervening amendment to this chapter, such amendment having become effective prior to the expiration of the permit. Likewise, and in the same manner, the applicant may apply for four (4) more one (1) year extensions. Any change from the approved site specific development plan that has not first been reviewed and approved by the planning department shall render the land development permit invalid.

(3) *Major land development review.*

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

Due to the size of these projects, a more formal review process is required. This review process is established to ensure the safety of the public and to assure that adequate services and facilities can be provided for these developments and to assure that they do not



negatively impact the area in which they are proposed to be located or the county as a whole.

~~b. *Pre application procedure.* All applicants for a land development permit that is subject to major plan development approval are required to schedule a pre application conference with the planning director prior to the preparation of development plans. This conference allows the applicant and planning staff an opportunity to discuss the review process, the requirements for completing the review schedule, contact persons for services and permits, and information regarding site plan requirements. The staff can also determine if any special reviews will be required. It is also highly recommended that the developer, as appropriate, meet with representatives of the neighborhood in which the proposed project is located. This meeting, which can be held at the pre application stage, will allow the developer an opportunity to explain the proposed project and to be informed of the concerns of the neighborhood.~~

eb. *Plan submittal.*

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

dc. *Staff review.* The planning department shall review the application and determine if it is complete. If the application is incomplete, the planning department shall notify the applicant of the deficiencies within ~~thirty (30)~~ ten (10) days of the most recent submission date. Provided the application is complete, the following shall occur:

1. ~~*Planning staff review Scheduling.* Plans for development requiring major land development review shall be reviewed by the planning department for compliance with the requirements of this chapter. The schedule for meetings of the Development Review Team shall be kept and maintained in the Office of the Richland County Planning and Development Services Department.~~

2. *Development review team.* The planning department shall ~~present~~ distribute site plans ~~for developments requiring major land development review~~ to members of the development review team. ~~Within thirty (30) days of receipt of a site plan from the planning department,~~ the development review team members shall review the site plans for compliance with the development regulations of Richland County. Upon review, ~~the existing federal, state and local laws and regulations, as well as for compatibility with the county's comprehensive plan.~~ The development review team shall ~~take~~ determine one of the following ~~three (3) actions on the application within fifteen (15) days of reviewing the site plan.:~~

[a] ~~*Approval by development review team*~~The project is in compliance with the development regulations of Richland County. If the site plan is approved by the development review team, the planning department shall notify the applicant and transmit the site plan to the planning commission for their information.

[b] ~~*Conditional approval by development review team*~~The project is not in compliance with the development regulations of Richland County. ~~If~~ the site plan ~~receives conditional approval, the applicant shall revise the plan based upon the conditions of the approval and resubmit it. The revised plan shall be reviewed by the planning department and if it meets all of the review team conditions, the site plan shall be transmitted to the Richland County Planning Commission for their information. Conditional approval may also be~~

~~appealed to the Richland County Planning Commission, subject to the procedures for a public hearing set forth in subsections e. and f. below.~~

~~[e] *Denial by development review team.* If the site plan is shall be denied, and the reasons for denial shall be provided to the applicant. The site plan may be revised to address the reasons for denial and resubmitted ~~in accordance with the provisions of this chapter.~~ The denial may also be appealed to the Richland County Planning Commission, subject to the procedures for a public hearing set forth in subsections e. and f. below and the payment of any fees established by the Richland County Council. Revised site plans shall be administratively reviewed; provided, however, major changes that materially affect the characteristics of the site plan, as determined by the planning director, may require an additional DRT review.~~

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

~~The decision of the DRT will be posted on the first day of the month outside of the Planning Department Office.~~  
~~Appeals must be filed to the Planning Commission within fifteen (15) days of the posting.~~

ed. *Public notification.* No public notification is required for land development permit applications ~~issuance subject to major land development review where a report of approval is being made by the development review team. However, when an appeal is made to the planning commission, notice of said appeal shall be published in a newspaper of general circulation in the county fifteen (15) days in advance of the hearing. Such notice shall contain the date, time, and place of the public hearing, and the nature and character of the proposed action. The notice shall also inform the public where information may be examined and when and how written comment may be submitted on the proposed matter.~~

~~f. *Formal review.*~~

~~1. *Public hearing or report before planning commission.*~~  
~~Following receipt of a report or appeal on a proposed major~~

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

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

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

hf. *Appeals.*

1) ~~Appeals of the decisions of shall be made to the Richland County Planning Commission, subject to the procedures set forth in Sec. 26-58 and the payment of fees as established by Richland County Council, by a person who may have a substantial interest in the decision must be taken to the circuit court within thirty (30) days after actual notice of the decision and must encompass all issues for appeal. In the alternative, also within thirty (30) days, a property owner whose land is the subject of a decision by the planning commission may appeal by filing a notice of appeal with the circuit court accompanied by a request for pre-litigation mediation in accordance with Section 6-29-1150 and Section 6-29-1155 of the South Carolina Code of Laws.~~

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

~~ig.~~ *Permit validity.* In accordance with Section 6-29-1510, et seq. of the South Carolina Code of Laws 1976, as amended, upon the issuance of a land development permit, the applicant shall have a vested right for two (2) years from the date of issuance to undertake and complete the corresponding development of property under the terms and conditions of the approved site specific development plan. Failure to complete work within this time shall render the permit void. However, the applicant may ~~apply request to the planning department for~~ a one (1) year extension of this time period no later than 30 days and no earlier than 60 days prior to the expiration of the permit. The request for an extension must be approved unless otherwise prohibited by an intervening amendment to this chapter, such amendment having become effective prior to the expiration of the permit. Likewise, and in the same manner, the applicant may apply for four (4) more one (1) year extensions. Any change from the approved site specific development plan that has not first been reviewed and approved by the planning department shall render the land development permit invalid.

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

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

SECTION IV. Effective Date. This ordinance shall be effective from and after \_\_\_\_\_, 2012.

RICHLAND COUNTY COUNCIL

BY: \_\_\_\_\_  
Kelvin E. Washington, Sr., Chair

ATTEST THIS THE \_\_\_\_ DAY

OF \_\_\_\_\_, 2012

\_\_\_\_\_  
Michelle M. Onley  
Clerk of Council

RICHLAND COUNTY ATTORNEY'S OFFICE

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

Public Hearing: November 27, 2012 (tentative)  
First Reading: November 27, 2012 (tentative)  
Second Reading:  
Third Reading:

STATE OF SOUTH CAROLINA  
COUNTY COUNCIL FOR RICHLAND COUNTY  
ORDINANCE NO. \_\_\_-12HR

AN ORDINANCE AMENDING THE RICHLAND COUNTY CODE OF ORDINANCES, CHAPTER 26, LAND DEVELOPMENT; ARTICLE IV, AMENDMENTS AND PROCEDURES; SECTION 26-54, SUBDIVISION REVIEW AND APPROVAL; SO AS TO CLARIFY THE SUBDIVISION REVIEW AND APPROVAL PROCESS.

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; is hereby amended to read as follows:

**Sec. 26-54. Subdivision review and approval.**

- (a) *General.* Pursuant to the requirements of Section 6-29-1110, et seq., of the South Carolina Code of Laws, as amended, no subdivision of land in Richland County may be recorded without review and approval in accordance with this section. No road, right-of-way, easement, or other land, shall be accepted, or maintained by the county, be extended or connected, nor shall any certificate of occupancy be issued by a department of the county for any building, or other improvements, until the subdivision, and/or other property division, complies with the requirements of this section. These review procedures are designed to ensure that the purposes of various regulations set forth in this section are carried out and that the objectives and policies of the comprehensive plan for the county are implemented.
- (b) *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 26-106 (b).
- (c) *Processes.* There are three types of subdivision review processes: administrative review, minor subdivision review, and major subdivision review. The type of process to be applied to a particular development application depends on the nature of the development proposed.
  - (1) *Administrative review.*

a. *Applicability.* The following types of subdivisions are subject to administrative review in accordance with this section:

1. The combination or recombination of portions of previously platted and recorded lots where the total number of lots is not increased and the resultant lots are equal to the applicable site development standards set forth in this chapter.
2. The division of land into parcels of five (5) acres or more where it does not result in the creation of a new roadway or the widening of an existing roadway.
3. The combination or recombination of entire lots of record where no new road or change in existing roads is involved.
4. The division of a parcel into two (2) lots which do not result in the construction of a new road or the improvement (including, but not limited to, paving and/or widening) of an existing road; or the construction of new water facilities, other than private on-site wells; or the construction of new sewerage facilities, other than on-site septic tanks; or the construction of new storm drainage facilities, other than roadside swales and culverts; and is not in conflict with any provision or portion of the comprehensive plan, official map, or this chapter.

~~b. *Pre application procedure.* There is no pre application procedure for administrative subdivision review. Applicants are encouraged to visit the planning department prior to requesting subdivision approval to determine what information is required for the application.~~

~~eb. *Plan s*Submittal. Applications for administrative subdivision review shall be filed by the owner of the property or an authorized agent. The application shall be filed with the planning department. All documents/information required on the application must be submitted – including the permit fee, as established by Richland County Council. Plats must be prepared by a South Carolina licensed land surveyor.~~

- ~~1. *Filing of application.* Applications for administrative subdivision review shall be filed by the owner of the property or an authorized agent. The application shall be filed with the planning department and shall be~~



~~accompanied by a final subdivision plat containing all information as required by the department.~~

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

~~dc.~~ *Staff review.* The planning department shall approve or deny review the application ~~and subdivision plat and provide a written decision regarding the request as soon as possible, but no later than~~ within thirty (30) days after the submission date of a completed application. If the department does not provide the applicant with ~~written a~~ notice of the application's status within thirty (30) days after the submission date of a completed application, then in this time period, the application shall be deemed approved.

~~ed.~~ *Public notification.* No public notification is required for administrative subdivision review.

~~fe.~~ *Formal review.* No formal review is required for administrative subdivision review.

~~gf.~~ *Variances.* Requests for variances, unless otherwise specified, shall be heard by the board of zoning appeals under the procedures set forth in Section 26-57 of this chapter. However, variances from the requirements set forth in Article IX. must be approved by the planning commission.

~~hg.~~ *Appeals.*

~~1) Appeals shall be made to the Richland County Planning Commission, subject to the procedures set forth in Sec. 26-58 and the payment of fees as established by Richland County Council. A person who may have a substantial interest in the decision of the planning department regarding subdivision applications may appeal such decision to the Richland County Planning Commission. Such appeal must be made within thirty (30) days of receipt of the decision by the property owner. The appeal shall be in writing and delivered to the planning department. The appeal must include the specific section of this chapter (or the specific design detail) from which the appeal is taken and the basis or reason for the appeal. An appeal from the decision of the planning commission by a person who may have a substantial interest in the decision must be taken to the circuit court within thirty (30) days after actual notice~~

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

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

ih. *Recordation/aApproval validity/final plat/recordation.* A final plat for an approved subdivision subject to administrative review shall be recorded by the applicant, within thirty (30) days of approval, with the Richland County Register of Deeds and a copy of the recorded plat shall be provided to the planning department by the applicant for the public record. Any hold-harmless agreement, if required, shall be attached to said recorded plat and any other subsequent property transfer instruments, and shall run with the land. No building permits or manufactured home setup permits shall be issued until the department receives a copy of the recorded plat of the subject property.

1. *Recordation.* A signed and sealed plat for an approved subdivision must be recorded by the applicant, within thirty (30) days of approval, with the Richland County Register of Deeds. The applicant shall provide the planning

department with at least one (1) copy of the recorded plat. No building permits or manufactured home setup permits shall be issued until the department receives a copy of the recorded plat of the subject property.

2) Approval validity. Failure to record a plat within thirty (30) days shall invalidate the plat approval.

(2) *Minor subdivision review.*

- a. *Applicability.* The minor subdivision review process is required for those divisions of land that do not qualify for administrative subdivision review (see above) but which consist of less than fifty (50) lots. A minor subdivision shall not require engineered documents pertaining to design of infrastructure or the dedication of land to the county for open space or other public purpose. If a phased project, with fewer than fifty (50) lots in one or more phases, involves a total of fifty (50) or more lots within five (5) years of the recording of any prior phase, then the project shall be treated as a major subdivision, regardless of the size of the individual phases.
- b. ~~*Filing of application*~~*Submittal.* An application for minor subdivision review shall be filed by the owner of the property or by an authorized agent. The application for minor subdivision approval shall be filed with the planning department on a form provided by the department. All documents/information required on the application must be submitted, including the permit fee, as established by Richland County Council.
- c. *Staff review.*
  1. *Planning staff review.* Plans for minor subdivision developments shall be reviewed by the planning department for compliance with the requirements of this chapter.
  2. *Development review team.* As needed, plans for minor subdivisions ~~developments~~ developments shall be reviewed by members of the county's development review team for compliance with the requirements of this chapter and other applicable county codes. No formal team review shall be required.

The planning department shall approve or deny the application for a minor subdivision within thirty (30) days after the submission date of a completed application. If the department does not

provide the applicant with a notice of the application's status within thirty (30) days after the submission date of a completed application, then the application shall be deemed approved.

- d. *Public notification.* No public notification is required for minor subdivision review.
- e. *Formal review.* No formal review is required for minor subdivision plan approval.
- f. *Variances.* Requests for variances, unless otherwise specified, shall be heard by the board of zoning appeals under the procedures set forth in Section 26-57 of this chapter.
- g. *Appeals.*

1. Appeals shall be made to the Richland County Planning Commission, subject to the procedures set forth in Section 26-58, and the payment of fees established by the Richland County Council.

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

- h. ~~Approval validity~~/Recordation/approval validity.

1. *Recordation.* A signed and sealed plat for a minor subdivision must be recorded by the applicant within ~~thirty (30)~~ one hundred eighty (180) days of approval, with the Richland County Register of Deeds. Approval of the plat shall constitute the final subdivision approval. The applicant shall provide the planning department with at least one (1) copy of the recorded plat. No building permits or manufactured home setup permits shall be issued until the department receives a copy of the recorded plat of the subject property.
3. *Approval validity.* Failure to record a plat within ~~thirty (30)~~ one hundred eighty (180) days shall invalidate plat approval.

(3) *Major subdivision review.*

- a. *Applicability.* The major subdivision review process is required for all those subdivisions of land in Richland County that do not meet the requirements for exemption from the subdivision review process (See definition of “subdivision” in Section 26-22 above) and that do not qualify for administrative or minor subdivision review (Section 26-54(b)(1) and Section 26-54(b)(2)). Any subdivision that involves the dedication of land to the county for open space or other public purposes shall be considered a major subdivision. Any major subdivision with fewer than fifty (50) lots shall not be required to install sidewalks along roads abutting the development.

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

~~e. *Plan submittal.*~~

- ~~1. *Filing of application.* An application for major subdivision review may be filed by the owner of the property or by an authorized agent. The application for major subdivision approval shall be filed with the planning department on a~~

~~form provided by the department. The application shall be accompanied by a sketch plan containing all information required on the application including a sketch of the entire proposed development even in cases where the development is occurring in phases. Sketch plans for developments requiring major land development review shall be submitted in both a paper and a digital format as specified by the County, and shall be prepared by a registered architect, engineer, landscape architect, or licensed surveyor.~~

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

db. *Sketch plan review and approval.*

1. Plan submittal. An application for major subdivision review shall be filed by the owner of the property or by an authorized agent. All documents/information required on the application must be submitted – including the permit fee, as established by Richland County Council. Sketch plans shall be prepared by a registered architect, engineer, landscape architect, or licensed surveyor.

12. *Staff review.* The planning department shall review the application and determine if it is complete. If the application is incomplete, the planning department shall notify the application applicant of the deficiencies within ~~fifteen (15)~~ ten (10) days of the most recent submission date. Provided that the application is complete, the following shall occur:

[a] Scheduling. The schedule for meetings of the Development Review Team shall be kept and maintained in the office of the Richland County Planning and Development Services Department.

~~[a] Planning staff review. Sketch plans for development requiring major subdivision review shall be reviewed by the planning department for compliance with the requirements of this chapter.~~

[b] *Development review team.* The planning department shall ~~present~~ distribute sketch plans ~~for developments requiring major subdivision review to members of~~ the development review team. ~~Within~~

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

[1] ~~Approval by development review team. The project is in compliance with the development regulations of Richland County.~~ If the sketch plan is approved by the development review team, the planning department shall notify the applicant and transmit the sketch plan to the planning commission for their information only.

~~[2] Conditional approval by development review team. If the sketch plan receives conditional approval, the applicant shall revise the plan based upon the conditions of the approval and resubmit it. The revised plan shall be reviewed by the planning department, and if it meets all of the review team conditions, the sketch plan shall be transmitted to the Richland County Planning Commission for their information. Conditional approval may also be appealed to the planning commission subject to the procedures for a public hearing set forth in subsections 2. and 3. below.~~

[3] ~~Denial by development review team. The project is not in compliance with the development regulations of Richland County. If tThe sketch plan is shall be denied, and the reasons for denial shall be provided to the applicant. The sketch plan may be revised to address the reasons for denial and resubmitted in accordance with the provisions of this chapter. The denial may also be appealed to the Richland County Planning Commission, subject to the procedures for a public hearing set forth in subsections d.2. and d.3. below, and the payment of~~

~~any fees established by the Richland County Council. Revised sketch plans shall be administratively reviewed; provided, however, major changes that materially affect the characteristics of the sketch plan, as determined by the Planning Director, may require an additional DRT review.~~

~~Appeals shall only be filed by the applicant, a contiguous landowner, or an adjacent landowner, and must be filed within fifteen (15) days of the date the decision is received by the applicant for a land development permit.~~

~~The decision of the DRT will be posted on the first day of the month outside of the Planning Department Office. Appeals must be filed to the Planning Commission within fifteen (15) days of the posting.~~

~~2. *Public notification.* No public notification is required for major subdivision sketch plan review where a report of approval is being made by the development review team. However, when an appeal is made to the planning commission, notice of said appeal shall be published in a newspaper of general circulation in the county fifteen (15) days in advance of the hearing. Such notices shall contain the date, time, and place of the public hearing, and the nature and character of the proposed action. The notice shall also inform the public where information may be examined and when and how written comment may be submitted on the proposed matter.~~

~~3. *Formal review.*~~

~~[a] *Public hearing or report before planning commission.* Following receipt of a report or appeal on a proposed major subdivision sketch plan, the matter shall be scheduled by the Richland County Planning Commission. The planning commission shall consider this matter at the next available meeting. There shall be no public hearing held in conjunction with a report on a sketch plan approved by the development review team. In these cases, the commission shall receive a report on the decision of~~



~~the development review team for their information. In case of an appeal, the planning commission shall conduct a public hearing on said appeal. Failure by the planning commission to act within sixty (60) days of complete submittal shall constitute approval unless this time period is extended by mutual agreement.~~

~~[b] — *Decision by the planning commission.* Where an appeal has been made to them on a major subdivision sketch plan, the Richland County Planning Commission, after conducting the public hearing, may: deny approval, table the application pending submittal of additional information, or approve the application. The planning commission shall approve the sketch plan if it finds:~~

~~[1] — The proposed project complies with the policies and objectives of the county comprehensive plan.~~

~~[2] — The proposed project complies with the purpose, scope, and provisions of this chapter.~~

~~[3] — The county address coordinator has approved the subdivision name and addresses, and the planning commission has approved the subdivision road names. (See Section 26-183 of this chapter).~~

~~[4] — The proposed project complies with the subdivision sketch plan checklist of the planning department.~~

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

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

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

[a] Appeals shall be made to the Richland County Planning Commission, subject to the procedures set forth in Sec. 26-58 and the payment of fees as established by Richland County Council.

[b] Pursuant to the requirements of Section 6-29-1150 (c) of the South Carolina Code of Laws, any person who may have a substantial interest in the decision of the planning commission may appeal such decision to the circuit court, provided that a proper petition is filed with the Richland County Clerk of Court within thirty (30) days after receipt of the written notice of the decision by the applicant. An appeal shall cease all staff review regarding the subject property. However, a reconsideration request may be heard at the same time as an appeal is pending. Since an appeal to the circuit court must be based on the factual record generated during the subdivision review process, it is the applicant's

responsibility to present whatever factual evidence is deemed necessary to support his/her position. In the alternative, also within thirty (30) days, a property owner whose land is the subject of a decision by the planning commission may appeal by filing a notice of appeal with the circuit court accompanied by a request for pre-litigation mediation in accordance with Section 6-29-1150 and Section 6-29-1155 of the South Carolina Code of Laws.

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

74. *Approval validity.* In accordance with Section 6-29-1510, et seq. of the South Carolina Code of Laws 1976, as amended, upon written notice of sketch plan approval for a subdivision phase, the applicant shall have a two (2) year vested right to proceed with the development of the approved subdivision phase under the requirements of Article V (Zoning Districts and District Standards) of this Chapter, which are in effect on the date of sketch plan approval. Failure to submit an application for preliminary plan approval within this two (2) year period shall render the sketch plan approval void. However, the applicant may ~~apply request to the planning department for~~ a one (1) year extension of this time period no later than thirty (30) days and no earlier than ~~120~~ sixty (60) days prior to the expiration of the sketch plan approval. The request for an extension must be approved unless otherwise prohibited by an intervening amendment to this chapter, such amendment

having become effective prior to the expiration of the approval. Likewise, and in the same manner, the applicant may apply for four (4) more one (1) year extensions. Any change from the approved sketch plan that has not first been reviewed and approved by the planning department shall render the sketch plan approval invalid.

*ec. Preliminary (construction drawings) subdivision plan review and approval.*

1. ~~*Purpose/s*~~Submittal. ~~The purpose of the preliminary subdivision plan stage of major subdivision review is to ensure that the subdivision can be built in substantial compliance with the approved sketch plan. The preliminary plan shall be submitted to the planning department in both a paper and a digital format as specified by the County, and shall contain all information required by the department. An application for preliminary plan review shall be filed by the owner of the property or by an authorized agent. All documents/information required on the application must be submitted, including the permit fee, as established by Richland County Council.~~

2. *Staff review.* The planning department shall review the preliminary plan submittal and determine if it is complete. The applicant shall be notified within ten (10) days of submittal if the application is not complete. Provided that the application is complete, ~~the planning department shall review the plan for compliance with the requirements of this chapter and conformity with the approved sketch plan, and then issue a letter to the applicant either approving, approving with conditions, or denying the preliminary subdivision plan. Failure on the part of the planning department to act on the preliminary plat within thirty (30) days shall constitute approval. Approval of the preliminary subdivision plan shall not constitute final or bonded subdivision plat approval (see Sections 26-54(b)f. and g. below).~~ the following shall occur:

[a] *Development review.* The preliminary plat for developments requiring major subdivision review shall be reviewed by county development review staff for compliance with the development regulations of Richland County and conformity with the approved sketch plan and preliminary plan.

[b] The planning department shall approve or deny the application for a preliminary subdivision within thirty (30) days after the submission date of a completed application. If the department does not provide the applicant with a notice of the application's status within thirty (30) days after the submission date of a completed application, then the application shall be deemed approved.

3. *Public notification.* No public notification is required for major subdivision preliminary plan review and approval.
4. *Formal review.* No formal review is required for major subdivision preliminary plan review and approval.
5. *Variances.* ~~There shall be no variance requests at this stage of major subdivision review. All variance requests shall occur during sketch plan review. Requests for variances, unless otherwise specified, shall be heard by the board of zoning appeals as set forth in Sec. 26-57 of this chapter.~~
- ~~6. *Appeals.* The applicant, a contiguous landowner, or an adjacent landowner may appeal a planning department decision regarding the preliminary subdivision plan to the planning commission. Such appeal must be in writing and must include the specific section of this chapter (or the specific design detail) from which the appeal is taken and the basis or reason for the appeal. Such appeal shall be heard at the planning commission's next available meeting.~~
76. *Approval validity.* In accordance with Section 6-29-1510, et seq. of the South Carolina Code of Laws 1976, as amended, upon written notice of preliminary plan approval for a subdivision phase, the applicant shall have a two (2) year vested right to proceed with the development of the approved subdivision phase under the requirements of Article VII (General Development, Site, and Performance Standards) and Article VIII (Resource Protection Standards) of this Chapter, which are in effect on the date of preliminary plan approval. Failure to submit an application for either bonded plat or final plat approval within this two (2) year period shall render the preliminary subdivision plan approval void. However, the applicant may ~~apply request to the planning department for~~ a one (1) year extension of this time period no later than thirty (30) days and no earlier than ~~420~~ sixty (60) days prior to the

expiration of the preliminary subdivision plan approval. The request for an extension must be approved unless otherwise prohibited by an intervening amendment to this chapter, such amendment having become effective prior to the expiration of the approval. Likewise, and in the same manner, the applicant may apply for four (4) more one (1) year extensions. Any change from the approved preliminary plan that has not first been reviewed and approved by the planning department shall render the preliminary subdivision plan approval invalid. Preliminary subdivision plan approval allows the issuance of building permits or manufactured home setup permits in the name of the subdivision developer only, for one model dwelling unit per subdivision phase, as well as for a temporary construction office or storage structure or a temporary security office/quarters. ~~However, approval must be obtained from DHEC for water supply and sewage disposal prior to building occupancy.~~

fd. *Bonded subdivision ~~plan~~ plat review and approval.*

1. ~~*Purpose/s*~~Submittal. ~~The purpose of the bonded subdivision plan stage of major subdivision review is, by mutual consent of both the developer and the county, to record a bonded plat, enable the conveyance of lots to third parties, and allow the issuance of building permits and manufactured home setup permits to third parties before the construction, installation, and acceptance of all required infrastructure improvements. The county protects these third parties and assures the orderly completion of the subdivision infrastructure by choosing to accept, in accordance with the provisions in Section 26-223 of this chapter, a bond, in an amount and with surety and conditions satisfactory to it, providing for and securing to the county the actual construction and installation of all improvements and utilities within a specified time period. The bonded plan shall be submitted to the planning department in both a paper and a digital format as specified by the County, and shall contain all information required by the department. An application for bonded plat review shall be filed by the owner of the property or by an authorized agent. All documents/information required on the application must be submitted, including the permit fee, as established by Richland County Council.~~

2. *Staff review.* The planning department shall review the bonded ~~plan plat~~ submittal and determine if it is complete. If the application is incomplete, the planning department shall notify the applicant of the deficiencies within ten (10) days after the most recent submission date. Provided that the application is complete, the following shall occur:
  - [a] ~~*Planning-staff Development review.*~~ Bonded ~~plans plats for development requiring major subdivision review~~ shall be reviewed by ~~the planning department~~ county development review staff for compliance with the ~~requirements of this chapter~~ development regulations of Richland County and conformity with the approved sketch plan and preliminary plan.
  - ~~[b] *Development team review.* As needed, bonded plans for major subdivisions shall be reviewed by members of the county's development review team for compliance with the requirements of this chapter and other applicable county codes. No formal team review shall be required.~~
  - [b] The planning department shall approve, ~~approve with conditions,~~ or deny the bonded subdivision ~~plan plat~~ application based on written findings of fact. Approval of the bonded subdivision ~~plan plat~~ shall not constitute final subdivision ~~plan plat~~ approval (see subparagraph ~~g~~ below on final subdivision ~~plan plat~~ approval). Failure on the part of the planning department to act on the bonded plat within thirty (30) days after receiving a complete application shall constitute approval.
3. *Public notification.* No public notification is required for major subdivision bonded ~~plan plat~~ review and approval.
4. *Formal review.* No formal review is required for major subdivision bonded ~~plan plat~~ review and approval.
5. *Variances.* ~~There shall be no variance requests at this stage of major subdivision review. All variance requests shall occur during sketch plan review. Requests for variances, unless otherwise specified, shall be heard by the board of zoning appeals as set forth in Sec. 26-57 of this chapter.~~

~~6. Appeals. An applicant, or other party of interest, may appeal a planning department decision regarding the bonded subdivision plan to the planning commission. Such appeal shall be heard at the planning commission's next available meeting.~~

76. ~~Approval validity/~~Recordation. ~~If~~ Once approved, prior to recordation, the bonded plat must be signed ~~in the appropriate place~~ by the land development administrator or his/her designee. The approval of a bonded plat for a major subdivision shall not automatically constitute or affect an acceptance by the county of the dedication of any road, easement, or other ground shown upon the plat. Public acceptance of the lands must be by action of the Richland County Council. A bonded plat for a major subdivision must be recorded by the applicant within thirty (30) days of approval with the Richland County Register of Deeds. The applicant shall provide the planning department with at least ~~one (1)~~ five (5) ~~copyies~~ copies of the recorded plat. Except as allowed under Section 26-54(b)(3)e.7. of this chapter, no building permits or manufactured home setup permits shall be issued until the department receives a copy of the recorded plat of the subject property. If the developer fails to complete the bonded infrastructure improvements and submit a complete application for final subdivision ~~plan~~ plat approval within the specified time period, the county may proceed to collect the financial surety and assume responsibility for completing the required infrastructure improvements.

ge. *Final subdivision ~~plan~~ plat review and approval.*

1. ~~Purpose/s~~Submittal. ~~The purpose of the final subdivision plan stage of major subdivision review is to document the satisfactory completion of required infrastructure improvements, enable the conveyance of lots to third parties, and allow the issuance of building permits and manufactured home setup permits to third parties. Following approval of a preliminary subdivision plan for a major subdivision, (and optionally, a bonded subdivision plan) and the installation and acceptance of required infrastructure improvements, a final plat shall be prepared and submitted in both a paper and a digital format as specified by the County. The final plat application shall contain all information required by the planning~~



~~department, including written county and utility provider acceptance of all infrastructure. An application for final plat review shall be filed by the owner of the property or by an authorized agent. All documents/information required on the application must be submitted, including the permit fee, as established by Richland County Council.~~

2. *Staff review.* The planning department shall review the final ~~plan plat~~ submittal and determine if it is complete. If the application is incomplete, the planning department shall notify the applicant of the deficiencies within ten (10) days after the most recent submission date. ~~No later than thirty (30) days after receipt of a complete final plat package, the department shall approve, approve with conditions, or deny the final plat application. Failure on the part of the planning department to act on the final plat within thirty (30) days after receiving a complete application shall constitute approval. Provided that the application is complete, the following shall occur:~~

~~[a] *Development review.* The final plat for developments requiring major subdivision review shall be reviewed by county development review staff for compliance with the development regulations of Richland County and conformity with the approved sketch plan and preliminary plan.~~

~~[b] The planning department shall approve or deny the final subdivision plat application based on written findings of fact. Failure on the part of the planning department to act on the final plat within thirty (30) days after receiving a complete application shall constitute approval.~~

3. *Public notification.* No public notification is required for major subdivision final ~~plan plat~~ review and approval.
4. *Formal review.* No formal review is required for major subdivision final ~~plan plat~~ review and approval.
5. *Variances.* ~~There shall be no variance requests at this stage of major subdivision review. All variance requests shall occur during sketch plan review. Requests for variances, unless otherwise specified, shall be heard by the board of zoning appeals as set forth in Sec. 26-57 of this chapter.~~

~~6. Appeals. An applicant, or other party of interest, may appeal a planning department decision regarding the final subdivision plan to the planning commission. Such appeal shall be heard at the planning commission's next available meeting.~~

~~76. Approval validity/Recordation. If approved, prior to recordation, the final plat must be signed in the appropriate place by the land development administrator. The approval of a final plat for a major subdivision shall not automatically constitute or affect an acceptance by the county of the dedication of any road, easement, or other ground shown upon the plat. Public acceptance of the lands must be by action of the Richland County Council. A final plat for a major subdivision must be recorded by the applicant within thirty (30) days of approval with the Richland County Register of Deeds. The applicant shall provide the planning department with at least one (1) copy of the recorded plat. Except as allowed under Section 26-54(b)(3)e.7. or unless an optional bonded plat has already been approved and recorded, no building permits or manufactured home setup permits shall be issued until the department receives a copy of the recorded final plat of the subject property. Once approved, prior to recordation, the final plat must be signed by the land development administrator or his/her designee. A final plat for a major subdivision must be recorded by the applicant within thirty (30) days of approval with the Richland County Register of Deeds. The applicant shall provide the planning department with at least five (5) copies of the recorded plat. The approval of a final plat for a major subdivision shall not automatically constitute or affect an acceptance by the county of the dedication of any road, easement, or other ground shown upon the plat. Public acceptance of the lands must be by action of the Richland County Council. Except as allowed under Section 26-54(b)(3)e.7., or unless an optional bonded plat has already been approved and recorded, no building permits or manufactured home setup permits shall be issued until the department receives a copy of the recorded final plat of the subject property.~~

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

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

SECTION IV. Effective Date. This ordinance shall be effective from and after \_\_\_\_\_, 2012.

RICHLAND COUNTY COUNCIL

BY: \_\_\_\_\_  
Kelvin E. Washington, Sr., Chair

ATTEST THIS THE \_\_\_\_ DAY

OF \_\_\_\_\_, 2012

\_\_\_\_\_  
Michelle M. Onley  
Clerk of Council

RICHLAND COUNTY ATTORNEY'S OFFICE

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

Public Hearing: November 27, 2012 (tentative)  
First Reading: November 27, 2012 (tentative)  
Second Reading:  
Third Reading:



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

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

