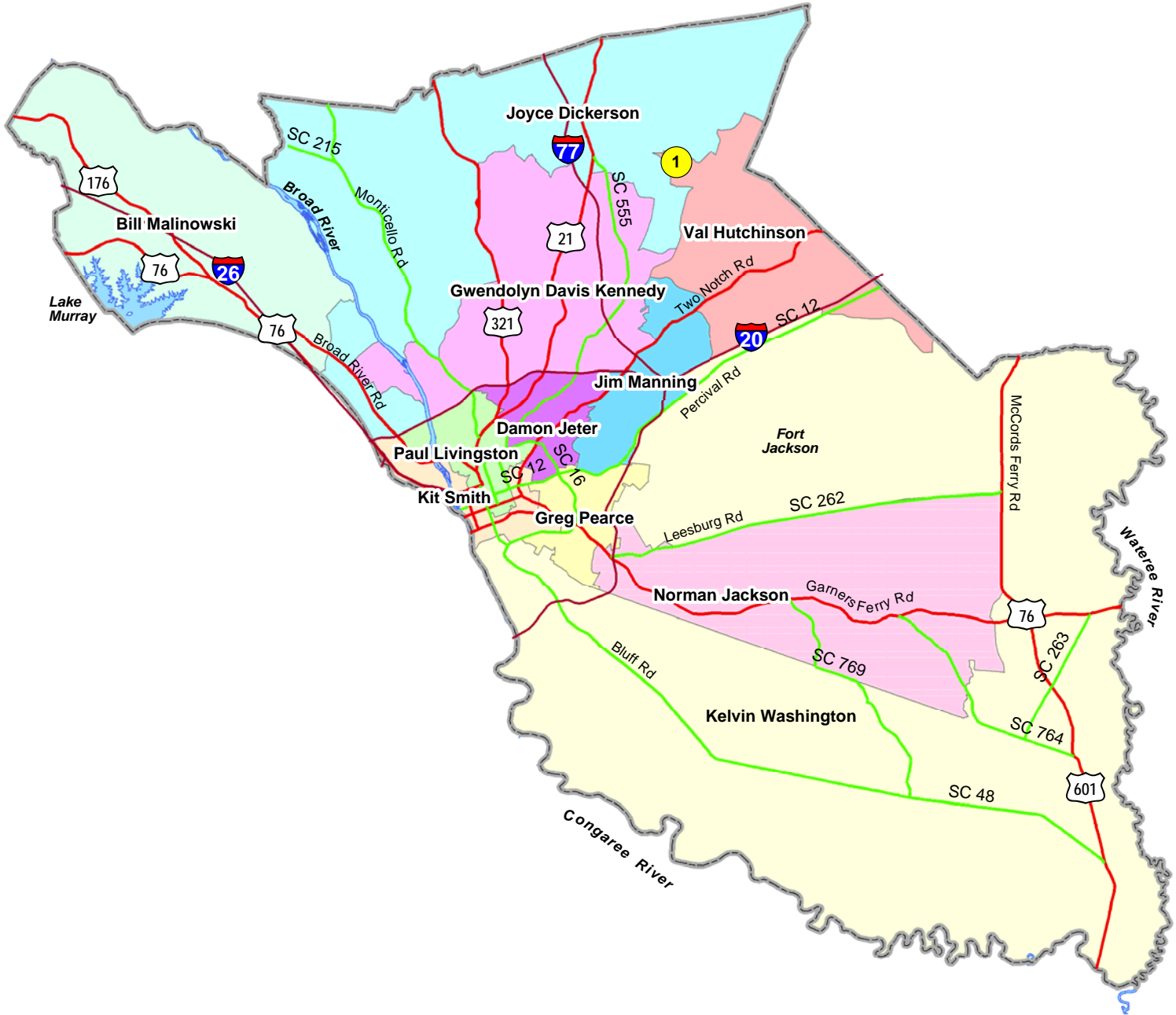


RICHLAND COUNTY COUNCIL
ZONING PUBLIC HEARING



APRIL 28, 2009

RICHLAND COUNTY COUNCIL ZONING PUBLIC HEARING APRIL 28, 2009



CASE NO.	APPLICANT	TMS NO.	LOCATION	DISTRICT
1. 08-32 MA	Fairways Development	20406-02-01 (p)	Longcreek Plantation	Hutchinson



RICHLAND COUNTY COUNCIL ZONING PUBLIC HEARING

**Tuesday, April 28, 2009
7:00 P.M.
2020 Hampton Street
2nd Floor, Council Chambers
Columbia, South Carolina**

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

I. CALL TO ORDER Paul Livingston
Chairman of Richland County Council

II. ADDITIONS / DELETIONS TO THE AGENDA

OPEN PUBLIC HEARING

III. MAP AMENDMENTS

CASE # 08-32 MA	Fairways Development	Deferred
APPLICANT	John Bakhaus	1 st Reading
REQUESTED AMENDMENT	TROS to RS-MD (15.94 acres)	Approved
PURPOSE	Residential Subdivision	4-3
TAX MAP SHEET NUMBER (S)	20406-02-01 (p)	
LOCATION	Longcreek Plantation	Page 1

IV. TEXT AMENDMENTS

AN ORDINANCE AMENDING THE RICHLAND COUNTY CODE OF ORDINANCES;
CHAPTER 26, LAND DEVELOPMENT; SO AS TO DELETE SECTION 26-184, PARKS
AND OPEN SPACE, AND TO PROVIDE FOR THE USE OF THE GREEN CODE'S
FLEXIBILITY IN THE VARIOUS ZONING DISTRICTS. Page 9

OR

AN ORDINANCE AMENDING THE RICHLAND COUNTY CODE OF ORDINANCES;
CHAPTER 26, LAND DEVELOPMENT; ARTICLE VII, GENERAL DEVELOPMENT, SITE,
AND PERFORMANCE STANDARDS; SECTION 26-184, PARKS AND OPEN SPACE;
SO AS TO DELETE THE MINIMUM REQUIRED YARD AND TO INCREASE THE
WIDTH OF NARROW AREAS FROM TEN (10) FEET TO TWENTY-FIVE (25) FEET.
Page 21

AN ORDINANCE AMENDING THE RICHLAND COUNTY CODE OF ORDINANCES, CHAPTER 26, LAND DEVELOPMENT; SO AS TO MAKE CORRECTIONS TO SEVERAL PARAGRAPH NUMBERS REFERENCED THEREIN. Page 27

AN ORDINANCE AMENDING THE RICHLAND COUNTY CODE OF ORDINANCES; CHAPTER 26, LAND DEVELOPMENT; ARTICLE V, ZONING DISTRICTS AND DISTRICT STANDARDS; SECTION 26-103, AP AIRPORT HEIGHT RESTRICTIVE OVERLAY DISTRICT; SO AS TO CORRECTLY IDENTIFY JIM HAMILTON-L.B. OWENS AIRPORT. Page 31

AN ORDINANCE TO ADOPT THE "2009 RICHLAND COUNTY COMPREHENSIVE PLAN". Page 35

V. DEFERRALS

VI. ADJOURNMENT



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

PC MEETING DATE: October 6, 2008
RC PROJECT: 08-32 MA
APPLICANT: John Bakhaus
PROPERTY OWNER: Fairways Development
LOCATION: Longcreek Plantation

TAX MAP NUMBER: 20406-02-01 (p)
ACREAGE: 15.94 acres
ZONING REQUEST: TROS to RS- MD

PC SIGN POSTING: April, 2009

Staff Recommendation

Approval

Background /Zoning History

According to County records the current zoning of Traditional Recreational and Open Space District (TROS) reflects the zoning as adopted July 27, 2007 (Ordinance NO. 065-07-HR) from Residential Single Family Low Density District (RS-LD).

Summary

The RS-MD District is intended as a single family, detached residential district of medium densities, and the requirements for this district are designed to maintain a suitable environment for single family living. Minimum lot area: 8,500 square feet or as determined by DHEC.

Existing Zoning		
North:	RS-LD	Residential lots
South:	RS-LD	Residential lots
East:	RS-LD	Residential lots
West:	RS-LD	Residential lots

Plans & Policies

The Imagine Richland 2020 Comprehensive Plan/“I-77 Corridor Area Proposed Land Use Map” designates this as Low Density Residential in the Developing Urban Area.

Objective: “Attract quality residential development in the area by restricting uses which would compromise the areas residential qualities”.

Compliance The subject parcels rezoning would limit the property to residential uses.

Principal: “Within single family areas, higher density development is appropriate where it completes a block face or is oriented toward developments of similar density”.

Non-Compliance The Proposed Land Use Map identifies the area as Low Density Residential.

Traffic Impact

Roads are classified by their function, i.e., local, collector (collects local road traffic), etc. and are built to engineering design standards according to their classification. The traffic volume is also dependent upon the number of lanes and their geometry.

A simple measure of traffic impact is the volume of vehicles on a given roadway segment in comparison to the road’s engineering design capacity, expressed as the volume-to-capacity ratio (V/C). The higher the V/C ratio, the more congested the traffic. The location of the subject project in relation to the applicable SCDOT count stations on is shown at the end of this text.

Project Traffic Facts

Name of Adjacent Road	Longtown Rd E
Road Classification	Two Lane Undivided Collector
Design Capacity (ADTs)	8,600 LOS C
Site Frontage	None – interior parcel of Windemere S/D
2007 Traffic Count (ADTs) & Station #	6,500 # 713.
Road Maintained By	SCDOT
Current V/C Ratio	0.76 LOS B
Estimated Project Traffic (ADTs)	428
V/C Ratio with Project	0.8 LOS C
Traffic Analysis Prepared By	Planning Staff

Volume-To-Capacity Effects

The current SCDOT Statewide Transportation Improvement Plan (STIP) does not include any road widening projects in Richland County until after 2012. Only projects with a V/C ratio of 1.35, or greater, would be considered for future funding.

Additional Comments

The Amendment will not result in the level-of-service “C” of Longtown Road being exceeded in this area.

Compliance with Pending Comprehensive Plan - Land Use Element 2009

The subject parcel is located within the proposed Land Use Element's Suburban land use classification. Throughout the suburban areas in the North East, infill should be a focus in residential, commercial and industrial uses in order to complement and connect the existing sprawl pattern. Public facilities such as schools, libraries, and recreation centers should be located where they reinforce neighborhood and community centers.

The rezoning provides an opportunity for infill in an existing residential area connecting the existing sprawl pattern. The rezoning is in compliance with the proposed Comprehensive Plan.

Conclusion

In 2005 the Single Family Residential zoning of RS-1A was converted to Single Family Residential Low Density (RS-LD). Under this zoning district conversion the lot size went from 10,000 square feet under the Single Family Residential zoning of RS-1A to 12,000 square feet under the Single Family Residential Low Density (RS-LD).

The property under the proposed zoning would contain a minimum lot area of 8,500 square feet with no more than one (1) principle dwelling unit on a lot. The net density of available lots at 8,500 square feet is 45 lots.

The development will be surrounded on two sides by the golf course. The open space provision will not apply due to the TROS zoning of the surrounding two holes. The subject parcel was shown as subdivision lots in the overall master plan approval; at the time of the TROS rezoning this parcel had not been plated out of the original golf course tax map and therefore had been included in the TROS rezoning. The golf course and surrounding community amenities would be available for residents to utilize for recreational activities and open space. The subject property contains existing water and sewer connections. The site is located within two miles of an Elementary and Middle School.

Planning Staff recommends approval of this map amendment.

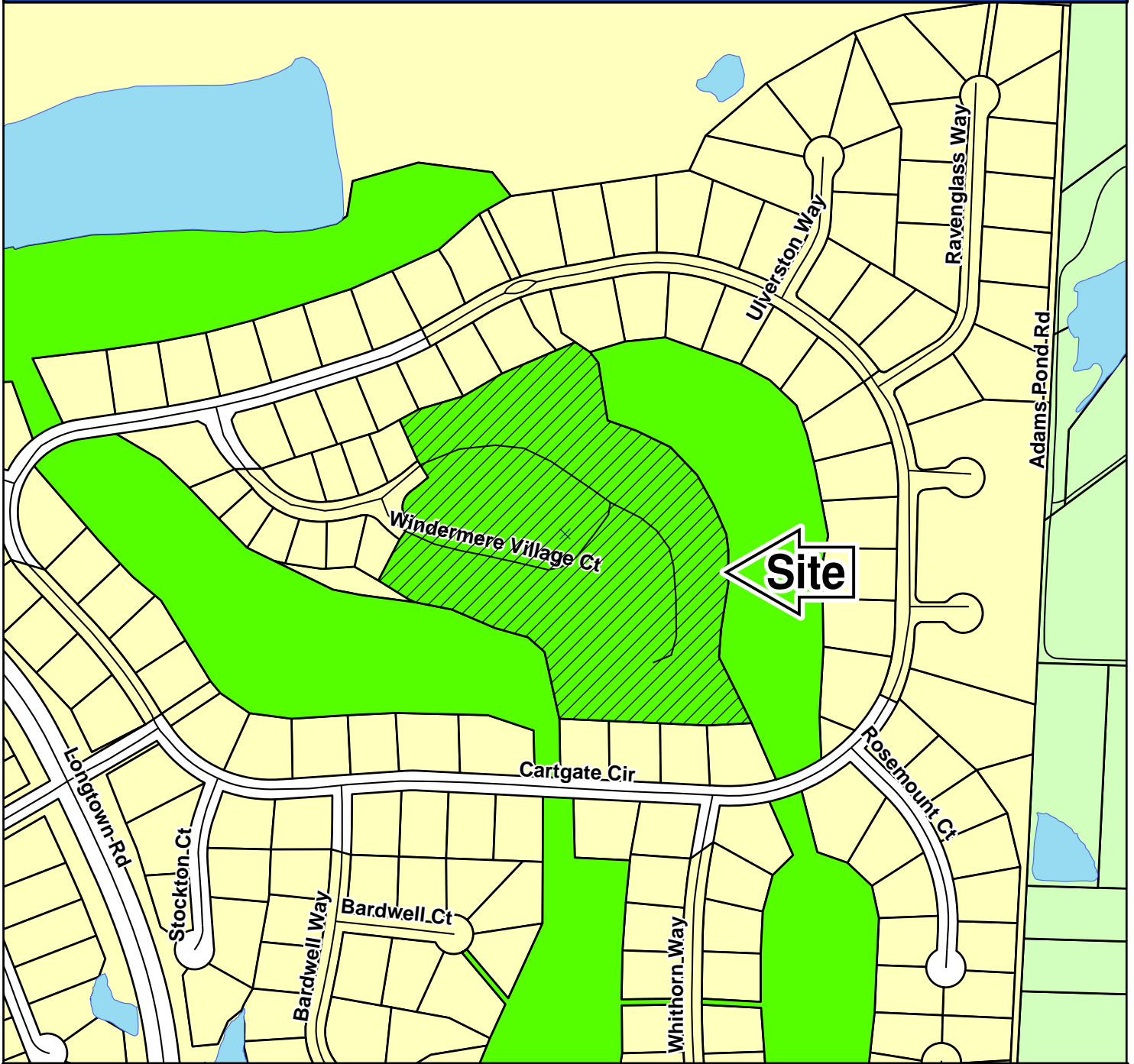
Zoning Public Hearing Date

November 25, 2008 Deferred
April 28, 2009





















Planning Commission Action



At their meeting of **October 6, 2008** the Richland County Planning Commission **agreed** with the PSDS recommendation and recommends the County Council initiate the ordinance consideration process for **RC Project # 08-32 MA** at the next available opportunity

Case 08-32 MA TROS to RS-MD



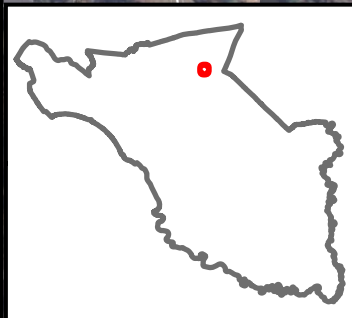
ZONING CLASSIFICATIONS

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

 N
 Subject Property

CASE 08-32 MA TROS to RS-MD

TMS 20500-04-16



CASE 08-32 MA

From RS-LD to RS-MD

TMS#20500-01-01

Cartgate Rd





Looking at northern portion of Windermere Village Ct



Looking at north end of site along cart path from course# 5

Staff Recommendation: Approval

EXPLANATION OF PARK AND OPEN SPACE DELETION AND USE OF GREEN CODE REQUIREMENTS

Title:

AN ORDINANCE AMENDING THE RICHLAND COUNTY CODE OF ORDINANCES; CHAPTER 26, LAND DEVELOPMENT; SO AS TO DELETE SECTION 26-184, PARKS AND OPEN SPACE, AND TO PROVIDE FOR THE USE OF THE GREEN CODE'S FLEXIBILITY IN THE VARIOUS ZONING DISTRICTS.

Background:

This ordinance is being initiated by the Planning Director, Joseph Kocy, and is supported by planning staff as an appropriate amendment to the Land Development Code since the Green Code requirements have now been adopted.

What this ordinance will do:

Section 26-184, "Parks and Open Space", has been deleted in its entirety. However, some of the provisions were added to the requirements of a PDD District, as well as a TC district.

In addition, the "Recreation/open space standards" of the RU, RR, RS-E, RS-LD, RS-MD, RS-HD, MH, RM-MD, and RM-HD districts were amended to reflect the option of using the Green Code's standards (instead of the standards set forth in Section 26-184).

The "Recreation/open space standards" of the OI, NC, RC, GC, M-1, LI, and HI districts were amended to read "None."

NOTE:

Previously, unacceptable land for park or open space reservation included "Narrow areas", which read as follows:

3. *Narrow areas.* Land with a width of less than twenty-five (25) feet, unless specifically approved by the planning department.

This language has been amended to read as follows:

3. *Narrow areas.* Land with a width of less than twenty-five (25) feet, unless **such land is a bicycle or walking trail at least ten (10) feet wide, or unless such land is a "pocket park" that is no less than ten (10) feet by ten (10) feet in size, or unless** specifically approved by the planning department.

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

AN ORDINANCE AMENDING THE RICHLAND COUNTY CODE OF ORDINANCES; CHAPTER 26, LAND DEVELOPMENT; SO AS TO DELETE SECTION 26-184, PARKS AND OPEN SPACE, AND TO PROVIDE FOR THE USE OF THE GREEN CODE'S FLEXIBILITY IN THE VARIOUS ZONING DISTRICTS.

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

SECTION I. The Richland County Code of Ordinances, Chapter 26, Land Development; Article VII, General development, Site, and Performance Standards; Section 26-184, Parks and Open Space; is hereby amended to read as follows:

Sec. 26-184. ~~Parks and open space~~ Reserved.

~~(a) — Purpose and applicability.~~

- ~~(1) — Purpose. The common open space and park standards contained herein are established to provide an option for the reservation of open space in residential development in Richland County. Preservation of open space and parks in developing areas serves a variety of purposes, including meeting the recreational needs of residents, reducing stormwater runoff, and enhancing air quality.~~
- ~~(2) — Applicability. The parks and open space options contained in this section shall apply to minor and major residential land developments and to minor and major residential subdivisions.~~

~~(b) — General parks and open space requirements.~~

- ~~(1) — Minimum amount of park land or open space to be reserved. Developers wishing to use the design flexibility standards of subsection (c) below, must reserve at least ten percent (10%) of the total project area as park land or open space. In addition, at least 50% of the reserved park areas or open space shall be usable, i.e. made accessible for pedestrian and/or aquatic use, or consists of land that could otherwise be developed and does not slope more than 33°.~~
- ~~(2) — Acceptable land for park land or open space reservation. Land reserved to meet the requirements of this section shall be subject to the following standards:~~

- a. ~~Water features.~~ Bodies of water, such as ponds, lakes, streams, wetlands, and flood plains, may be used to fulfill the open space requirement.
- b. ~~Land burdened with easements.~~ Land that is burdened with easements may be used, provided that the easements do not interfere with the use of the land for open space and recreation purposes and do not permit future development.
- c. ~~Minimum required yards.~~ Minimum required yards may provide up to fifty percent (50%) of the required open space.

(3) ~~Unacceptable land for park or open space reservation.~~ The following types of land are unacceptable for park or open space reservation:

- a. ~~Occupied land.~~ Land occupied by roads, drives, parking areas, or structures, other than those related to recreational structures or parks.
- b. ~~Land with hazardous materials.~~ Land containing or contaminated by hazardous materials.
- c. ~~Narrow areas.~~ Land with a minimum width of less than ten (10) feet, unless specifically approved by the planning department.

(c) ~~Design flexibility for additional open space reservation.~~ It is the intent of this subsection to encourage variety and flexibility in design and development of residential areas and to provide a means of preserving larger areas of open space. This development design relaxes conventional zoning and/or subdivision standards to permit modifications in lot size and shape by concentrating single-family dwellings in specific areas of an overall tract, leaving more open space in which to preserve natural features, such as woodlands and streams, and in so doing, to provide for the active or passive use of such lands as recreational space for the residents of these developments. Depending on the zoning district in which the development is located, housing may be detached or attached if building code standards are met. This flexibility in design shall be available to any major residential development or major subdivision in which ten percent (10%) of the project area is reserved for open space. This flexibility shall take the form of reductions in the dimensional standards (lot area, minimum lot width, and setback) for the applicable zoning district. Reductions shall be as follows:

- (1) ~~Open space of more than ten percent (10%) but less than fifteen percent (15%).~~ If the total open space provided, in meeting the standards listed in (b)(2) and (b)(3) above, is more than ten percent (10%) and less than fifteen percent (15%) of the total project area, each dimensional requirement may be reduced ten percent (10%).

- ~~(2) — Open space of fifteen percent (15%) or more, but less than twenty percent (20%). If the total open space provided, in meeting the standards listed in (b)(2) and (b)(3) above, is fifteen percent (15%) or more, but less than twenty percent (20%) of the total project area, each dimensional requirement may be reduced by fifteen percent (15%).~~
- ~~(3) — Open space of twenty percent (20%) or more, but less than twenty five percent (25%). If the total open space provided, meeting the standards listed in (b)(2) and (b)(3) above, is twenty percent (20%) or more, but less than twenty five percent (25%) of the total project area, each dimensional requirement may be reduced by twenty percent (20%).~~
- ~~(4) — Open space of twenty five percent (25%) or more. If the total open space provided, meeting the standards listed in (b)(2) and (b)(3) above, is twenty five percent (25%) or more of the total project area, the zoning district dimensional requirements may be waived. The then newly established minimum lot size, lot coverage, and setback requirements must be approved by the planning staff and development review team.~~
- ~~(d) — Maintenance. Arrangements for the perpetual maintenance of open space that meet these requirements must be approved by the planning department. Any conveyance to a homeowner's association shall be subject to appropriately recorded and filed restrictive covenants and easements. The covenants and easements shall prohibit future development of the open space for other than open space and recreation purposes and shall provide for continued maintenance of the open space and recreation facilities. Failure to maintain the area designated for open space shall constitute a violation of this chapter.~~

SECTION II. The Richland County Code of Ordinances, Chapter 26, Land Development; Article V, Zoning Districts and District Standards; Section 26-85, RU Rural District; Subsection (c), Development Standards; Paragraph (10), Recreation/open Space Standards; is hereby amended to read as follows:

- (10) *Recreation/open space standards:* Open space shall may be provided for new developments and expansions of existing developments in accordance with the Green Code standards for parks and open space in of Section 26-184 26-186 of this chapter. ~~Design flexibility in the form of reductions in dimensional standards (lot area, minimum lot width, and setback) is available for open space reservation (see Section 26-184(c)).~~

SECTION III. The Richland County Code of Ordinances, Chapter 26, Land Development; Article V, Zoning Districts and District Standards; Section 26-86, RR Rural Residential District; Subsection (c), Development Standards; Paragraph (10), Recreation/open Space Standards; is hereby amended to read as follows:

- (10) *Recreation/open space standards:* Open space ~~shall~~ may be provided for new developments and expansions of existing developments in accordance with the Green Code standards for parks and open space in of Section 26-184 ~~26-186~~ of this chapter. ~~Design flexibility in the form of reductions in dimensional standards (lot area, minimum lot width, and setback) is available for open space reservation (see Section 26-184(c)).~~

SECTION IV. The Richland County Code of Ordinances, Chapter 26, Land Development; Article V, Zoning Districts and District Standards; Section 26-87, RS-E Residential, Single-Family – Estate District; Subsection (c), Development Standards; Paragraph (10), Recreation/open Space Standards; is hereby amended to read as follows:

- (10) *Recreation/open space standards:* Open space ~~shall~~ may be provided for new developments and expansions of existing developments in accordance with the Green Code standards for parks and open space in of Section 26-184 ~~26-186~~ of this chapter. ~~Design flexibility in the form of reductions in dimensional standards (lot area, minimum lot width, and setback) is available for open space reservation (see Section 26-184(c)).~~

SECTION V. The Richland County Code of Ordinances, Chapter 26, Land Development; Article V, Zoning Districts and District Standards; Section 26-88, RS-LD Residential, Single-Family – Low Density District; Subsection (c), Development Standards; Paragraph (10), Recreation/open Space Standards; is hereby amended to read as follows:

- (10) *Recreation/open space standards:* Open space ~~shall~~ may be provided for new developments and expansions of existing developments in accordance with the Green Code standards for parks and open space in of Section 26-184 ~~26-186~~ of this chapter. ~~Design flexibility in the form of reductions in dimensional standards (lot area, minimum lot width, and setback) is available for open space reservation (see Section 26-184(c)).~~

SECTION VI. The Richland County Code of Ordinances, Chapter 26, Land Development; Article V, Zoning Districts and District Standards; Section 26-89, RS-MD Residential, Single-Family – Medium Density District; Subsection (c), Development Standards; Paragraph (10), Recreation/open Space Standards; is hereby amended to read as follows:

- (10) *Recreation/open space standards:* Open space ~~shall~~ may be provided for new developments and expansions of existing developments in accordance with the Green Code standards for parks and open space in of Section 26-184 ~~26-186~~ of this chapter. ~~Design flexibility in the form of reductions in dimensional standards (lot area, minimum lot width, and setback) is available for open space reservation (see Section 26-184(c)).~~

SECTION VII. The Richland County Code of Ordinances, Chapter 26, Land Development; Article V, Zoning Districts and District Standards; Section 26-90, RS-HD Residential, Single-

Family – High Density District; Subsection (c), Development Standards; Paragraph (10), Recreation/open Space Standards; is hereby amended to read as follows:

- (10) *Recreation/open space standards:* Open space ~~shall~~ may be provided for new developments and expansions of existing developments in accordance with the Green Code standards for parks and open space in of Section 26-184 ~~26-186~~ of this chapter. ~~Design flexibility in the form of reductions in dimensional standards (lot area, minimum lot width, and setback) is available for open space reservation (see Section 26-184(e)).~~

SECTION VIII. The Richland County Code of Ordinances, Chapter 26, Land Development; Article V, Zoning Districts and District Standards; Section 26-91, MH Manufactured Home Residential District; Subsection (c), Development Standards; Paragraph (10), Recreation/open Space Standards; is hereby amended to read as follows:

- (10) *Recreation/open space standards:* Open space ~~shall~~ may be provided for new developments and expansions of existing developments in accordance with the Green Code standards for parks and open space in of Section 26-184 ~~26-186~~ of this chapter. ~~Design flexibility in the form of reductions in dimensional standards (lot area, minimum lot width, and setback) is available for open space reservation (see Section 26-184(e)).~~

SECTION IX. The Richland County Code of Ordinances, Chapter 26, Land Development; Article V, Zoning Districts and District Standards; Section 26-92, RM-MD Residential, Multi-Family – Medium Density District; Subsection (c), Development Standards; Paragraph (10), Recreation/open Space Standards; is hereby amended to read as follows:

- (10) *Recreation/open space standards:* Open space ~~shall~~ may be provided for new developments and expansions of existing developments in accordance with the Green Code standards for parks and open space in of Section 26-184 ~~26-186~~ of this chapter. ~~Design flexibility in the form of reductions in dimensional standards (lot area, minimum lot width, and setback) is available for open space reservation (see Section 26-184(e)).~~

SECTION X. The Richland County Code of Ordinances, Chapter 26, Land Development; Article V, Zoning Districts and District Standards; Section 26-93, RM-HD Residential, Multi-Family – High Density District; Subsection (c), Development Standards; Paragraph (10), Recreation/open Space Standards; is hereby amended to read as follows:

- (10) *Recreation/open space standards:* Open space ~~shall~~ may be provided for new developments and expansions of existing developments in accordance with the Green Code standards for parks and open space in of Section 26-184 ~~26-186~~ of this chapter. ~~Design flexibility in the form of reductions in dimensional standards (lot area, minimum lot width, and setback) is available for open space reservation (see Section 26-184(e)).~~

SECTION XI. The Richland County Code of Ordinances, Chapter 26, Land Development; Article V, Zoning Districts and District Standards; Section 26-94, OI Office and Institutional District; Subsection (c), Development Standards; Paragraph (10), Recreation/open Space Standards; is hereby amended to read as follows:

- (10) *Recreation/open space standards:* None. ~~Open space shall be provided for new developments and expansions of existing developments in accordance with the standards for parks and open space in Section 26-184 of this chapter. Design flexibility in the form of reductions in dimensional standards (lot area, minimum lot width, and setback) is available for open space reservation (see Section 26-184(e)).~~

SECTION XII. The Richland County Code of Ordinances, Chapter 26, Land Development; Article V, Zoning Districts and District Standards; Section 26-95, NC Neighborhood Commercial District; Subsection (c), Development Standards; Paragraph (10), Recreation/open Space Standards; is hereby amended to read as follows:

- (10) *Recreation/open space standards:* None. ~~Open space shall be provided for new developments and expansions of existing developments in accordance with the standards for parks and open space in Section 26-184 of this chapter.~~

SECTION XIII. The Richland County Code of Ordinances, Chapter 26, Land Development; Article V, Zoning Districts and District Standards; Section 26-96, RC Rural Commercial District; Subsection (c), Development Standards; Paragraph (10), Recreation/open Space Standards; is hereby amended to read as follows:

- (10) *Recreation/open space standards:* None. ~~Open space shall be provided for new developments and expansions of existing developments in accordance with the standards for parks and open space in Section 26-184 of this chapter.~~

SECTION XIV. The Richland County Code of Ordinances, Chapter 26, Land Development; Article V, Zoning Districts and District Standards; Section 26-97, GC General Commercial District; Subsection (c), Development Standards; Paragraph (10), Recreation/open Space Standards; is hereby amended to read as follows:

- (10) *Recreation/open space standards:* None. ~~Open space shall be provided for new developments and expansions of existing developments in accordance with the standards for parks and open space in Section 26-184 of this chapter. Design flexibility in the form of reductions in dimensional standards (lot area, minimum lot width, and setback) is available for open space reservation (see Section 26-184(e)).~~

SECTION XV. The Richland County Code of Ordinances, Chapter 26, Land Development; Article V, Zoning Districts and District Standards; Section 26-98, M-1 Light Industrial District;

Subsection (c), Development Standards; Paragraph (10), Recreation/open Space Standards; is hereby amended to read as follows:

- (10) *Recreation/open space standards:* None. ~~Open space shall be provided for new developments and expansions of existing developments in accordance with the standards for parks and open space in Section 26-184 of this chapter.~~

SECTION XVI. The Richland County Code of Ordinances, Chapter 26, Land Development; Article V, Zoning Districts and District Standards; Section 26-99, LI Light Industrial District; Subsection (c), Development Standards; Paragraph (10), Recreation/open Space Standards; is hereby amended to read as follows:

- (10) *Recreation/open space standards:* None. ~~Open space shall be provided for new developments and expansions of existing developments in accordance with the standards for parks and open space in Section 26-184 of this chapter.~~

SECTION XVII. The Richland County Code of Ordinances, Chapter 26, Land Development; Article V, Zoning Districts and District Standards; Section 26-100, HI Heavy Industrial District; Subsection (c), Development Standards; Paragraph (10), Recreation/open Space Standards; is hereby amended to read as follows:

- (10) *Recreation/open space standards:* None. ~~Open space shall be provided for new developments and expansions of existing developments in accordance with the standards for parks and open space in Section 26-184 of this chapter.~~

SECTION XVIII. The Richland County Code of Ordinances, Chapter 26, Land Development; Article V, Zoning Districts and District Standards; Section 26-101, PDD Planned Development District; Subsection (d), Development Standards; Paragraph (8), Recreation/open Space Standards; is hereby amended to read as follows:

- (8) *Recreation/open space standards:* ~~Open space shall be provided for new developments and expansions of existing developments in accordance with the standards for parks and open space in Section 26-184 of this chapter, and as required by the planning commission and county council during the review and approval of the PDD District.~~

- a. *Purpose.* The common open space and park standards contained herein are established to provide for the reservation of open space in planned development districts. Preservation of open space and parks in developing areas serves a variety of purposes, including meeting the recreational needs of residents, reducing stormwater runoff, and enhancing air quality.

b. *Minimum amount of park land or open space to be reserved.* Developers must reserve at least ten percent (10%) of the total project area as park land or open space, which shall be usable, i.e. common areas made accessible for pedestrian and/or aquatic use.

c. *Acceptable land for park land or open space reservation:*

1. *Water features.* Bodies of water, such as ponds, lakes, streams, wetlands, and flood plains, may be used to fulfill the open space requirement.

2. *Land burdened with easements.* Land that is burdened with easements may be used, provided that the easements do not interfere with the use of the land for open space and recreation purposes and do not permit future development.

d. *Unacceptable land for park or open space reservation.* The following types of land are unacceptable for park or open space reservation:

1. *Occupied land.* Land occupied by roads, drives, parking areas, or structures, other than those related to recreational structures or parks.

2. *Land with hazardous materials.* Land containing or contaminated by hazardous materials.

3. *Narrow areas.* Land with a width of less than twenty-five (25) feet, unless such land is a bicycle or walking trail at least ten (10) feet wide, or unless such land is a “pocket park” that is no less than ten (10) feet by ten (10) feet in size, or unless specifically approved by the planning department.

e. *Maintenance.* Arrangements for the perpetual maintenance of open space that meet these requirements must be approved by the planning department. Any conveyance to a homeowner’s association shall be subject to appropriately recorded and filed restrictive covenants and easements. The covenants and easements shall prohibit future development of the open space for other than open space and recreation purposes and shall provide for continued maintenance of the open space and recreation facilities. Failure to maintain the area designated for open space shall constitute a violation of this chapter.

SECTION XIX. The Richland County Code of Ordinances, Chapter 26, Land Development; Article V, Zoning Districts and District Standards; Section 26-102, TC Town and Country District; Subsection (d), Development Standards; Paragraph (9), Recreation/open Space Standards; is hereby amended to read as follows:

(9) *Recreation/open space standards:*—~~Open space shall be provided in accordance with the standards for parks and open space in Section 26-184 of this chapter, and as required by the planning commission and county council during the review and approval of the TC District. (See also requirements at Section 26-101(d)(4) above).~~

a. *Purpose.* The common open space and park standards contained herein are established to provide for the reservation of open space in Town and Country Development districts. Preservation of open space and parks in developing areas serves a variety of purposes, including meeting the recreational needs of residents, reducing stormwater runoff, and enhancing air quality.

b. *Minimum amount of park land or open space to be reserved.* Developers must reserve at least ten percent (10%) of the total project area as park land or open space, which shall be usable, i.e. common areas made accessible for pedestrian and/or aquatic use.

c. *Acceptable land for park land or open space reservation:*

1. *Water features.* Bodies of water, such as ponds, lakes, streams, wetlands, and flood plains, may be used to fulfill the open space requirement.

2. *Land burdened with easements.* Land that is burdened with easements may be used, provided that the easements do not interfere with the use of the land for open space and recreation purposes and do not permit future development.

d. *Unacceptable land for park or open space reservation.* The following types of land are unacceptable for park or open space reservation:

1. *Occupied land.* Land occupied by roads, drives, parking areas, or structures, other than those related to recreational structures or parks.

2. *Land with hazardous materials.* Land containing or contaminated by hazardous materials.

3. Narrow areas. Land with a width of less than twenty-five (25) feet, unless such land is a bicycle or walking trail at least ten (10) feet wide, or unless such land is a “pocket park” that is no less than ten (10) feet by ten (10) feet in size, or unless specifically approved by the planning department.

e. Maintenance. Arrangements for the perpetual maintenance of open space that meet these requirements must be approved by the planning department. Any conveyance to a homeowner’s association shall be subject to appropriately recorded and filed restrictive covenants and easements. The covenants and easements shall prohibit future development of the open space for other than open space and recreation purposes and shall provide for continued maintenance of the open space and recreation facilities. Failure to maintain the area designated for open space shall constitute a violation of this chapter.

SECTION XX. The Richland County Code of Ordinances, Chapter 26, Land Development; Article VII, General Development, Site, and Performance Standards; Section 26-186, Green Code Standards; Subsection (b), Applicability; is hereby amended to read as follows:

(b) Applicability/Establishment. The owner of property within an RU, RR, RS-E, RS-LD, RS-MD, ~~or~~ RS-HD, MH, RM-MD, or RM-HD zoning district may apply the development standards found within this section, in lieu of the development standards set forth for the applicable zoning district, subject to meeting the requirements of this section.

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

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

RICHLAND COUNTY COUNCIL

BY: _____
Paul Livingston, Chair

ATTEST THIS THE ____ DAY

OF _____, 2009

Michielle R. Cannon-Finch
Clerk of Council

RICHLAND COUNTY ATTORNEY'S OFFICE

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

Public Hearing: April 28, 2009 (tentative)
First Reading: April 28, 2009 (tentative)
Second Reading:
Third Reading:

Staff Recommendation: Denial

EXPLANATION OF PARK AND OPEN SPACE AMENDMENTS

Title:

AN ORDINANCE AMENDING THE RICHLAND COUNTY CODE OF ORDINANCES; CHAPTER 26, LAND DEVELOPMENT; ARTICLE VII, GENERAL DEVELOPMENT, SITE, AND PERFORMANCE STANDARDS; SECTION 26-184, PARKS AND OPEN SPACE; SO AS TO DELETE THE MINIMUM REQUIRED YARD AND TO INCREASE THE WIDTH OF NARROW AREAS FROM TEN (10) FEET TO TWENTY-FIVE (25) FEET.

Background:

This ordinance was initiated by the Planning Commission at their April 6, 2009 meeting, as an alternative to the staff's ordinance (which deleted the parks and open space requirements because of the recently enacted Green Code requirements).

What this ordinance will do:

Section 26-184 (2) c. (Minimum required yards) has been deleted in its entirety:

- (2) *Acceptable land for park land or open space reservation.* Land reserved to meet the requirements of this section shall be subject to the following standards:
 - a. *Water features.* Bodies of water, such as ponds, lakes, streams, wetlands, and flood plains, may be used to fulfill the open space requirement.
 - b. *Land burdened with easements.* Land that is burdened with easements may be used, provided that the easements do not interfere with the use of the land for open space and recreation purposes and do not permit future development.
 - c. ~~*Minimum required yards.* Minimum required yards may provide up to fifty percent (50%) of the required open space.~~

In addition, Section 26-184 (3) c. has been amended to increase the width of unacceptable land from 10 feet to 25 feet

- (3) *Unacceptable land for park or open space reservation.* The following types of land are unacceptable for park or open space reservation:

- a. *Occupied land.* Land occupied by roads, drives, parking areas, or structures, other than those related to recreational structures or parks.
- b. *Land with hazardous materials.* Land containing or contaminated by hazardous materials.
- c. *Narrow areas.* Land with a minimum width of less than ~~ten~~ twenty-five (25) feet, unless specifically approved by the planning department.

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

AN ORDINANCE AMENDING THE RICHLAND COUNTY CODE OF ORDINANCES; CHAPTER 26, LAND DEVELOPMENT; ARTICLE VII, GENERAL DEVELOPMENT, SITE, AND PERFORMANCE STANDARDS; SECTION 26-184, PARKS AND OPEN SPACE; SO AS TO DELETE THE MINIMUM REQUIRED YARD AND TO INCREASE THE WIDTH OF NARROW AREAS FROM TEN (10) FEET TO TWENTY-FIVE (25) FEET.

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

SECTION I. The Richland County Code of Ordinances, Chapter 26, Land Development; Article VII, General development, Site, and Performance Standards; Section 26-184, Parks and Open Space; is hereby amended to read as follows:

Sec. 26-184. Parks and open space.

(a) *Purpose and applicability.*

- (1) *Purpose.* The common open space and park standards contained herein are established to provide an option for the reservation of open space in residential development in Richland County. Preservation of open space and parks in developing areas serves a variety of purposes, including meeting the recreational needs of residents, reducing stormwater runoff, and enhancing air quality.
- (2) *Applicability.* The parks and open space options contained in this section shall apply to minor and major residential land developments and to minor and major residential subdivisions.

(b) *General parks and open space requirements.*

- (1) *Minimum amount of park land or open space to be reserved.* Developers wishing to use the design flexibility standards of subsection (c) below, must reserve at least ten percent (10%) of the total project area as park land or open space. In addition, at least 50% of the reserved park areas or open space shall be usable, i.e. made accessible for pedestrian and/or aquatic use, or consists of land that could otherwise be developed and does not slope more than 33°.
- (2) *Acceptable land for park land or open space reservation.* Land reserved to meet the requirements of this section shall be subject to the following standards:

- a. *Water features.* Bodies of water, such as ponds, lakes, streams, wetlands, and flood plains, may be used to fulfill the open space requirement.
- b. *Land burdened with easements.* Land that is burdened with easements may be used, provided that the easements do not interfere with the use of the land for open space and recreation purposes and do not permit future development.

~~c. *Minimum required yards.* Minimum required yards may provide up to fifty percent (50%) of the required open space.~~

(3) *Unacceptable land for park or open space reservation.* The following types of land are unacceptable for park or open space reservation:

- a. *Occupied land.* Land occupied by roads, drives, parking areas, or structures, other than those related to recreational structures or parks.
- b. *Land with hazardous materials.* Land containing or contaminated by hazardous materials.
- c. *Narrow areas.* Land with a minimum width of less than ~~ten (10)~~ twenty-five (25) feet, unless specifically approved by the planning department.

(c) *Design flexibility for additional open space reservation.* It is the intent of this subsection to encourage variety and flexibility in design and development of residential areas and to provide a means of preserving larger areas of open space. This development design relaxes conventional zoning and/or subdivision standards to permit modifications in lot size and shape by concentrating single-family dwellings in specific areas of an overall tract, leaving more open space in which to preserve natural features, such as woodlands and streams, and in so doing, to provide for the active or passive use of such lands as recreational space for the residents of these developments. Depending on the zoning district in which the development is located, housing may be detached or attached if building code standards are met. This flexibility in design shall be available to any major residential development or major subdivision in which ten percent (10%) of the project area is reserved for open space. This flexibility shall take the form of reductions in the dimensional standards (lot area, minimum lot width, and setback) for the applicable zoning district. Reductions shall be as follows:

- (1) *Open space of more than ten percent (10%) but less than fifteen percent (15%).* If the total open space provided, in meeting the standards listed in (b)(2) and (b)(3) above, is more than ten percent (10%) and less than

fifteen percent (15%) of the total project area, each dimensional requirement may be reduced ten percent (10%).

- (2) *Open space of fifteen percent (15%) or more, but less than twenty percent (20%).* If the total open space provided, in meeting the standards listed in (b)(2) and (b)(3) above, is fifteen percent (15%) or more, but less than twenty percent (20%) of the total project area, each dimensional requirement may be reduced by fifteen percent (15%).
- (3) *Open space of twenty percent (20%) or more, but less than twenty-five percent (25%).* If the total open space provided, meeting the standards listed in (b)(2) and (b)(3) above, is twenty percent (20%) or more, but less than twenty-five percent (25%) of the total project area, each dimensional requirement may be reduced by twenty percent (20%).
- (4) *Open space of twenty-five percent (25%) or more.* If the total open space provided, meeting the standards listed in (b)(2) and (b)(3) above, is twenty-five percent (25%) or more of the total project area, the zoning district dimensional requirements may be waived. The then newly established minimum lot size, lot coverage, and setback requirements must be approved by the planning staff and development review team.

- (d) *Maintenance.* Arrangements for the perpetual maintenance of open space that meet these requirements must be approved by the planning department. Any conveyance to a homeowner's association shall be subject to appropriately recorded and filed restrictive covenants and easements. The covenants and easements shall prohibit future development of the open space for other than open space and recreation purposes and shall provide for continued maintenance of the open space and recreation facilities. Failure to maintain the area designated for open space shall constitute a violation of this chapter.

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

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

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

RICHLAND COUNTY COUNCIL

BY: _____
Paul Livingston, Chair

ATTEST THIS THE ____ DAY

OF _____, 2009

Michielle R. Cannon-Finch
Clerk of Council

RICHLAND COUNTY ATTORNEY'S OFFICE

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

Public Hearing: April 28, 2009 (tentative)
First Reading: April 28, 2009 (tentative)
Second Reading:
Third Reading:

Staff Recommendation: Approval

EXPLANATION OF ORDINANCE CORRECTING PARAGRAPH NUMBERS

Title:

AN ORDINANCE AMENDING THE RICHLAND COUNTY CODE OF ORDINANCES, CHAPTER 26, LAND DEVELOPMENT; SO AS TO MAKE CORRECTIONS TO SEVERAL PARAGRAPH NUMBERS REFERENCED THEREIN.

Background:

This ordinance was initiated by Attorney Amelia R. Linder when she became aware that some parts of the Land Development Code were cross-referenced to incorrect paragraph numbers under “special requirements” and under “special exceptions”. This was due to recent deletions and/or additions to the special requirements or special exceptions, which then altered the numbering of same.

What this ordinance will do:

This ordinance will delete reference to specific paragraph numbers for special requirements and special exceptions; instead, the section number and the name of the special requirement or special exception will be identified. This change will allow further adjustments to the special requirements and special exceptions without having to be concerned about amending other sections of the Code.

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

AN ORDINANCE AMENDING THE RICHLAND COUNTY CODE OF ORDINANCES, CHAPTER 26, LAND DEVELOPMENT; SO AS TO MAKE CORRECTIONS TO SEVERAL PARAGRAPH NUMBERS REFERENCED THEREIN.

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

SECTION I. The Richland County Code of Ordinances; Chapter 26, Land Development; Article V, Zoning Districts and District Standards; Section 26-87, RS-E Residential, Single-Family – Estate District; Subsection (c), Development Standards; Paragraph (1), Minimum Lot Area/Maximum Density; is hereby amended to read as follows:

- (1) *Minimum lot area/maximum density:* Minimum lot area: 20,000 square feet, or as determined by DHEC, but in no case shall it be less than 20,000 square feet. Maximum density standard: no more than one (1) principal dwelling unit may be placed on a lot, except for permitted accessory dwellings. However, see the special requirement provisions for single-family zero lot line dwellings at Section 26-151(c)(~~27~~) of this chapter.

SECTION II. The Richland County Code of Ordinances; Chapter 26, Land Development; Article V, Zoning Districts and District Standards; Section 26-88, RS-LD Residential, Single-Family – Low Density District; Subsection (c), Development Standards; Paragraph (1), Minimum Lot Area/Maximum Density; is hereby amended to read as follows:

- (1) *Minimum lot area/maximum density:* Minimum lot area: 12,000 square feet or as determined by DHEC, but in no case shall it be less than 12, 000 square feet. Maximum density standard: no more than one (1) principal dwelling unit may be placed on a lot except for permitted accessory dwellings. However, see the special requirement provisions for single-family zero lot line dwellings at Section 26-151(c)(~~27~~) of this chapter.

SECTION III. The Richland County Code of Ordinances; Chapter 26, Land Development; Article V, Zoning Districts and District Standards; Section 26-89, RS-MD Residential, Single-Family – Medium Density District; Subsection (c), Development Standards; Paragraph (1), Minimum Lot Area/Maximum Density; is hereby amended to read as follows:

- (1) *Minimum lot area/maximum density:* Minimum lot area: 8,500 square feet, or as determined by DHEC. Maximum density standard: no more than one (1) principal dwelling unit may be placed on a lot except for permitted accessory dwellings. However, see the special requirement provisions for single-family zero lot line dwellings at Section 26-151(c)(~~27~~) and the special exception provisions for single-family zero lot line dwellings at Section 26-152(d)(~~12~~) of this chapter.

SECTION IV. The Richland County Code of Ordinances; Chapter 26, Land Development; Article V, Zoning Districts and District Standards; Section 26-90, RS-HD Residential, Single-Family – High Density District; Subsection (c), Development Standards; Paragraph (1), Minimum Lot Area/Maximum Density; is hereby amended to read as follows:

- (1) *Minimum lot area/maximum density:* Minimum lot area: 5,000 square feet, or as determined by DHEC. In no case shall the lot size be less than 5,000 square feet. Maximum density standard: no more than one (1) principal dwelling unit may be placed on a lot except for permitted accessory dwellings. However, see the special requirement provisions for single-family zero lot line dwellings at Section 26-151(c)(~~27~~) and the special exception provisions for single-family zero lot line dwellings at Section 26-152(d)(~~12~~) of this chapter.

SECTION V. The Richland County Code of Ordinances; Chapter 26, Land Development; Article V, Zoning Districts and District Standards; Section 26-91, MH Manufactured Home Residential District; Subsection (c), Development Standards; the introductory paragraph; is hereby amended to read as follows:

- (c) *Development standards.* See also Section 26-131. Table of Area, Yard, and Height Requirements, and the special requirement provisions for manufactured home parks at Section 26-151(c)(37), Manufactured Home Parks.

SECTION VI. The Richland County Code of Ordinances; Chapter 26, Land Development; Article V, Zoning Districts and District Standards; Section 26-92, RM-MD Residential, Multi-Family – Medium Density District; Subsection (c), Development Standards; Paragraph (1), Minimum Lot Area/Maximum Density; is hereby amended to read as follows:

- (1) *Minimum lot area/maximum density:* Minimum lot area: no minimum lot area requirement except as determined by DHEC. Maximum density standard: no more than eight (8) units per acre. See also the special requirement provisions for single-family zero lot line dwellings at Section 26-151(c)(27) of this chapter.

SECTION VII. The Richland County Code of Ordinances; Chapter 26, Land Development; Article V, Zoning Districts and District Standards; Section 26-93, RM-HD Residential, Multi-Family – High Density District; Subsection (c), Development Standards; the introductory paragraph and Paragraph (1), Minimum Lot Area/Maximum Density; is hereby amended to read as follows:

- (c) *Development standards.* See also Section 26-131. Table of Area, Yard, and Height Requirements and Section 26-151(c)(11) and Section 26-152(d)(4) for standards for high-rise buildings.
- (1) *Minimum lot area/maximum density.* Minimum lot area: no minimum lot area requirement except as required by DHEC. Maximum density standard: no more than sixteen (16) units per acre. See also the special requirement provisions for single-family zero lot line dwellings at Section 26-151(c)(27) of this chapter.

SECTION VIII. The Richland County Code of Ordinances; Chapter 26, Land Development; Article V, Zoning Districts and District Standards; Section 26-93, RM-HD Residential, Multi-Family – High Density District; Subsection (c), Development Standards; Paragraph (5), Height Standards; is hereby amended to read as follows:

- (5) *Height standards:* The maximum height of structures in the RM-HD District shall be three (3) stories or forty-five (45) feet, whichever is taller. However, high rise structures may be permitted as a permitted use subject to special requirements (4-5 stories) or as a special exception (6 or more stories), as set forth in Section 26-151(c)(11) and Section 26-152(d)(4) of this chapter.

SECTION IX. The Richland County Code of Ordinances; Chapter 26, Land Development; Article V, Zoning Districts and District Standards; Section 26-94, OI Office and Institutional District; Subsection (c), Development Standards; the introductory paragraph and Paragraph (1), Minimum Lot Area/Maximum Density; is hereby amended to read as follows:

- (c) *Development standards.* See also Article V., Section 26-131. Table of Area, Yard, and Height Requirements, and Section 26-151(c)(11) and Section 26-152(d)(4) for standards for high-rise buildings.
- (1) *Minimum lot area/maximum density.* Minimum lot area: no minimum lot area requirement, except as determined by DHEC. Maximum density standard: for residential uses, no more than sixteen (16) dwelling units per acre. See also the special requirement provisions for single-family zero lot line dwellings at Section 26-151(c)(27) of this chapter.

SECTION X. The Richland County Code of Ordinances; Chapter 26, Land Development; Article V, Zoning Districts and District Standards; Section 26-94, OI Office and Institutional District; Subsection (c), Development Standards; Paragraph (5), Height Standards; is hereby amended to read as follows:

- (5) *Height standards:* The maximum height of structures in the OI District shall be 35 feet. However, high rise structures may be permitted as a permitted use subject to special requirements (4-5 stories) or as a special exception (6 or more stories), as set forth in Section 26-151(c)(11) and Section 26-152(d)(4) of this chapter. In no case shall high rise structures be higher than seventy-five (75) feet.

SECTION XI. The Richland County Code of Ordinances; Chapter 26, Land Development; Article V, Zoning Districts and District Standards; Section 26-97, GC General Commercial District; Subsection (c), Development Standards; the introductory paragraph and Paragraph (1), Minimum Lot Area/Maximum Density; is hereby amended to read as follows:

- (c) *Development standards.* See also Article V., Section 26-131. Table of Area, Yard, and Height Requirements, and Section 26-151(c)(11) and Section 26-152(d)(4) for standards for high-rise buildings.
- (1) *Minimum lot area/maximum density:* Minimum lot area: no minimum lot area except as required by DHEC. Maximum density standard: for residential uses, no more than sixteen (16) dwelling units per acre. See also the special requirement provisions for single-family zero lot line dwellings at Section 26-151(c)(27) of this chapter.

SECTION XII. The Richland County Code of Ordinances; Chapter 26, Land Development; Article V, Zoning Districts and District Standards; Section 26-97, GC General Commercial District; Subsection (c), Development Standards; Paragraph (5), Height Standards; is hereby amended to read as follows:

- (5) *Height standards:* The maximum height of structures in the GC District shall be forty-five feet (3 stories or less). High rise structures may be permitted as a permitted use subject to special requirements (4-5 stories) or a special exception (6 or more stories), as set forth in Section 26-151(c)(11) and Section 26-152(d)(4) of this chapter.

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

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

RICHLAND COUNTY COUNCIL

BY: _____
Paul Livingston, Chairperson

ATTEST THIS THE ____ DAY

OF _____, 2009.

Michielle R. Cannon-Finch
Clerk of Council

RICHLAND COUNTY ATTORNEY'S OFFICE

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

Public Hearing: April 28, 2009 (tentative)
First Reading: April 28, 2009 (tentative)
Second Reading:
Third Reading:

Staff Recommendation: Approval

EXPLANATION OF ORDINANCE CORRECTLY IDENTIFYING THE JIM HAMILTON-L.B. OWENS AIRPORT

Title:

AN ORDINANCE AMENDING THE RICHLAND COUNTY CODE OF ORDINANCES; CHAPTER 26, LAND DEVELOPMENT; ARTICLE V, ZONING DISTRICTS AND DISTRICT STANDARDS; SECTION 26-103, AP AIRPORT HEIGHT RESTRICTIVE OVERLAY DISTRICT; SO AS TO CORRECTLY IDENTIFY JIM HAMILTON-L.B. OWENS AIRPORT.

Background:

On December 30, 2008, County Council officially changed the name of the Columbia Owens Downtown Airport to the Jim Hamilton-L.B. Owens Airport. This ordinance was initiated by Attorney Amelia R. Linder when she became aware that the County's Land Development Code referenced "Columbia Owens Downtown Airport" in the definitions section of the Code and in the AP Airport Height Restrictive Overlay District of the Code.

What this ordinance will do:

This ordinance will correctly identify the airport as the Jim Hamilton-L.B. Owens Airport.

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

AN ORDINANCE AMENDING THE RICHLAND COUNTY CODE OF ORDINANCES; CHAPTER 26, LAND DEVELOPMENT; ARTICLE V, ZONING DISTRICTS AND DISTRICT STANDARDS; SECTION 26-103, AP AIRPORT HEIGHT RESTRICTIVE OVERLAY DISTRICT; SO AS TO CORRECTLY IDENTIFY JIM HAMILTON-L.B. OWENS AIRPORT.

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

SECTION I. The Richland County Code of Ordinances, Chapter 26, Land Development; Article II, Rules of Construction/Definitions; Section 26-22, Definitions; is hereby amended so as to replace the name “Columbia Owens Downtown Airport”, wherever located in said section, with the new name “Jim Hamilton-L.B. Owens Airport”.

SECTION II. The Richland County Code of Ordinances, Chapter 26, Land Development; Article V, Zoning Districts and District Standards; Section 26-103, AP Airport Height Restrictive Overlay District; is hereby amended so as to replace the name “Columbia Owens Downtown Airport”, wherever located in said section, with the new name “Jim Hamilton-L.B. Owens Airport”.

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

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

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

RICHLAND COUNTY COUNCIL

BY: _____
Paul Livingston, Chair

ATTEST THIS THE _____ DAY
OF _____, 2009.

Michielle R. Cannon-Finch
Clerk of Council

RICHLAND COUNTY ATTORNEY'S OFFICE

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

Public Hearing: April 28, 2009 (tentative)
First Reading: April 28, 2009 (tentative)
Second Reading:
Third Reading:

STATE OF SOUTH CAROLINA)
)
COUNTY OF RICHLAND)

A RESOLUTION OF THE
RICHLAND COUNTY PLANNING COMMISSION

A RESOLUTION TO RECOMMEND THAT RICHLAND COUNTY COUNCIL ENACT AN ORDINANCE TO ADOPT THE "2009 RICHLAND COUNTY COMPREHENSIVE PLAN".

WHEREAS, the 1994 State of South Carolina Comprehensive Planning Enabling Act (Section 6-29-310, et seq., of the Code of Laws of South Carolina 1976, as amended) requires the development and adoption of a local Comprehensive Plan designed to promote public health, safety, morals, convenience, prosperity, or the general welfare as well as the efficiency and economy of the County; and

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

WHEREAS, pursuant to Section 6-29-510 (E), the comprehensive plan, including all elements of it, must be updated at least every ten years.

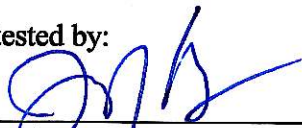
WHEREAS, the Planning Commission has prepared a comprehensive plan, which is comprised of certain defined elements, including, but not limited to: (1) a population element, (2) an economic development element, (3) a natural resources element, (4) a cultural resources element, (5) a community facilities element, (6) a housing element, (7) a land use element, (8) a transportation element, and (9) a priority investment element, for the physical, social, and economic growth, development and redevelopment of the unincorporated areas of Richland County in order to promote public health, safety, and welfare of its citizens;

NOW, THEREFORE, BE IT RESOLVED that the Richland County Planning Commission does hereby recommend the attached "2009 Richland County Comprehensive Plan", dated April 6, 2009, and which includes the previously adopted "Southeast Richland Neighborhood Master Plan" (dated November 3, 2005), and the "Broad River Neighborhoods Master Plan" (dated July 6, 2006), and "The Renaissance Plan for the Decker Boulevard/Woodfield Park Area" (dated March 12, 2007), and the "Candlewood Neighborhood Master Plan" (dated December 1, 2008), all of which are incorporated into the aforementioned "2009 Richland County Comprehensive Plan", and shall remain in full force and effect; along with all attachments and maps referenced within the Plan, as provided under the South Carolina Local Government Comprehensive Planning Enabling Act of 1994, to the Richland County Council for adoption, and does hereby invoke all powers and restrictions, thereby, and as provided under Title 6, Chapter 29, of the South Carolina Code of Laws 1976, as amended.

ADOPTED this 6th day of April, 2009.


Patrick Palmer, Vice-Chair
Richland County Planning Commission

Attested by:


Joseph Kocy, Director
Planning & Development Services Department

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

AN ORDINANCE ADOPTING A COMPREHENSIVE PLAN FOR THE COUNTY OF RICHLAND, PURSUANT TO THE STATE OF SOUTH CAROLINA COMPREHENSIVE PLANNING ENABLING ACT OF 1994.

WHEREAS, the 1994 State of South Carolina Comprehensive Planning Enabling Act (Section 6-29-310, et seq., of the Code of Laws of South Carolina 1976, as amended) requires the development and adoption of a local Comprehensive Plan designed to promote public health, safety, morals, convenience, prosperity, or the general welfare as well as the efficiency and economy of the County; and

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

WHEREAS, the Imagine Richland 2020 Comprehensive Plan was amended on December 20, 2005 by the incorporation of the “Southeast Richland Neighborhood Master Plan” (dated November 3, 2005) into the Lower Richland Area Plan (Ordinance No. 104-05HR); and

WHEREAS, the Imagine Richland 2020 Comprehensive Plan was amended on October 3, 2006 by the incorporation of the “Broad River Neighborhoods Master Plan”, dated July 6, 2006, into the I-20 Interbeltway Subarea Plan (Ordinance No. 094-06HR); and

WHEREAS, the Imagine Richland 2020 Comprehensive Plan was amended on June 19, 2007 by the incorporation of “The Renaissance Plan for the Decker Boulevard/Woodfield Park Area” (dated March 12, 2007) into the I-20 Corridor Sub-area Plan (Ordinance No. 055-07HR); and

WHEREAS, the Imagine Richland 2020 Comprehensive Plan was amended on February 17, 2009 by the incorporation of “The Candlewood Neighborhood Master Plan” (dated December 1, 2008) into the Northeast Area Plan (Ordinance No. 007-09HR); and

WHEREAS, the Comprehensive Plan must be comprised of certain defined elements, including, but not limited to: (1) a population element, (2) an economic development element, (3) a natural resources element, (4) a cultural resources element, (5) a community facilities element, (6) a housing element, (7) a land use element, (8) a transportation element, and (9) a priority investment element; and

WHEREAS, pursuant to Section 6-29-510 (E), the comprehensive plan, including all elements of it, must be updated at least every ten years.

WHEREAS, the Richland County Planning Commission has recommended to County Council the adoption of such a plan, said plan being dated April 6, 2009, and entitled “2009 Richland County Comprehensive Plan”; and

WHEREAS, it appears to County Council that the Comprehensive Plan is comprised of all required elements, is proper in all other material respects, and that the adoption of the Plan is in the best interest of the County;

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

SECTION I. Pursuant to Section 6-29-530 of the Code of Laws of South Carolina 1976, as amended, Richland County Council does hereby adopt, approve, and ratify the “2009 Richland County Comprehensive Plan”, which is on file in the Planning and Development Services Department.

SECTION II. The “Southeast Richland Neighborhood Master Plan” (dated November 3, 2005), and the “Broad River Neighborhoods Master Plan” (dated July 6, 2006), and “The Renaissance Plan for the Decker Boulevard/Woodfield Park Area” (dated March 12, 2007), and the “Candlewood Neighborhood Master Plan” (dated December 1, 2008) are all incorporated into the aforementioned “2009 Richland County Comprehensive Plan” and shall remain in full force and effect.

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

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

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

RICHLAND COUNTY COUNCIL

BY: _____
Paul Livingston, Chair

ATTEST THIS THE ____ DAY

OF _____, 2009.

Michielle R. Cannon-Finch
Clerk of Council

First Reading: April 21, 2009 (tentative)
Public Hearing: April 28, 2009 (tentative)
Second Reading: April 28, 2009 (tentative)
Third Reading: May 5, 2009 (tentative)

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

