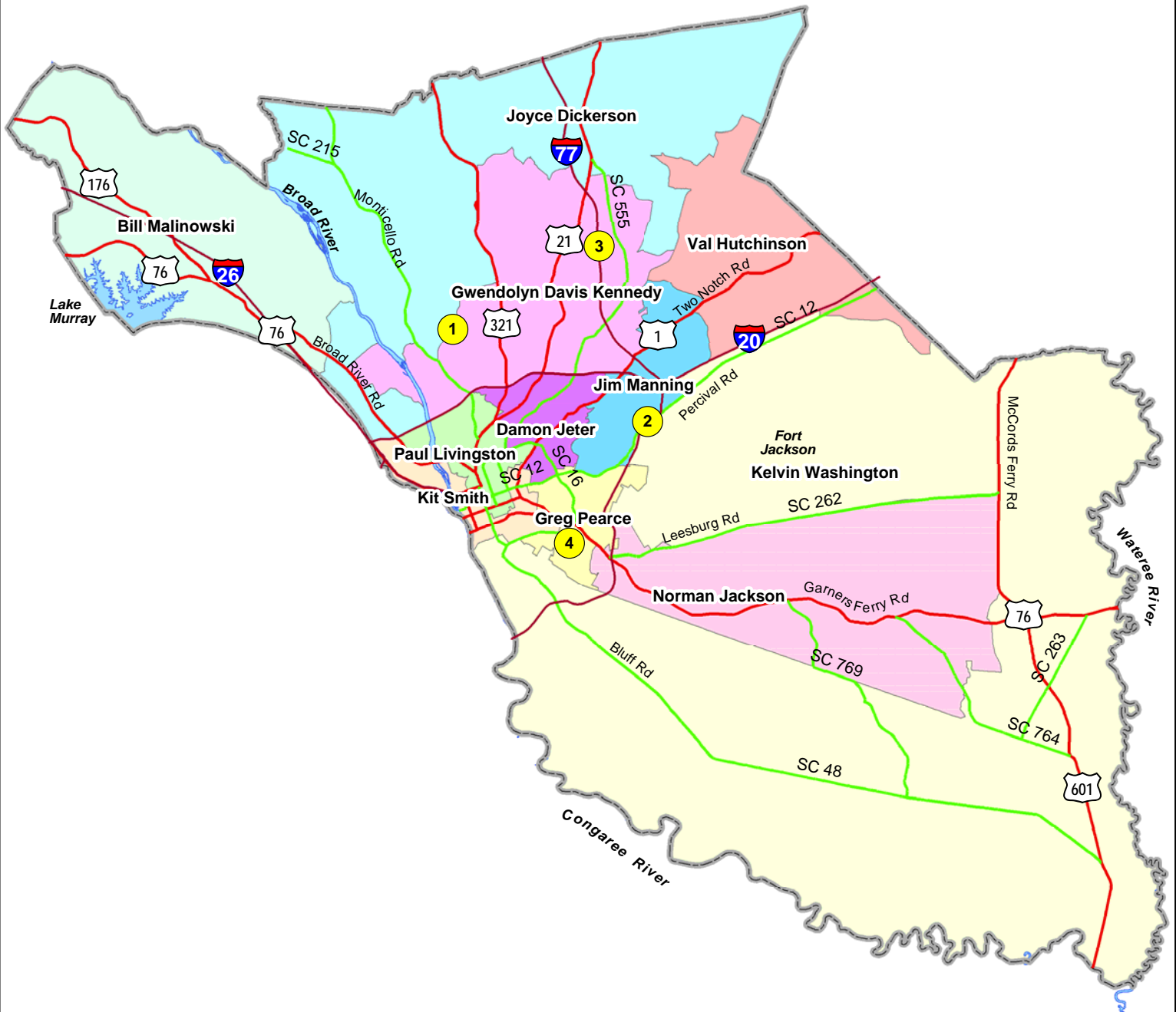


RICHLAND COUNTY COUNCIL
ZONING PUBLIC HEARING



JUNE 23, 2009

RICHLAND COUNTY PLANNING COMMISSION JUNE 1, 2009



CASE NO.	APPLICANT	TMS NO.	LOCATION	DISTRICT
1. 09-06 MA	Ted Hart	09504-04-05	Dakota Street	Kennedy
2. 09-07 MA	Duane Warr	19604-04-13 & 49	1509 & 1531 Percival Rd.	Manning
3. 09-08 MA	America's Home Place, Inc.	17400-12-02 & 03	Killian Loop	Kennedy
4. 09-09 MA	Glen Welsford	13809-04-12 (p)	4108 Rosewood Dr.	Pearce



RICHLAND COUNTY COUNCIL ZONING PUBLIC HEARING

Tuesday, June 23, 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

CASE # 09-06 MA		Page 1
APPLICANT	Ted Hart	
REQUESTED AMENDMENT	RS-LD to NC (.41 acres)	1 st Reading
TAX MAP SHEET NUMBER (S)	09504-04-05	Approved
LOCATION	Dakota St.	5-0

CASE # 09-07 MA		Page 9
APPLICANT	Duane Warr	
REQUESTED AMENDMENT	RU/RS-MD to NC (.52 acres)	1 st Reading
TAX MAP SHEET NUMBER (S)	19604-04-13 & 49	Approved
LOCATION	1509 & 1531 Percival Rd.	5-0

CASE # 09-08 MA	Michael Young	Page 17
APPLICANT	American's Home Place Inc.	
REQUESTED AMENDMENT	RU to RS-E (2.81 acres)	1 st Reading
TAX MAP SHEET NUMBER (S)	17400-12-02 & 03	Approved
LOCATION	Killian Loop	5-0

CASE # 09-09 MA		Page 25
APPLICANT	Glen Welsford	
REQUESTED AMENDMENT	RS-MD to GC (.03 acres)	1 st Reading
TAX MAP SHEET NUMBER (S)	13809-04-12(p)	Approved
LOCATION	4108 Rosewood Dr.	5-0

VIII. TEXT AMENDMENTS

SECTION 26-175, ACCESS; AND CREATING A NEW ARTICLE; SO AS TO ADDRESS TRANSPORTATION ISSUES WITHIN THE COUNTY.		
1 st Reading	Approved 7-0	Page 33

SECTION 26-180, SIGNS; SO AS TO CREATE A NEW SECTION THAT WOULD ALLOW OFF-PREMISE WEEKEND DIRECTIONAL SIGNS UNDER CERTAIN CONDITIONS.

1st Reading Approved 7-0

Page 51

SECTION 26-180, SIGNS; SO AS TO CREATE A NEW SECTION THAT WOULD ALLOW OFF-PREMISE DIRECTIONAL KIOSKS UNDER CERTAIN CONDITIONS.

1st Reading Approved 7-0

Page 57

SECTION 26-152, SPECIAL EXCEPTIONS; SUBSECTION (D), STANDARDS; PARAGRAPH (22), RADIO, TELEVISION AND TELECOMMUNICATIONS AND OTHER TRANSMITTING TOWERS; SUBPARAGRAPH C.; SO AS TO CLARIFY SETBACK REQUIREMENTS.

1st Reading Approved 7-0

Page 63

IX. ADJOURNMENT



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

PC MEETING DATE: June 1, 2009
RC PROJECT: 09-06 MA
APPLICANT: Ted Hart
PROPERTY OWNER: Ted Hart

LOCATION: Dakota Street

TAX MAP NUMBER: 09504-04-05
ACREAGE: 0.41 acres
EXISTING ZONING: RS-LD
PROPOSED ZONING: NC

PC SIGN POSTING: May 15, 2009

Staff Recommendation

Approval

Background /Zoning History

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

The site contains approximately 100 feet of frontage along Dakota Street.

Summary

The Neighborhood Commercial District is intended to accommodate commercial and service uses oriented primarily to serving the needs of persons who live or work in nearby areas. This district is designed to be located within or adjacent to residential neighborhoods where large commercial uses are inappropriate, but where small neighborhood oriented business are useful and desired.

Minimum lot area: no minimum lot area requirement except as required by DHEC. Maximum density: no more than eight (8) units per acre.

Existing Zoning

<u>North:</u>	RS-LD	Crane Forest Community
<u>South:</u>	RU	Undeveloped
<u>East:</u>	RS-LD	Crane Forest Community
<u>West:</u>	NC	Undeveloped

Plans & Policies

The Imagine Richland 2020 Comprehensive Plan “North Central Area Land Use Map” designates this area as Commercial in the Developing Urban Area.

Objective: “Types and sites of employment and services shall be located to complement residential areas, minimize adverse effects of noise, pollution, glare and traffic on residential areas.”

Compliance: The proposed Neighborhood Commercial (NC) would be located near the intersection of a residential neighborhood. Many existing parcels west and south of the site are undeveloped and would not be affected by the development of the subject parcel.

Principle: In general, commercial and office activities should be confined to existing zoned areas, and specifically to proposed locations which are shown as commercial on the land use map.

Compliance: The land use map identifies this area for commercial development.

Traffic Impact

Since the subject site is less than an acre, the traffic impacts from the subject site are insignificant. However, development of the subject site in combination with the existing adjacent Neighborhood Commercial (NC) zoned parcels to the west will generate measurable traffic impacts which will be addressed in the land development permit review process.

Compliance with Pending Comprehensive Plan - Land Use Element 2009

The pending Land Use Element designates this area as Suburban.

Throughout the suburban areas infill development should be a focus in residential, commercial and industrial areas, complementing and connecting the existing development pattern. The pending Comprehensive Plan recommends that 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.

The proposed rezoning would be consistent with the existing Neighborhood commercial (NC) zoning that is located at the intersection of Dakota Street and Blue Ridge Terrace. This parcel abuts a residential area; the intent of the Neighborhood Commercial district is to “locate within or adjacent to residential neighborhoods” where “small neighborhood oriented businesses are useful and desired”.

The subject parcel is located in the Crane Creek Neighborhood Master Plan. This Master Plan identifies 7 catalyst projects which identify areas where new development would positively impact the community. The subject parcel is located in the “Catalyst project 4” area which states the following:

“The Heyward Brockington Road/Blue Ridge Terrace location is the site of a neighborhood commercial development. This area of Crane Creek has a need for neighborhood retail such as neighborhood grocery stores and drug stores. The community suggested one-story retail with parking in the front of the buildings. The concept proposes wide pedestrian venues in front of the building for tables and chairs. The vehicular traffic on both Heyward Brockington and

Blue Ridge Terrace in combination with the single-family residential homes in Bookert Heights allows the development to be utilized by the residents in the area as well as travelers in route to I-20.”

The proposed Amendment is *in* compliance with the Pending 2009 Comprehensive Plan.

Conclusion

The subject parcel is located in the Crane Creek Neighborhood Master Plan Area. The property and adjacent properties to the west of the site have been identified as appropriate for neighborhood commercial uses in order to identify areas where new development would positively impact the community. Based upon the Crane Creek Master Plan, the subject parcel is identified as a part of “Catalyst Project 4” which proposes Neighborhood Commercial along Dakota Street and Blue Ridge Terrace.

Currently, there are several surrounding parcels that are vacant and zoned for Neighborhood Commercial uses. Staff recognizes that approval of this rezoning may result in a saturation of Neighborhood Commercial in this area, however, this rezoning is in compliance with both the “2009 Comprehensive Plan” and the “Crane Creek Neighborhood Master Plan”, and may serve as a catalyst to jumpstart revitalization and improvement in this area of the County.

The property is not currently serviced with water and sewer although adjacent parcels to the North and West have water and sewer service provided by the City of Columbia which can be extended to the parcel.

The Planning Staff recommends **Approval** of this map amendment.

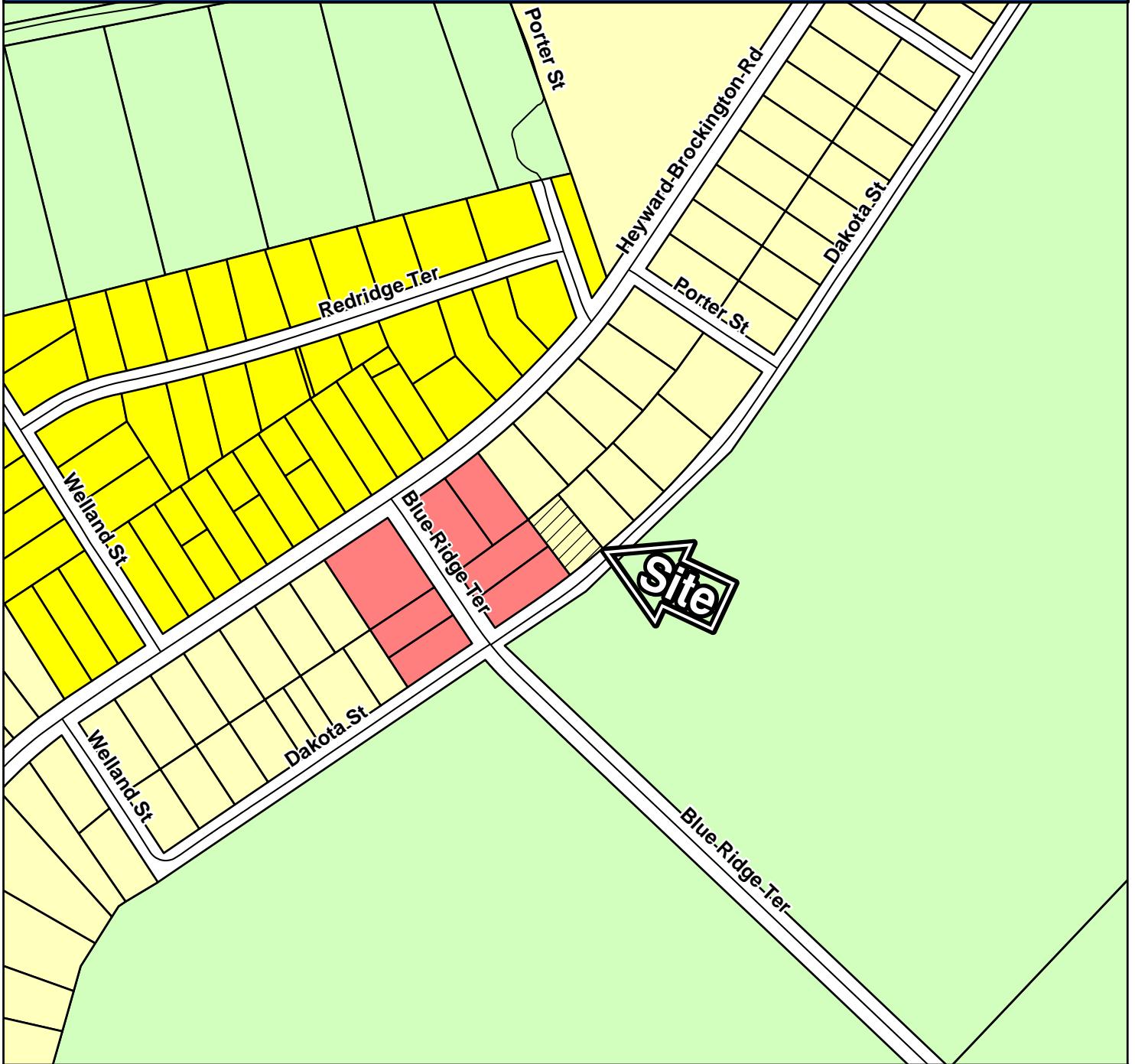
Zoning Public Hearing Date

June 23, 2009





















Planning Commission Action

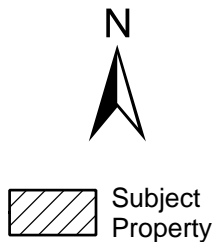
At their meeting of **June 1, 2009** the Richland County Planning Commission **agreed** with the PDSD recommendation and recommends the County Council initiate the ordinance consideration process to **approve** the proposed amendment for **RC Project # 09-06 MA** at the next available opportunity.

Case 09-06 MA RS-LD to NC

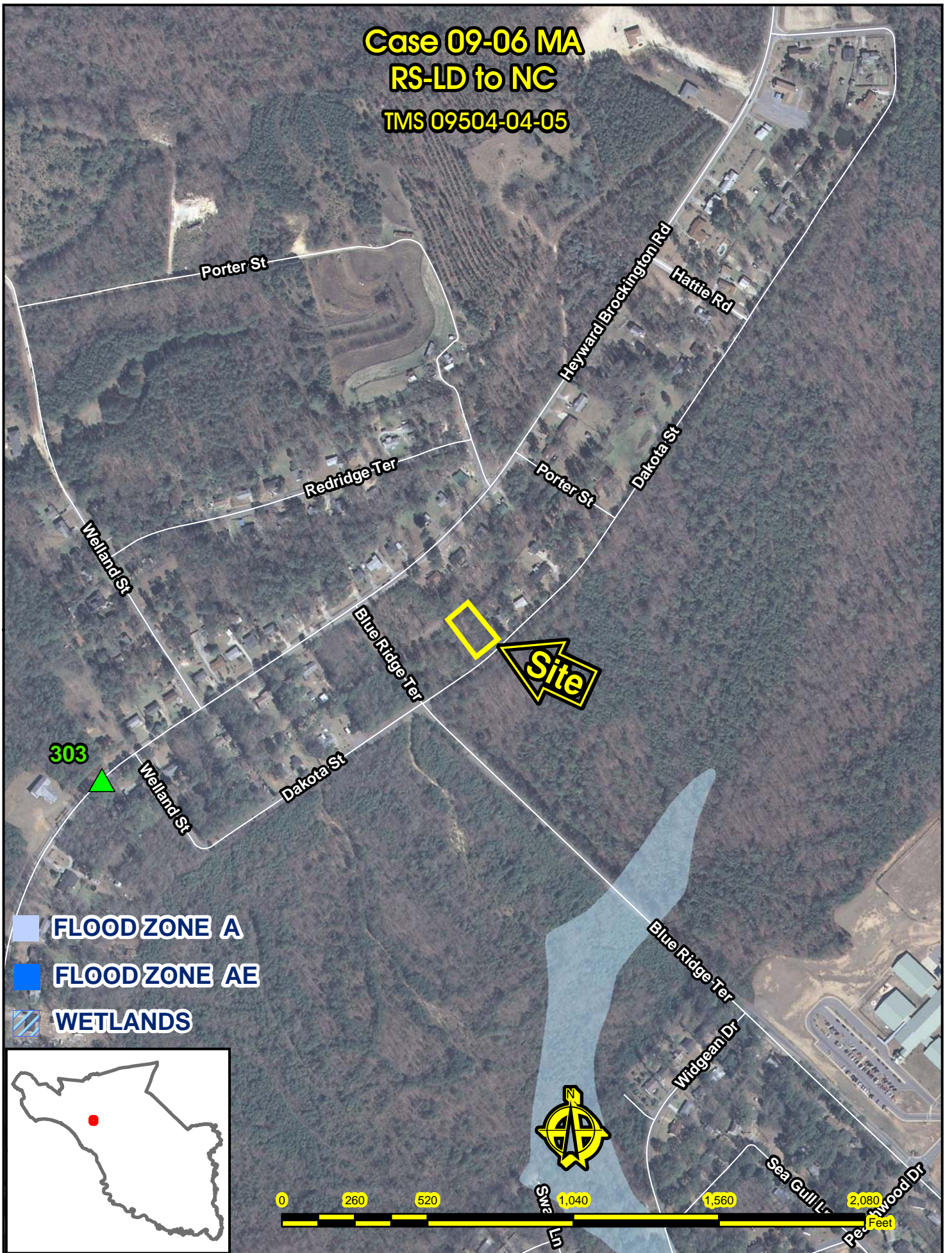


ZONING CLASSIFICATIONS

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



**Case 09-06 MA
RS-LD to NC
TMS 09504-04-05**

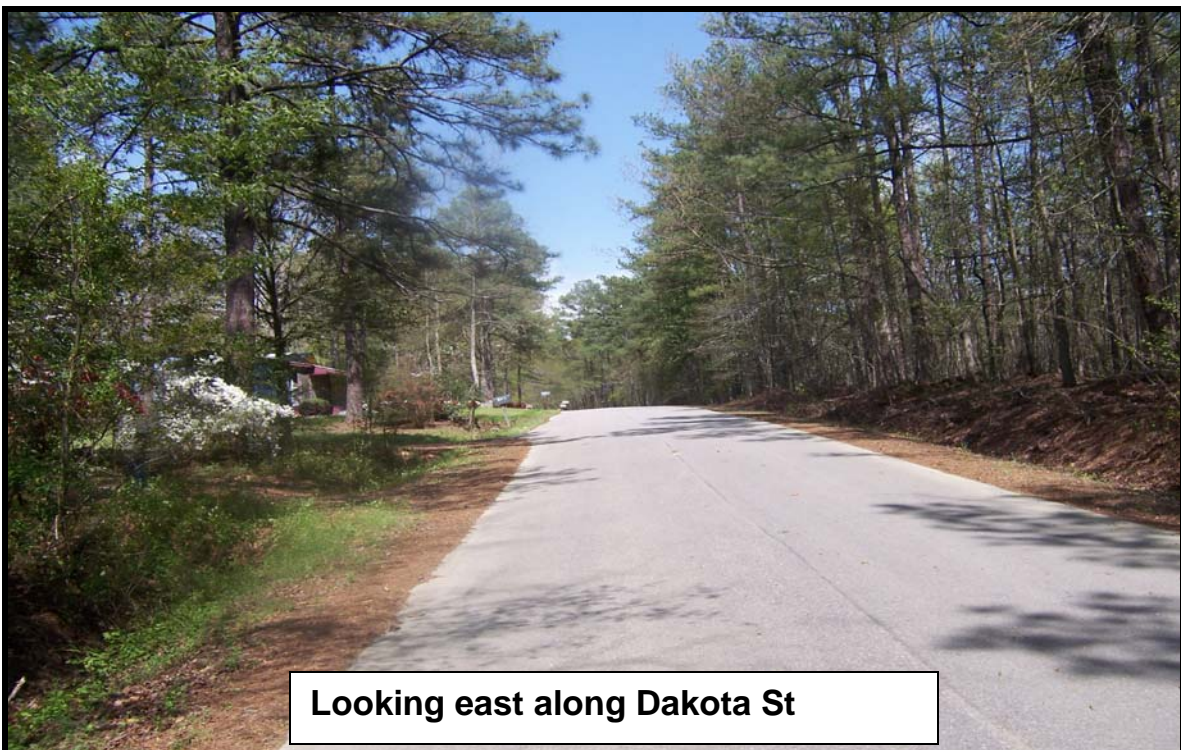


CASE 09-06 MA

From RS-LD to NC

TMS#09504-04-05

Dakota Street



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

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 # 09504-04-05 FROM RS-LD (RESIDENTIAL, SINGLE-FAMILY – LOW DENSITY DISTRICT) TO NC (NEIGHBORHOOD 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 # 09504-04-05 from RS-LD (Residential, Single-Family – Low Density District) zoning to NC (Neighborhood Commercial 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 _____, 2009.

RICHLAND COUNTY COUNCIL

By: _____
Paul Livingston, Chair

Attest this _____ day of
_____, 2009.

Michielle R. Cannon-Finch
Clerk of Council

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



Richland County Planning & Development Services Department

Map Amendment Staff Report

PC MEETING DATE: June 1, 2009
RC PROJECT: 09-07 MA
APPLICANT: Duane Warr
PROPERTY OWNER: Anthony D Roberts
LOCATION: Percival Road

TAX MAP NUMBER: 19604-04-49 & 13
ACREAGE: Lot: 49 (13,839 SF/ 0.317); Lot: 13 (8,712 SF/ 0.20)
Total Acreage: (0.52 acres)
ZONING REQUEST: RS- MD/RU to NC

PC SIGN POSTING: May 15, 2009

Staff Recommendation

APPROVAL

Background /Zoning History

According to County records the current zoning of Residential Medium Density (RS-MD) for 19604-04-49 and Rural (RU) for 19604-04-13 reflects the original zoning as adopted September 7, 1977.

The site contains approximately 317 feet of frontage along Percival Road. The subject site is slightly less than one acre in area.

Staff is aware that the subject parcels does not meet the required 2 acre threshold for rezoning. However, per Sec.26-54 (b)(2)b, *"No request from any individual, corporation or agency, other than the county council, the planning commission, the county administrator, or the **planning director** for a change in zoning classification shall be considered that involves less than two (2) acres....."*. This rezoning was initiated by the Planning Director.

Summary

The Neighborhood Commercial District is intended to accommodate commercial and service uses oriented primarily to serving the needs of persons who live or work in nearby areas. This district is designed to be located within or adjacent to residential neighborhoods where large commercial uses are inappropriate, but where small neighborhood oriented business are useful and desired.

Minimum lot area: no minimum lot area requirement except as required by DHEC. Maximum density: no more than eight (8) units per acre.

Existing Zoning		
North:	RS-MD	Single Family Homes
South:	NA	Interstate I-77
East:	RS-MD	Single Family Homes
West:	RU	Mobile homes
Plans & Policies Comprehensive Plan Revised through 1994		

The Imagine Richland 2020 Comprehensive Plan/"**I-20 Interbeltway Corridor Area Proposed Land Use Map**" designates this area as Medium Density Residential in the Established urban Area.

Objective: "Promote new development and redevelopment in areas with adequate infrastructure".

Compliance: The proposed development will be served by existing infrastructure for roads and utilities.

Principal: "Established residential areas should be protected against penetration or encroachment from higher or more intensive development"

Compliance The Neighborhood Commercial zoning would allow for a commercial business that completes a block face and would not penetrate the existing residential nature of the Woodfield community.

Traffic Impact

Percival Road in this area is a five lane undivided minor arterial road maintained by SCDOT. A five lane undivided minor arterial road has a design capacity of 24,800 trips per day. The 2007 SCDOT traffic count on this portion of Percival Road is 11,800 average daily trips, or a Level-Of-Service (LOS) B.

The Department uses a general rule of thumb of 10,000 sq. ft. of gross leasable area (GLA) per acre to estimate the maximum amount of development on non-residential sites, unless otherwise specified otherwise. A maximum 5,000 square foot of gross leasable area could be accommodated on site and the maximum traffic generated by 5,000 sq. ft. of most neighborhood commercial uses is negligible.

Compliance with <u>Pending</u> Comprehensive Plan - Land Use Element 2009

The pending Land Use Element designates this area as Suburban. Throughout the Suburban areas infill development should be a focus in residential, commercial and industrial areas, complementing and connecting the existing sprawl pattern.

Additionally, 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.

Currently, the subject parcels are zoned Rural (RU) and Residential Single Family Medium Density (RS-MD). The proposed Amendment would rezone the properties to Neighborhood Commercial (NC).

The subject parcels are both within 1/8 of a mile of Fort Jackson, the pending Future Land Use Map designates a buffer around all military installations in the County. Currently, the Central

Midlands Council of Governments (CMCOG), the City of Columbia, and Richland County are collaborating on the Joint Land Use Study (JLUS) Technical Committee to determine both compatible and incompatible uses within this buffer area. Both parcels are located within the buffer; while a list of uses has not been issued by the Joint Land Use Study Committee, early findings indicate that uses allowed in the Neighborhood Commercial zoning district would be considered compatible.

Currently, there are two vacant structures located on the subject parcels, and the applicant is requesting this rezoning in order to redevelop these structures commercially. The proposed redevelopment of the property and the proposed rezoning is in compliance with the Pending 2009 Comprehensive Plan.

Conclusion

The Neighborhood Commercial zoning district encourages location within or adjacent to residential neighborhoods where small neighborhood oriented business are useful and desired. These parcels are located adjacent to residential development and front a 5 lane minor arterial road which can accommodate additional traffic.

The manufactured homes located behind the property are separated by an existing driveway which acts as a buffer from the proposed Neighborhood Commercial (NC) zoning. While one of the parcels is adjacent to a single family residence and fronts on Fairlamb Road, the remaining parcels front Percival Rd.

The existing structures on both parcels were previously used as businesses, including an automobile upholstery shop. These properties were previously non conforming uses until the business licenses lapsed. Sewer service is provided by East Richland Sewer Service and water is provided by City of Columbia. There are currently sidewalks along this section of Percival Road. These properties present potential opportunities for infill and redevelopment in this area which is encouraged by the pending Comprehensive Plan.

Due to the size, configuration and existing creek on the subject sites the buildable area is limited. Any proposed development will be required to meet all current commercial building code requirements and comply with all Land Development Codes including parking and landscaping.

The subject properties are located within the Decker Boulevard Neighborhood Master Plan area. The neighborhood master plan recommends a residential overlay for the subject parcels. The overlay calls for mixed uses which would be appropriate for properties fronting non residential roads with adequate capacity.

Planning Staff recommends Approval of this map amendment.

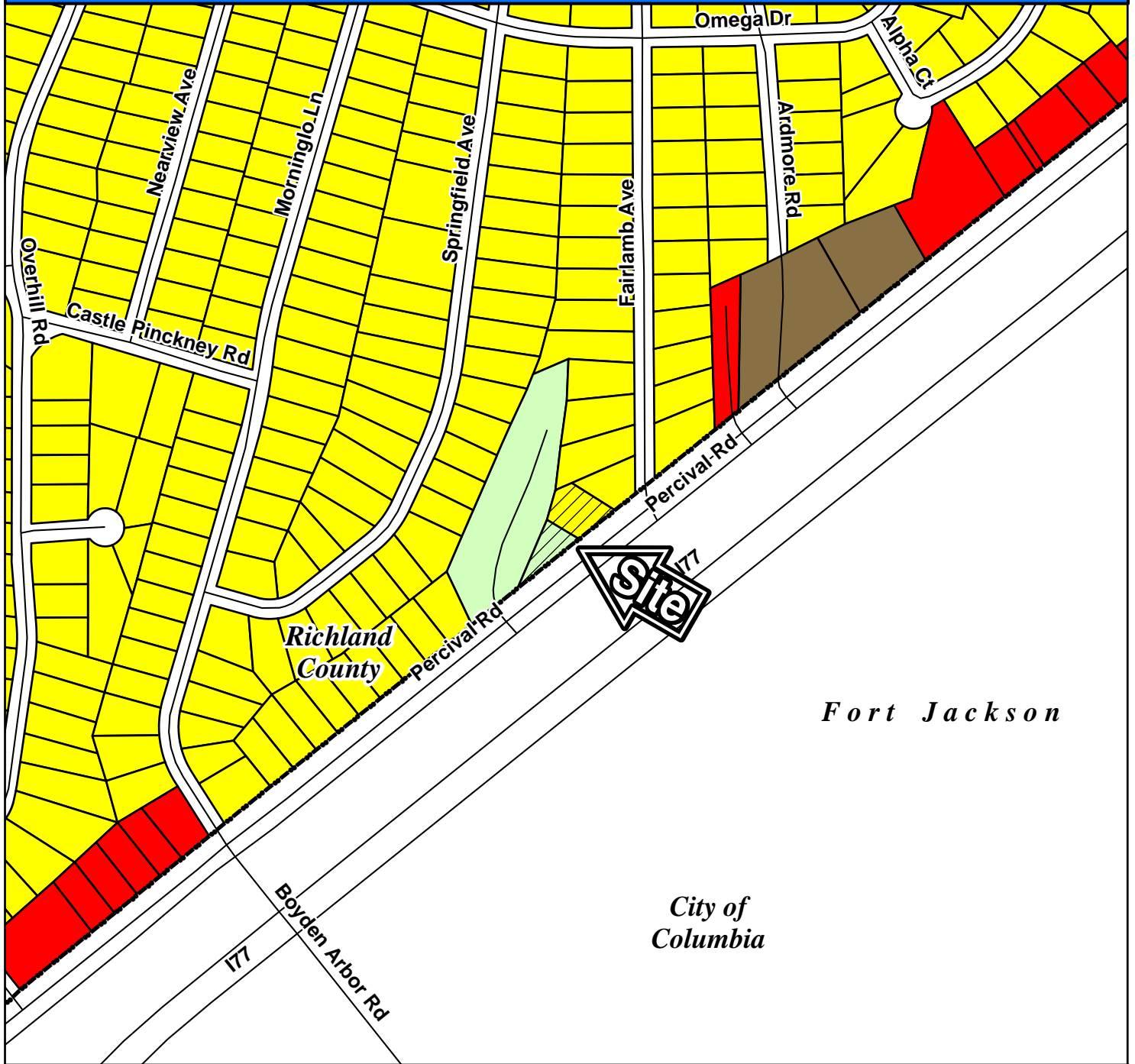
Zoning Public Hearing Date

June 23, 2009





















Planning Commission Action


At their meeting of **June 1, 2009** the Richland County Planning Commission **agreed** with the PSDS recommendation and recommends the County Council initiate the ordinance consideration process to **approve** the proposed amendment for **RC Project # 09-07 MA** at the next available opportunity.

Case 09-07 MA RU/RS-MD to NC



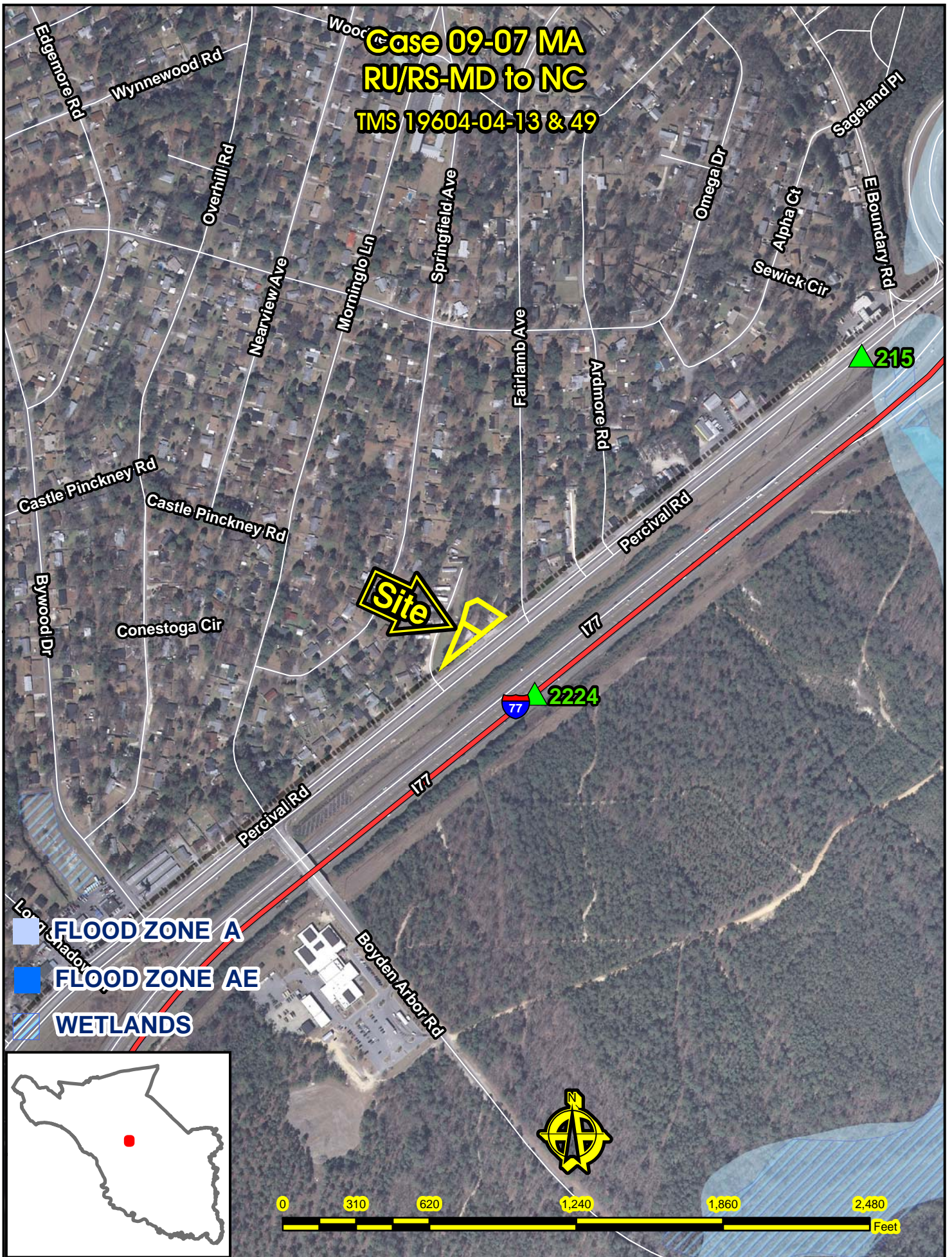
ZONING CLASSIFICATIONS

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

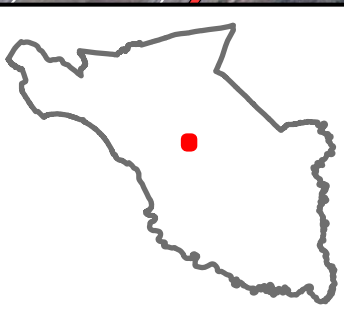
 Subject Property



**Case 09-07 MA
RU/RS-MD to NC
TMS 19604-04-13 & 49**



- FLOOD ZONE A
- FLOOD ZONE AE
- WETLANDS



CASE 09-07 MA

From RU/RS-MD to NC

TMS#19604-04-49 & 13

Percival Rd



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

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 # 19604-04-13 FROM RU (RURAL DISTRICT) TO NC (NEIGHBORHOOD COMMERCIAL DISTRICT); AND TO CHANGE THE ZONING DESIGNATION FOR THE REAL PROPERTY DESCRIBED AS TMS # 19604-04-49 FROM RS-MD (RESIDENTIAL, SINGLE-FAMILY – MEDIUM DENSITY DISTRICT) TO NC (NEIGHBORHOOD 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 # 19604-04-13 from RU (Rural District) zoning to NC (Neighborhood Commercial District) zoning.

Section II. The Zoning Map of unincorporated Richland County is hereby amended to change the real property described as TMS # 19604-04-49 from RS-MD (Residential, Single-Family – Medium Density District) zoning to NC (Neighborhood Commercial District) zoning.

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

Section V. This ordinance shall be effective from and after _____, 2009.

RICHLAND COUNTY COUNCIL

By: _____
Paul Livingston, Chair

Attest this _____ day of
_____, 2009.

Michielle R. Cannon-Finch
Clerk of Council

RICHLAND COUNTY ATTORNEY'S OFFICE

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

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



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

PC MEETING DATE: June 1, 2009
RC PROJECT: 09-08 MA
APPLICANT: America's Home Place Inc. (Scott Walter)
PROPERTY OWNER: Michael Young & Odessa Young

LOCATION: Killian Loop

TAX MAP NUMBER: 17400-12-02 & 03
ACREAGE: 2.73 acres
EXISTING ZONING: RU
PROPOSED ZONING: RS-E

PC SIGN POSTING: May 15, 2009

Staff Recommendation

Approval

Background /Zoning History

The current zoning of Rural (RU) reflects the original zoning as adopted September 7, 1977. The parcels contains 195 feet of frontage on Killian Loop.

Summary

The Residential Single Family - Estate District (RS-E) is intended to be used for single-family detached dwelling units on large "estate" lots. The requirements for this district are designed to provide for a low to medium density rural setting for residential development in areas that separate more urban communities from the truly rural portions of the County.

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 on (1) principal dwelling unit may be placed on a lot, except for permitted accessory dwellings.

- The gross density for this site is approximately: 6 dwelling units.
- The net density for this site is approximately: 4 dwelling units.

Existing Zoning		
<u>North:</u>	RU	Undeveloped
<u>South:</u>	M-1/M-1	Undeveloped/Residence
<u>East:</u>	N/A	I-77
<u>West:</u>	RU	Residence

Plans & Policies

The Imagine Richland 2020 Comprehensive Plan “I-77 Corridor Land Use Map” designates this area as Industrial in the Developing Urban Area.

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

Compliance: The proposed rezoning would allow for a reduction in minimum lot size while staying in character with the surrounding area, which is primarily residential.

Principal: Established low density residential neighborhoods should be protected against penetration or encroachment from higher more intensive development.

Compliance: The proposed rezoning would be in character with the established residential nature of the area.

Traffic Impact

The proposed RS-E zoning could allow a maximum of 6 dwelling units on the site; due to the site’s geometry and narrow road frontage, the more reasonable scenario is a total of four dwelling units.

The maximum estimated traffic generated by four dwelling units is 38 vehicle trips per day. This additional amount of traffic on Killian Loop will have an insignificant impact on its capacity.

Compliance with Pending Comprehensive Plan - Land Use Element 2009

The pending Land Use Element designates this area as Suburban Priority Investment Area.

These areas should contain a deliberate mix of residential, commercial, and civic uses. Housing should be varied at moderate densities (4-16 dwelling units per acre) and should include affordable housing.

The proposed Residential Single Family Estate District (RS-E) would create smaller minimum lot sizes that would be more compatible with the proposed housing density in the Priority Investment Area. While the RS-E zoning does not yield the intended 4-16 dwelling units per acre, it would reduce the lot size from the minimum of 33,000 square feet Rural (RU) zoning district to a smaller minimum lot size of 20,000 square feet under the Residential Single Family Estate District (RS-E).

The proposed Amendment is **not** in compliance with the Pending 2009 Comprehensive Plan, it does allow for a higher residential density than the current Rural (RU) zoning.

Conclusion

The proposed rezoning would have a minimal impact on public services and traffic.

The Residential Single Estate District (RS-E) is designed for a low to medium density rural residential development in areas that separate more urban communities from the truly rural areas. The majority of lots along Killian Loop are 3/4 acre lots or larger. The Residential Single Estate District (RS-E) would allow for a smaller lot than the minimum 33,000 sq ft in the Rural District (RU) but would be more compatible given the existing character of the area. The area lots are serviced by well and septic systems.

While the 2009 Comprehensive Plan designates this areas as a Suburban Priority Investment Area which should be developed at 4-16 dwelling units per acre, this parcel does not currently contain water and sewer. While the future may present an opportunity to develop this area with higher density, presently a lower density residential zoning, such as Residential Single Family – Estate District (RS-E) is more compatible.

The Planning Staff recommends **Approval** of this map amendment.

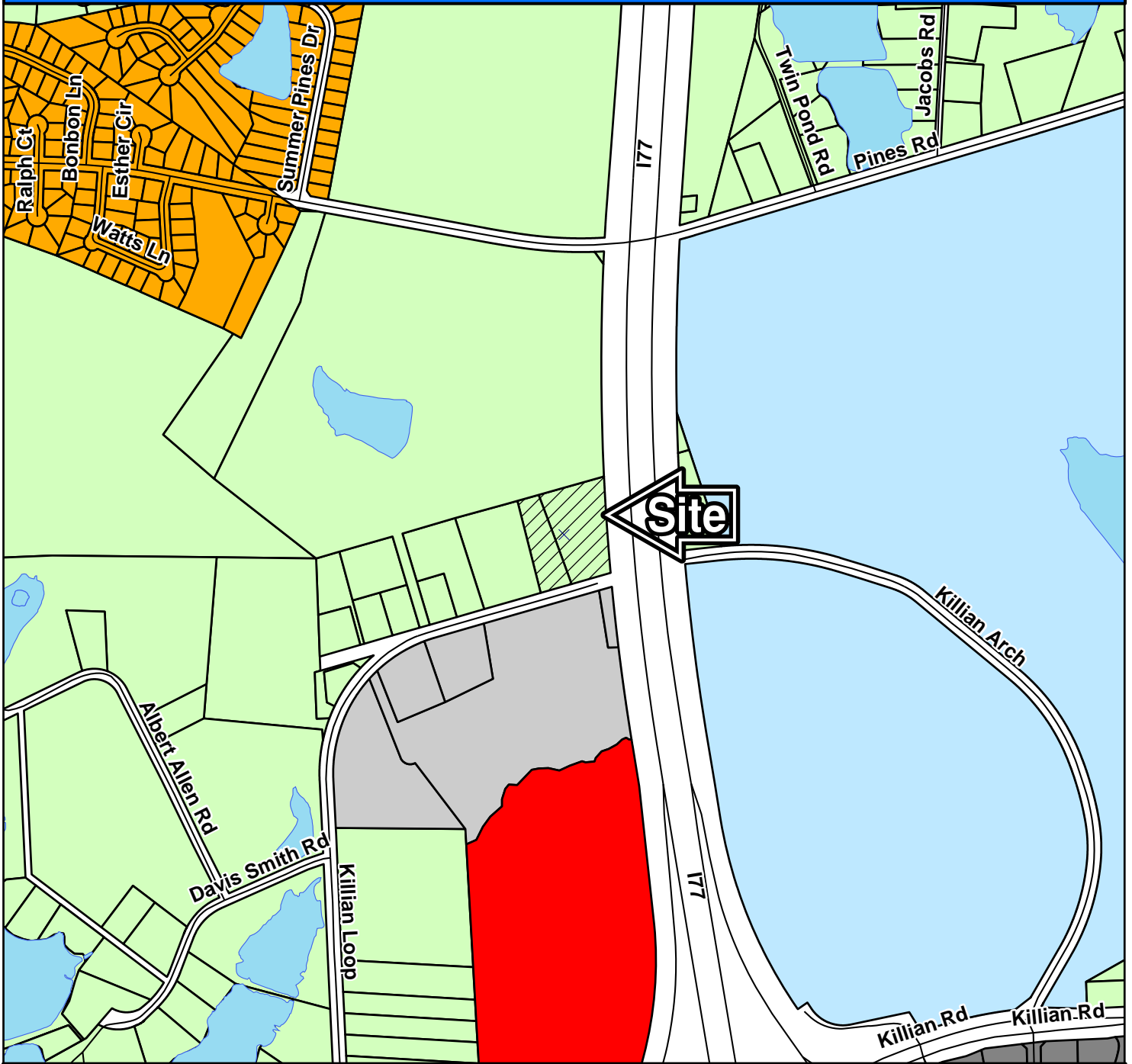
Zoning Public Hearing Date

June 23, 2009























Planning Commission Action

At their meeting of **June 1, 2009** the Richland County Planning Commission **agreed** with the PSDS recommendation and recommends the County Council initiate the ordinance consideration process to **approve** the proposed amendment for **RC Project # 09-08 MA** at the next available opportunity.

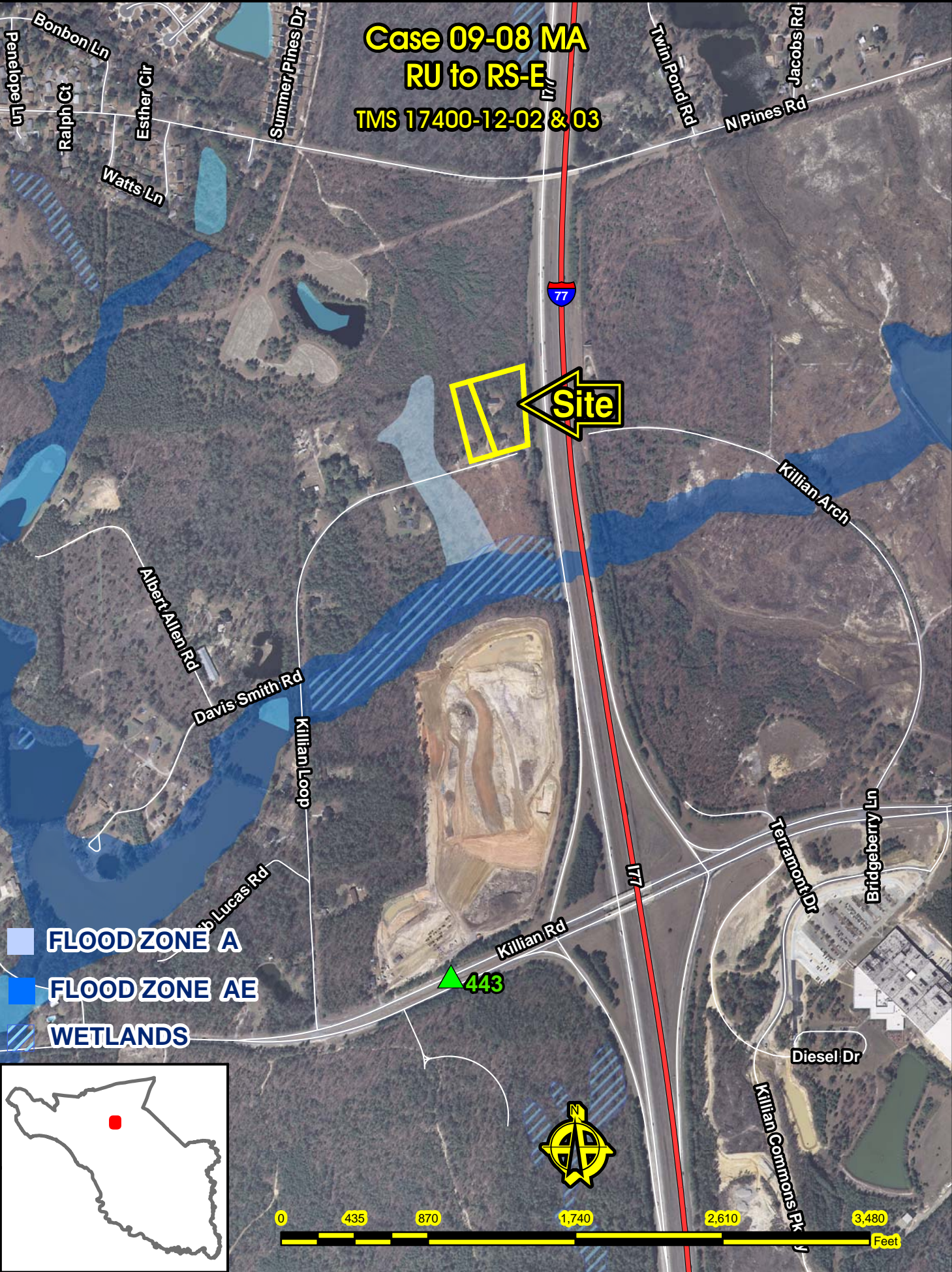
Case 09-08 MA RU to RS-E



ZONING CLASSIFICATIONS

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

Case 09-08 MA RU to RS-E TMS 17400-12-02 & 03



CASE 09-08 MA

From RU/RU to RS-E

TMS#17400-12-02 & 03

Killian Loop



Looking north at property



Looking west of site along Killian Loop

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

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 PROPERTIES DESCRIBED AS TMS # 17400-12-02/03 FROM RU (RURAL DISTRICT) TO RS-E (RESIDENTIAL, SINGLE-FAMILY – ESTATE 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 properties described as TMS # 17400-12-02/03 from RU (Rural District) zoning to RS-E (Residential, Single-Family – Estate 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 _____, 2009.

RICHLAND COUNTY COUNCIL

By: _____
Paul Livingston, Chair

Attest this _____ day of
_____, 2009.

Michielle R. Cannon-Finch
Clerk of Council

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



Richland County Planning & Development Services Department

Map Amendment Staff Report

PC MEETING DATE: June 1, 2009
RC PROJECT: 09-09 MA
APPLICANT: Glen Welsford
PROPERTY OWNER: Glen Welsford

LOCATION: 4801 Rosewood Dr.

TAX MAP NUMBER: 13809-04-12 (P)
ACREAGE: 0.03 acres (estimated)
EXISTING ZONING: RS-MD
PROPOSED ZONING: GC

PC SIGN POSTING: May 15, 2009

Staff Recommendation

Approval

Background /Zoning History

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

Summary

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

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

Existing Zoning		
<u>North:</u>	GC	Real estate business
<u>South:</u>	RS-MD	Residence
<u>East:</u>	RS-MD	Residence
<u>West:</u>	RS-MD	Residence

Plans & Policies

The Imagine Richland 2020 Comprehensive Plan “Lower Richland Land Use Map” designates this area as Residential in the Established Urban Area.

Objective: “Types and sites of employment and services shall be located to complement residential areas; minimize adverse effects of noise, pollution, glare and traffic on residential areas.”

Compliance: The proposed rezoning would allow for an existing parking area in the Residential Single Family Medium Density District (RS-MD) to be rezoned and recognized as parking for the existing commercial business established along the boundary of the residential neighborhood. This parking area and commercial is buffered from the contiguous residential area by a wooden privacy fence.

Principle: “Established low density residential neighborhoods should be protected against penetration or encroachment from higher more intensive development.”

Compliance: The proposed rezoning would be located on the fringe on an established residential area. The property is currently zoned residential and is being utilized as a parking lot for the commercially zoned northern parcel.

Traffic Impact

There is no additional traffic impact on the adjacent road system.

Compliance with Pending Comprehensive Plan - Land Use Element 2009

The pending Land Use Element designates this area as Urban.

These areas should contain a deliberate mix of residential, commercial, and civic land uses, with many multi-story buildings, complete utilities and full local government services. Housing types should be varied, at higher densities (8 or more units per acre).

Commercial uses in urban areas should be located at traffic junctions, along arterial roads, or in areas where existing commercial and office uses are located. Commercial uses in residential areas are appropriate when they complete a block face. The rezoning request would be an additional to a parcel that currently from Rosewood Dr. Ext., which is considered a minor arterial road.

The proposed General Commercial District (GC) would allow for a commercial use within walking distance of the surrounding residential neighborhood and Midlands Technical College. While the subject property is too small to facilitate a mix of uses, the subject property will be combined with the existing General Commercial (GC) parcel that contains street frontage along Rosewood Drive.

The proposed Amendment is in compliance with the Pending 2009 Comprehensive Plan.

Conclusion

The proposed rezoning of the subject property to a General Commercial District (GC) would bring the existing nonconforming Residential Single Family District (RS-MD) into compliance with the Land Development Code. It is the intent of the property owner to combine the rezoned parcel with the existing northern parcel currently zoned General Commercial (GC) parcel (TMS#13809-04-16). The existing General Commercial (GC) parcel contains 62 feet of frontage along Rosewood Drive Extension and is located within 175 feet of the intersection of Rosewood Drive and Beltline Boulevard. While the GC zoning allows 16 dwelling units per acre, the combined lots would result in less than a quarter of an acre and would not gross more than two (2) units.

The proposed rezoning would have minimal impact on public services and traffic. It should be noted, this parcel is located in an area predominately surrounded by the City of Columbia; and water and sewer is provided by the City of Columbia.

The Planning Staff recommends **Approval** of this map amendment.

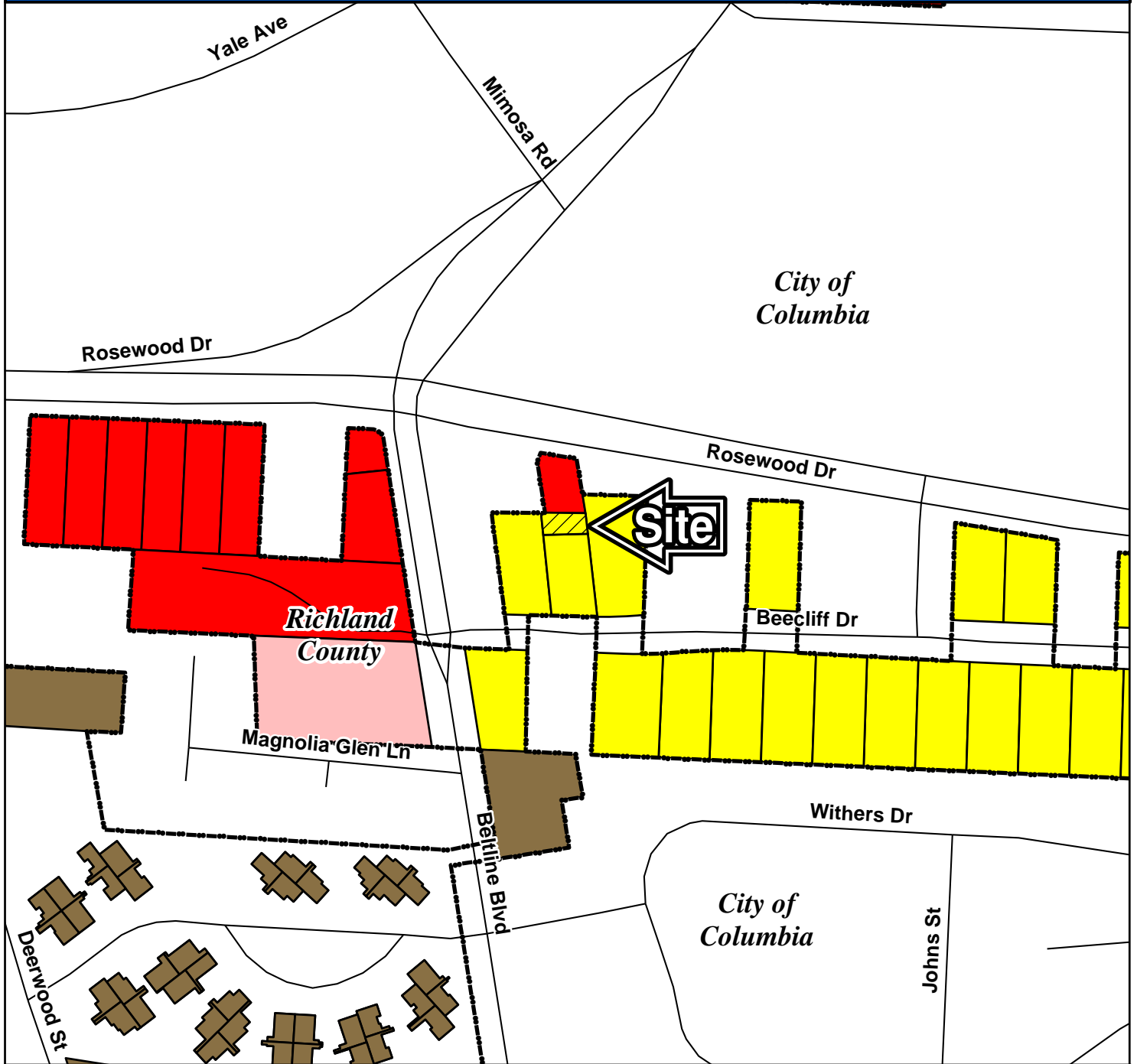
Zoning Public Hearing Date

June 23, 2009





















Planning Commission Action


At their meeting of **June 1, 2009** the Richland County Planning Commission **agreed** with the PSDS recommendation and recommends the County Council initiate the ordinance consideration process to **approve** the proposed amendment for **RC Project # 09-09 MA** at the next available opportunity.

Case 09-09 MA RS-MD to GC



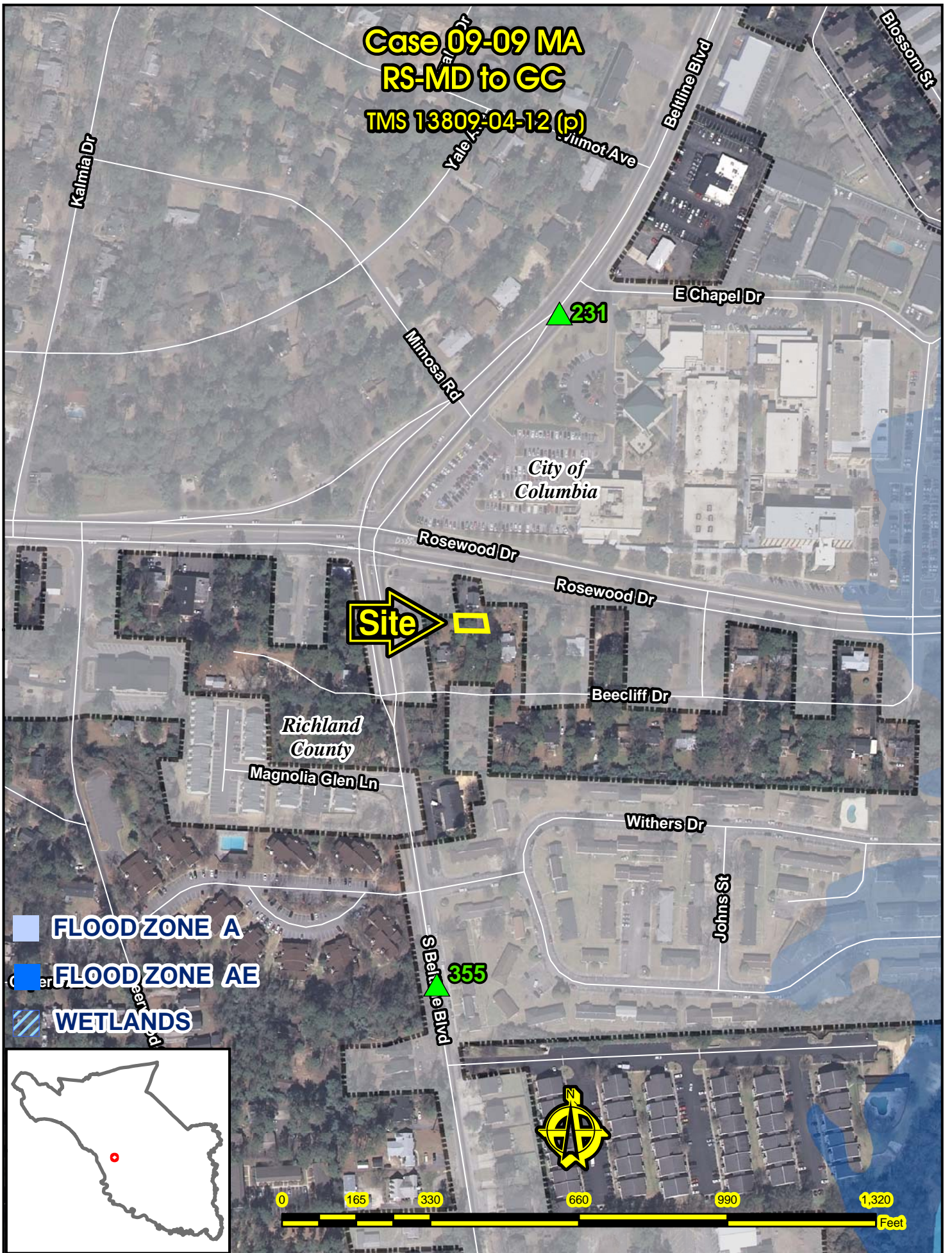
ZONING CLASSIFICATIONS

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

 Subject Property



**Case 09-09 MA
RS-MD to GC
TMS 13809:04-12 (p)**



CASE 09-09 MA

From RS-MD to GC

TMS#13809-04-12 (P)

Rosewood Drive



Looking South at subject property



Looking North at GC property

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

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 A PORTION OF TMS # 13809-04-12 FROM RS-MD (RESIDENTIAL, SINGLE-FAMILY – MEDIUM DENSITY 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 a portion of TMS # 13809-04-12 (described in Exhibit A, which is attached hereto), from RS-MD (Residential, Single-Family – Medium Density District) zoning to GC (General Commercial 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 _____, 2009.

RICHLAND COUNTY COUNCIL

By: _____
Paul Livingston, Chair

Attest this _____ day of
_____, 2009.

Michielle R. Cannon-Finch
Clerk of Council

RICHLAND COUNTY ATTORNEY'S OFFICE

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

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

EXPLANATION OF TRANSPORTATION ORDINANCE

Title:

AN ORDINANCE AMENDING THE RICHLAND COUNTY CODE OF ORDINANCES; CHAPTER 26, LAND DEVELOPMENT; SECTION 26-22, DEFINITIONS; SECTION 26-54, SUBDIVISION REVIEW AND APPROVAL; SECTION 26-52, AMENDMENTS; SECTION 26-54, SUBDIVISION REVIEW AND APPROVAL; SECTION 26-59, PLANNED DEVELOPMENT REVIEW/APPROVAL; SECTION 26-102, TC TOWN AND COUNTRY DISTRICT; SECTION 26-175, ACCESS; AND CREATING A NEW ARTICLE; SO AS TO ADDRESS TRANSPORTATION ISSUES WITHIN THE COUNTY.

Background:

Since 2005, the Land Development Code (LDC) has required preparation of a traffic management plan for certain projects. The data collected by these projects is very valuable for transportation project planning and capital improvement programming. After four years of experience with the process, some changes in the thresholds and the process are required to more realistically address the actual traffic impacts on the adjacent road network.

The current thresholds in the LDC for requiring a Traffic Management Plan (TMP) are based on the 1996 SCDOT Access & Roadside Management Standards (ARMS) document. The thresholds were based on the project size rather than on the trips generated by the project.

For example, a TMP is required for a 100,000 sq. ft. non-residential project, regardless of size or traffic capacity of the adjacent roads. A 100,000 sq. ft. business park will generate about 1300 trips per day. The same sized warehouse will generate about 500 trips per day and a light industrial facility will generate about 700 trips per day. A 100,000 sq. ft. super discount store will generate about 4700 trips per day. Retail land uses have very high trip generation rates.

The current LDC requires all proposed PDD and Town & Country zoning projects, regardless of size or land use, to prepare a TMP. The minimum PDD size is 2.0 acres and the minimum T&C size is 40 acres.

In August 2008, the SCDOT promulgated a revised version of the Access & Roadside Management Standards (ARMS). Among the other changes, this version of the ARMS changes the thresholds for access management to those generally recommended by the Transportation Research Board Highway Capacity Manual and the Institute of Traffic Engineers Traffic Engineering Handbook, the nationally recognized authorities for transportation issues. The new ARMS also changed the traffic report thresholds from an arbitrary land use amount basis to an actual traffic generated basis.

Since all land use decisions have traffic impacts on the public road system, it is critical for the County to closely coordinate land development project reviews with the SCDOT. The ARMS specifically recognizes this relationship by stating "...The Department (SCDOT) shall not issue a permit for encroachment that meets local standards, but violates the provisions of the ARMS. **Similarly, the Department's issuing of an encroachment permit does not relieve the applicant of the need to comply with local requirements, even if more restrictive...**"

In summary, the current TMP process does not accurately reflect the actual project traffic generated or its actual effects on the adjacent roads. In order to be as consistent as possible with SCDOT requirements and to reduce duplication of project review submission requirements between the County and SCDOT, the proposed LDC changes closely reflect the new ARMS document requirements. The attached ordinance proposes changes to this process and establishes a new Article XIII in the LDC dealing with transportation issues.

What this ordinance will do:

The Department proposes to change the TMP name to a Traffic Impact Assessment (TIA). The TMP has never been a true "management" plan. It has always been an "assessment" of the traffic impacts of various projects.

Proper management of the access points (driveways and intersections) to the adjacent roadway is critical to reduce accidents and maintain, or improve, traffic flow. Section 26-175 of the LDC contains the access management regulations. These regulations are based on the 1996 ARMS.

The new ARMS document includes revised requirements for the construction and spacing of access points. The proposed Tables 26-VII-4 and 26-VII-5, with some minor modification, are based on similar tables and text in the new ARMS.

The proposed ordinance includes numerous additions to the definitions regarding transportation issues as well as text changes reflecting the effects of the new TIA threshold. The new threshold for requiring a TIA is changed to an actual projects traffic generation basis rather than an arbitrary land use amount basis (see new Article XIII). The proposed process and requirements are virtually the same as those in the ARMS.

The proposed TIA threshold is as follows:

A TIA shall be required for all proposed land development projects, or phases thereof, and zoning map amendments, for which the estimated cumulative effect will: 1) cause the annual average daily traffic count on the roadway(s) adjacent to the subject site to increase by more than fifteen percent (15%) of its design capacity; or 2) cause the Volume-to-Capacity (V/C) ratio on any

adjacent roadway(s) to exceed 1.35; or 3) results in 100, or more, PM peak hour (PMPH) trips, whichever is applicable.

The effect of the new threshold is to eliminate the TIA requirement for 50 lot subdivisions and all 100,000 sq. ft non-residential projects that don't trip the threshold. A 100,000 sq. ft light industrial center would not automatically be required to do a TIA, but would be required IF it exceeded the threshold requirements. A PDD or T&C zoning project would not automatically be required to do a TIA.

Proposed section 26-213 establishes the TIA review process. A mandatory pre-application conference is required to establish the study parameters. No later than 15 days after a TIA is submitted, the Department will provide an applicant with a sufficiency determination. No later than 30 days after a TIA application is received, unless the TIA found not sufficient, the Department shall provide its written comments and recommendations to the applicant.

The ordinance also provides for the applicant, the County and/or the SCDOT to enter into voluntary traffic mitigation agreement based on the recommendations in the TIA. This provision allows, **but does not require**, execution of an agreement to mitigate only those deficiencies attributable to the proposed project. York County's experience in this process has found many applicants are willing to pay their fair share of the traffic impacts attributable to their project because it improves the marketability of the project.

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

AN ORDINANCE AMENDING THE RICHLAND COUNTY CODE OF ORDINANCES; CHAPTER 26, LAND DEVELOPMENT; SECTION 26-22, DEFINITIONS; SECTION 26-54, SUBDIVISION REVIEW AND APPROVAL; SECTION 26-52, AMENDMENTS; SECTION 26-54, SUBDIVISION REVIEW AND APPROVAL; SECTION 26-59, PLANNED DEVELOPMENT REVIEW/APPROVAL; SECTION 26-102, TC TOWN AND COUNTRY DISTRICT; SECTION 26-175, ACCESS; AND CREATING A NEW ARTICLE; SO AS TO ADDRESS TRANSPORTATION ISSUES WITHIN THE COUNTY.

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

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

Access and Roadside Management Standards (ARMS). A document promulgated by SCDOT to establish uniformity for encroachment into the South Carolina State Highway System facilities.

Access management. A process of providing and managing pedestrian and vehicular access from adjacent properties onto roadways, thus preserving safe and efficient traffic flow on the roadway. It includes, but is not limited to, limiting points of access, installation of medians and/or installation of traffic signals. It specifically recognizes that all properties are entitled to access, but not necessarily direct access, to adjacent public roads.

Access point. An intersection, driveway, or any entry point on the right hand side of a road. An entry point on the opposite side of a road or a median opening may be considered an access point, if it is expected to influence traffic flow in the direction of interest.

AM Peak Hour (AMPH). The estimated average hourly traffic volume on a given roadway segment between 7:00 AM and 9:00 AM.

Annual Average Daily Trips (AADTs). The average twenty-four (24) hour traffic volume on a given roadway segment over a three hundred sixty-five (365) day period.

Arterial road - minor. A SCDOT designated roadway, as depicted on their “Functional Classification Map for the Columbia Urbanized Area”, that carries a mix of local and through traffic and which links collector roads, and sometimes local streets, with principal arterials.

Arterial road - principal. ~~A freeway, expressway or a road or highway that is used or intended to be used for moving either heavy vehicular traffic volumes or high-speed traffic or both on which average daily traffic exceeds four thousand (4,000) vehicles or more.~~ A SCDOT designated roadway, as depicted on their “Functional Classification Map for the Columbia Urbanized Area”, that is primarily intended to provide traffic service between urban areas.

Capital Improvement Plan (CIP). A general description of all existing public facilities and their existing deficiencies within the service area or areas of the governmental entity, a reasonable estimate of all costs, and a plan to develop the funding resources including existing sources of revenues related to curing the existing deficiencies including, but not limited to, the upgrading, updating, improving, expanding, or replacing of these facilities to meet existing needs and usage; and otherwise complies with the requirements of Section 6-1-960 (B) of the S.C. Code of Laws.

Central Midlands Council of Governments (CMCOG). An association of local governments in Fairfield, Newberry, Lexington, Richland and portions of Kershaw and Calhoun counties to address multi-jurisdictional problems and opportunities.

Columbia Area Transportation System (COATS). The transportation planning process for the Columbia metropolitan area administered by the MPO.

Collector road. A road that is used or intended to be used for moving traffic from minor and local roads to arterial roads, including the circulation road or roads of a residential development and including the proposed transportation network roads which are shown on the development plan maps adopted by the Richland County Planning Commission. Average daily traffic exceeds two thousand (2,000) vehicles or more, but less than four thousand (4,000) vehicles. A roadway which provides connection between the arterial road system and local roads as well as traffic circulation within residential, commercial and industrial areas.

Driveway. Any paved or unpaved way that provides access to property and is intended for vehicular access from a highway, street, or road.

Design capacity. The volume of annual average daily trips (AADTs) of a given roadway segment at which traffic flows with minimal delay. The design capacity is based on the geometry of the roadway segment and its functional classification.

Encroachment permit. A permit issued by the County on county maintained roadways or by SCDOT on state maintained roadways to use a public right-of-way for any purpose.

Federal Highway Administration (FHWA). The agency that administers federal surface transportation regulations and provides funding for federal roads and MPO activities.

Functional classification. An FHWA process, adopted by SCDOT and the MPO, by which roads are grouped into classes, or systems, according to the character of the service they are intended to provide. The MPO classifies roads as interstate, principal arterial, minor arterial or collector.

Level of Service (LOS). A qualitative term describing how the traffic flow on a given road segment is perceived by its users, i.e. good conditions = A or B; tolerable conditions = C or D; and intolerable conditions = E or F. This relationship is measured by its current traffic volume to its engineering designed traffic volume ratio (v/c):

LOS A = a v/c ratio of 0.00 to 0.49

LOS B = a v/c ratio of 0.50 to 0.74

LOS C = a v/c ratio of 0.75 to 1.00

LOS D = a v/c ratio of 1.01 to 1.15

LOS E = a v/c ratio of 1.16 to 1.34

LOS F = a v/c ratio of 1.35 plus

Metropolitan Planning Organization (MPO). The transportation policy-making body consisting of representatives of the local governments in urbanized area of the midlands as designated by the U.S. Census Department. It includes most of Richland and Lexington Counties and a small portion of Kershaw and Calhoun Counties. The CMCOG is the MPO for this metropolitan area.

PM Peak Hour (PMPH). The estimated average hourly traffic volume on a given roadway segment between 4:00 PM and 6:00 PM.

Safe access. The minimum number of access points, direct, or indirect, necessary to provide safe ingress and egress to the state and local road system in consideration of the existing, and projected, traffic volume and the type and density/intensity of adjacent land uses.

South Carolina Department of Transportation (SCDOT). The State agency responsible for maintaining state and federal roads and administering distribution of the state and federal gas tax funds.

Traffic management plan Traffic Impact Assessment (TIA). An evaluation of the effect of traffic generated by a development on the operation and safety of the adjacent public roads. Such analysis shall include an identification of traffic impact mitigation measures needed to improve the safety, operation, and flow of vehicular and pedestrian movement into and out of the development. A document which analyzes the transportation impacts of proposed land development projects on the adjacent roadways, nearby intersections and affected property owners and provides recommended mitigation measures to address the identified impacts.

Traffic mitigation agreement. A written agreement among Richland County, SCDOT and the applicant to allow the LOS mitigation measures identified in the TIA to be provided in a timely manner. At a minimum, the agreement shall include:

- 1) A specific list of the required mitigation measures and preliminary cost estimates.
- 2) A timetable by which the improvements will be phased and/or completed.
- 3) A proportionate cost sharing agreement for such improvements.
- 4) An designation of the party, or parties, responsible to ensure the recommended improvement is completed in a timely manner; and
- 5) Any other such matters as may be appropriate to the specific agreement.

Transportation Improvement Plan (TIP). A schedule of transportation capital improvement projects prepared by the MPO which are programmed for completion within the next six years.

Volume-to-Capacity Ratio (V/C). The volume of traffic on a roadway segment (determined by traffic counts) divided by the engineering design capacity (volume) of the roadway, expressed as a ratio. The v/c ratio is a critical component of long range traffic forecast models and prioritizing road improvement projects for inclusion in the TIP and the County's CIP.

SECTION II. The Richland County Code of Ordinances, Chapter 26, “Land Development”; is hereby amended by substituting the new term “Traffic Impact Assessment” for the term “Traffic Management Plan” wherever such term is found within the chapter.

SECTION III. The Richland County Code of Ordinances, Chapter 26, “Land Development”; Article IV, “Amendments and Procedures”; Section 26-52, “Amendments”; Subsection (b), “Initiation of Proposals”; Paragraph (2), “Zoning Map Amendments”; Subparagraph b., “Minimum Area for Zoning Map Amendment Application”; is hereby amended to read as follows:

- b. *Minimum area for zoning map amendment application.* No request ~~from any individual, corporation or agency, other than the county council, the planning commission, the county administrator, or the planning director,~~ for a change in zoning classification shall be considered that involves an area of less than two (2) acres, except ~~that the following changes may be made to apply to areas of less than two (2) acres~~ that involve one of the following:
1. An extension of ~~an~~ the same existing zoning district boundary.
 2. An addition or extension of RM-MD zoning contiguous to an existing RM-HD or RS-HD zoning district.
 3. An addition of OI zoning contiguous to an existing commercial or ~~industrial~~ residential zoning district.
 4. An addition of NC zoning contiguous to an existing commercial or ~~industrial~~ residential zoning district ~~other than OI.~~
 5. An addition of GC zoning contiguous to an existing industrial zoning district.
 6. A zoning change where property is contiguous to a compatible zoning district lying within another county or jurisdiction.
 - ~~7. A zoning change where property is contiguous to a compatible land use lying within another county or jurisdiction that does not provide zoning or similar regulations, provided that the area containing the similar uses is at least two (2) acres in size.~~
 87. A zoning change for a nonconforming use created by this chapter that is contiguous to compatible land uses.
 8. A zoning change for a parcel located within an adopted neighborhood master plan area and which has a compatible adopted neighborhood zoning district.

SECTION IV. The Richland County Code of Ordinances, Chapter 26, “Land Development”; Article IV, “Amendments and Procedures”; Section 26-54, “Subdivision Review and Approval”; Subsection (b), “Processes”; Paragraph (3), “Major Subdivision Review”; Subparagraph a., “Applicability”; is hereby amended to read as follows:

- 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 few than fifty (50) lots shall not be required to install sidewalks along roads abutting the development ~~and shall not be required to submit a traffic management plan.~~

SECTION V. The Richland County Code of Ordinances, Chapter 26, “Land Development”; Article IV, “Amendments and Procedures”; Section 26-54, “Subdivision Review and Approval”; Subsection (b), “Processes”; Paragraph (3), “Major Subdivision Review”; Subparagraph c., “Plan Submittal”; Clause 1., “Filing of Application”; is hereby amended to read as follows:

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. ~~Plans shall include a traffic management plan.~~

SECTION VI. The Richland County Code of Ordinances, Chapter 26, “Land Development”; Article IV, “Amendments and Procedures”; Section 26-54, “Subdivision Review and Approval”; Subsection (b), “Processes”; Paragraph (3), “Major Subdivision Review”; Subparagraph d., “Sketch Plan Review and Approval”; Clause 3., “Formal Review”; Sub-clause [b], Decision by the Planning Commission; is hereby amended to read as follows:

- [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] Traffic management plan findings and proposals are accepted by the county and needed improvements are included in the plan. This shall include all appropriate access management techniques to provide safe vehicular and pedestrian ingress and egress to and through the subject site.~~
- [43] 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).
- [54] 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.

SECTION VII. The Richland County Code of Ordinances, Chapter 26, "Land Development"; Article IV, "Amendments and Procedures"; Section 26-59, "Planned Development Review/Approval"; Subsection (c), "Plan Submittal"; Paragraph (1), "Filing of Application"; is hereby amended to read as follows:

- (1) *Filing of application.* Each application for a PDD shall consist of an application for a zoning map amendment (see Section 26-52 of this chapter) and an application for a land development permit (see Section 26-53 of this chapter) for the proposed development plan. ~~All requirements for both types of applications must be met. Plans shall include a traffic management plan.~~ Plans shall be submitted by the property owner or an authorized agent.

SECTION VIII. 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 (10), "Design and Operation Standards"; Subparagraph b., "Roads/Traffic Impacts"; Clause 4., "Traffic Management Plan"; is hereby deleted in its entirety.

- ~~4. *Traffic management plan.* A traffic management plan, conducted by a registered engineer, must accompany the application for a TC District~~

~~analyzing the traffic impact of the proposed development and include proposals for handling all impacts noted.~~

SECTION IX. The Richland County Code of Ordinances, Chapter 26, “Land Development”; Article VII, “General Development, Site, and Performance Standards”; Section 26-175, “Access”; is hereby amended to read as follows:

Sec. 26-175. Access.

(a) *General.* The standards contained in this section are designed to ensure that access to development in the unincorporated parts of Richland County does not impair the public safety and are the minimum necessary to provide safe access to the adjacent property for both pedestrians and vehicles. All proposed vehicle access points connecting to a public road shall conform to the provisions of this section.

~~(b) *Driveway permit.*~~

~~(1) *Permit required.* Before any proposed vehicular access point connecting to a public road may be constructed, a driveway permit must be obtained from the Richland County Public Works Department. The South Carolina Department of Transportation (SCDOT) is required to review all connections to state system roads. Driveway permits on state system roads should be submitted to SCDOT for the initial review. Upon SCDOT approval, the driveway permit will be forward to Richland County for its approval. Where a conflict arises with respect to these standards, the more restrictive access standards shall apply. Single permits may be issued covering all access within a proposed subdivision.~~

~~(2) *Existing driveway approaches.*~~

~~a. *Relocation, alteration, or reconstruction.* Existing driveway approaches shall not be relocated, altered, or reconstructed without a permit approving the relocation, alteration, or reconstruction, and such driveway approaches shall be subject to the provisions of this section.~~

~~b. *Changes resulting in closing of driveway.* When the use or layout of any property is changed, making any portion or all of the driveway approach unnecessary, the owner of the property shall, at his/her expense, replace all necessary curbs, gutters, and sidewalks, and/or correct all nonconforming features.~~

(b) *Encroachment permit.* For projects located on a roadway within the State Highway Network, the Planning Department shall not issue a land development permit, or a final subdivision plat, until SCDOT provides a copy of the approved SCDOT Encroachment Permit. For projects located on a roadway maintained by the County, the Planning Department shall not issue a land development permit,

or a bonded or final subdivision plat, until SCDOT provides a copy of the approved Public Works Department Encroachment Permit.

- (c) Driveway standards. All driveways shall be constructed in conformance with the standards described below, and with the applicable portions of Section 181 (c), regarding visibility at intersections. The term “Land Use Example” is only illustrative of the relative size of proposed projects and is not intended to be an exclusive list.

TABLE 26 - VII-4
DRIVEWAY INSTALLATION STANDARDS

<u>Land Use Example</u>	<u>Driveway Classification</u>	<u>Projected Trips</u>	<u>Min. Width (ft)</u>	<u>Min. Radius Return (ft)</u>
<u>1 or 2 Family Residence</u>	<u>Low Volume</u>	<u>1-20 AADTs or 1-5 peak hour trips</u>	<u>10 - 24</u>	<u>15</u>
<u>Subdivisions, Apartments, or small commercial</u>	<u>Medium Volume</u>	<u>6 – 100 peak hour trips</u>	<u>24 – 40 *</u>	<u>30 - 40</u>
<u>Convenience stores, gas stations or shopping centers</u>	<u>High Volume</u>	<u>101+ peak hour trips</u>	<u>Determined by TIA</u>	<u>Determined by TIA</u>

* A 40-ft driveway is usually marked with two 12-ft wide right & left exit lanes and one 16-ft wide entrance lane. If a median divider is used at the entrance, the driveway width must be increased by the width of the median.

~~(1) — *Driveway width.* The width, in feet, of a driveway approach shall be within the minimum and maximum limits as specified below, excluding detached, single-family residential properties. Driveway approach widths shall be measured at the road right-of-way line and the width of any driveway shall not increase when crossing the right-of-way except at properly designated curb returns.~~

~~a. — *One way drives.* One way drives shall have a minimum width of twelve (12) feet and shall not exceed a maximum width of eighteen (18) feet.~~

~~b. — *Two way drives.* Two way drives shall have a minimum width of eighteen (18) feet and shall not exceed a maximum width of twenty-four (24) feet.~~

~~(2) — *Number of drives.*~~

- a. ~~Generally.~~ Generally, one point of access to a given property will be allowed. However, additional access points may be allowed by the Richland County Public Works Department as provided in Table VII-4 below, provided the continuous roadway frontage of the property exceeds two hundred (200) feet.
- b. ~~Maximum number of drives per frontage.~~

**TABLE VII-4
MAXIMUM NUMBER OF DRIVEWAYS PER FRONTAGE**

Length of Frontage (ft)	Maximum Number of Driveways
200 or less	1*
+200 to 600	2
+600 to 1000	3
+1000 to 1500	4
More than 1500	4 plus 1 per additional increment of 500 feet of frontage
* On frontages of 200 feet or less, a pair of one-way driveways may be substituted only if the internal circulation on the site is compatible with the one-way driveways and wrong-way movements on the driveways are rendered impossible or extremely difficult for motorists.	

- e. ~~Additional considerations in number of driveways permitted.~~ Driveways will be limited to the number needed to provide adequate and reasonable access to a property. Factors such as alignment with opposing driveways and minimum spacing requirements (see below) will have a bearing on the number of driveways permitted.
 - d. ~~Joint use of driveways/connectivity.~~ Wherever feasible, the Public Works Department shall require the establishment of a joint-use driveway serving two (2) abutting properties. Additionally, when a property is developed, the public works department may require connectivity with adjoining parking areas or may require that a driveway/parking area be designed for future connection with an abutting property.
- (3) ~~Driveway separation.~~ All driveway approaches shall be allocated and spaced as outlined below.

**TABLE VII-5
DRIVEWAY SEPARATION STANDARDS**

Road Speed Limit (mph)	Minimum Spacing (ft)
30 or less	100
35	150
40	200
45	250
50	300
55 plus	350

~~Access separation between driveways shall be measured between the driveway centerlines. Speed limits are as determined by SCDOT. For single family lots, the planning department may reduce the spacing requirements of this section if it can be demonstrated that a hardship exists and there is no opportunity to design a conforming access point. Internal roads in single family detached subdivision developments are exempt from these standards.~~

- ~~(4) *Driveway design.* All driveway approaches, except those to single family homes, shall be a concrete apron (“ramp” type). Road type driveway entrances may be required to developments that have parking spaces for two hundred (200) or more vehicles when required by the public works department. Driveway approaches must cross any sidewalk area at the sidewalk grade established by the public works department. All concrete aprons shall be installed to the right-of-way line or at least ten (10) feet from the edge of the traveled way and be built to the specifications of the public works department.~~
- ~~(5) *Sight visibility triangles.* At all driveway approaches, a sight area shall be maintained. See Section 26-181(e) of this chapter for sight triangle requirements.~~

(d) *Access Point Separation Standards.*

- (1) The access separation standards provided below apply to all public roads, except those inside a subdivision or other development project.

TABLE 26-VII-5
ACCESS POINT SEPARATION STANDARDS

<u>Posted Speed Limit (mph)</u>	<u>Minimum Access Point Spacing (ft)* on roadways >2000 AADTs or Access Points Generating > 50 peak hour trips</u>	<u>Minimum Access Point Spacing (ft)* On Roadways with AADTs < 2000</u>
<u>30</u>	<u>160</u>	<u>75</u>
<u>35</u>	<u>220</u>	<u>125</u>
<u>40</u>	<u>275</u>	<u>175</u>
<u>45</u>	<u>325</u>	<u>225</u>

<u>50</u> ≥	<u>400</u>	<u>275</u>
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* Measured from the near edge of driveways

In addition to the requirements describe above, the Fire Marshal may require a secondary access point to any development project.

(2) Major land development and major subdivisions. All proposed parcels, including outparcels, shall be depicted in the preliminary development plan documents and access to such parcels shall be limited to internal points within the project. Access may be limited to a “Right-In, Right-Out” configuration, as may be deemed necessary.

(3) Shared access. The Planning department, with the consent of the Public Works department, may require shared access agreements among adjacent parcels, and/or installation of marginal access roads, as well as consolidation of existing access points, as may be deemed necessary.

(4) Medians. The Planning department, with the consent of the Public Works department, may require installation of raised medians by the applicant as may be necessary to protect safe vehicular and pedestrian access to adjacent property.

(5) Change of land use. When there is a proposed land use change on a developed site that affects the amount, type, or intensity of traffic activity, the Planning department, with the consent of the Public Works department, shall require written documentation from SCDOT regarding the adequacy of the existing access point to safely accommodate the traffic generated by the project prior to issuing a development permit.

(e) Exceptions. The Planning department, with the consent of the Public Works department, may reduce the requirements described above, provided the applicant can demonstrate that all physically possible alternative development plans have been considered in an attempt to conform to the requirements and that any hardship to compliance is not the result of self-imposed actions, including, but not limited to, the purchase of the subject parcel, the topography of the site, and/or the geometry of the roadway.

SECTION X. The Richland County Code of Ordinances, Chapter 26, “Land Development”; Article VII, “General Development, Site, and Performance Standards”; Section 26-181, “Road Standards”; Subsection (b), Design Standards for Public or Private Roads; Paragraph (5), Intersections; is hereby amended to read as follows:

(5) Intersections. All road intersections shall be designed in substantial compliance with the applicable requirements of SCDOT’s “Access & Roadside Management Standards”, published in August 2008.

- a. ~~*Intersection design.* The center lines of no more than two (2) roads shall intersect at any one point. Roads shall be laid out so as to intersect as nearly as feasible at right angles and no road shall intersect any other road at an angle of less than sixty (60) degrees. The angle of intersections shall be measured at the intersection of road centerlines. Where curved roads intersect, the lesser traveled road (based on current studies) shall have a minimum tangent of one hundred (100) feet at the intersection, with no more than sixty (60) degrees deflection from radial.~~
- b. ~~*Intersection spacing.* Road intersections shall have a centerline offset of not less than two hundred (200) feet, except that road intersections on minor or local residential roads shall have a centerline offset of not less than one hundred twenty five (125) feet.~~

SECTION XI. The Richland County Code of Ordinances, Chapter 26, “Land Development”; Article VIII, “Resource Protection Standards”; Sections 26-204 – 26-220, “Reserved”; is hereby amended to read as follows:

Secs. 26-204 – 26-209. Reserved.

SECTION XI. The Richland County Code of Ordinances, Chapter 26, “Land Development”; article heading “IX. Subdivision Regulations”; is hereby amended to read as follows:

ARTICLE X. SUBDIVISION REGULATIONS

SECTION XII. The Richland County Code of Ordinances, Chapter 26, “Land Development”; article heading “X. Nonconformities”; is hereby amended to read as follows:

ARTICLE XI. NONCONFORMITIES

SECTION XIII. The Richland County Code of Ordinances, Chapter 26, “Land Development”; article heading “XI. Code Compliance”; is hereby amended to read as follows:

ARTICLE XII. CODE COMPLIANCE

SECTION XIV. The Richland County Code of Ordinances, Chapter 26, Land Development; is hereby amended by the creation of a new article, to read as follows:

ARTICLE IX. TRANSPORTATION

Sec. 26-210. General.

- (a) *Purpose.* The purpose of this article is to provide the information necessary to allow decision-makers to assess the transportation implications of traffic associated with a proposed development project; to address the transportation-related issues associated with development proposals that may be of concern to

neighboring property owners and residents; and to provide a basis for the negotiation regarding improvements and funding alternatives to accomplish the identified mitigation measures.

(b) Traffic Impact Assessment (TIA). A TIA may be required to:

- (1) Evaluate traffic operations and impacts at site access points;
- (2) Evaluate the impact of site-generated traffic on affected intersections;
- (3) Evaluate the quality of site-generated traffic on the quality of traffic flow in the area;
- (4) Ensure that proper facilities for pedestrians, bicyclists and transit users are provided;
- (5) Identify transportation infrastructure needs, the related costs and funding sources; and
- (6) Provide valuable data to more accurately develop long range transportation plans and road improvement projects for the County Capital Improvement Program and the MPO Transportation Improvement Plan.

Sec. 26-211. Applicability.

- (a) A TIA shall be required for all proposed land development projects, or phases thereof, and zoning map amendments, for which the estimated cumulative effect will: 1) cause the annual average daily traffic count on the roadway(s) adjacent to the subject site to increase by more than fifteen percent (15%) of its design capacity; or 2) cause the Volume-to-Capacity (V/C) ratio on any adjacent roadway(s) to exceed 1.35; or 3) results in 100, or more, PM peak hour (PMPH) trips, whichever is applicable; or
- (b) All proposed public and private school projects shall use the criteria described above except that 100, or more, AM peak hour (AMPH) trips will be used.

Sec. 26-212. Minimum Requirements.

The applicant shall submit all information specified in the Traffic Impact Assessment Checklist that proscribes the requirements for a TIA.

Sec. 26-213. Review Process.

- (a) The applicant shall be required to complete a mandatory pre-application conference to determine the study area, project phasing timetable and other applicable TIA parameters.

(b) No later than fifteen (15) days after submission of the TIA, the Department will provide the applicant with a sufficiency determination, including identification of any deficiencies or additional analysis that may be required.

(c) No later than thirty (30) days after submission of the TIA, unless delayed by a “not sufficient” determination, the Department shall provide a written summary of the TIA findings and recommendations to the applicant.

Sec. 26-214. Mitigation.

The applicant, the County and/or SCDOT may enter into a voluntary agreement to effectuate completion of the identified mitigation improvements attributed to the proposed project. The County Administrator is authorized to execute a traffic mitigation agreement on behalf of the County.

Secs. 26-215 – 26-220. Reserved.

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

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

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

RICHLAND COUNTY COUNCIL

BY: _____
Paul Livingston, Chair

ATTEST THIS THE ____ DAY

OF _____, 2009

Michielle R. Cannon-Finch
Clerk of Council

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

EXPLANATION OF DIRECTIONAL SIGN ORDINANCE

Title:

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

What this ordinance will do:

This ordinance will provide a definition for off-premises weekend directional signs.

The ordinance will also provide the following requirements for such signs:

- They will be permitted in all zoning districts.
- A permit and identification sticker must be obtained from the Planning Department.
- The sign area shall not exceed 24" X 24".
- The sign shall include no more than three (3) lines of text and a business or company logo, and must include a directional arrow symbol.
- Sign shall not exceed three (3) feet in height.
- Signs cannot be erected within thirty (30) feet of an intersection, nor shall more than two (2) signs per permit holder be allowed at an intersection.
- Signs shall be placed at least three (3) feet from the edge of the road pavement.
- Signs cannot be placed closer than one-quarter (1/4) of a mile (i.e. 1,320 feet) from another sign giving directions to the same location, unless the sign is placed near an intersection to show that a left or right turn is needed.
- Signs cannot be erected more than one (1) mile from: i) the site for which directions are being provided or ii) the nearest SCDOT classified collector or arterial road.
- Signs shall not be erected before 5:00 p.m. on Friday evening and shall be completely removed by 11:59 p.m. on Sunday.
- If a sign is damaged or faded, a replacement sticker can be obtained at no additional cost.
- A provision for addressing violations is also included in the ordinance.

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

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

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

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

Sign, off-premises weekend directional. An off-premise sign not greater than twenty-four (24) inches by twenty-four (24) inches in total size and placed only on the weekend, the purpose of which is limited exclusively to the identification of a use or occupancy located elsewhere and which tells the location of or route to such use or occupancy.

SECTION II. The Richland County Code of Ordinances, Chapter 26, Land Development; ~~Article VII, General development, Site, and Performance Standards~~; Section 26-180, Signs; Subsection (b), General Standards; Paragraph (2), Standards Applicable to All Permitted Signs; Subparagraph a, Location; is hereby amended to read as follows:

- a. *Location.* Signs shall be located outside of the road right-of-way, behind sidewalk areas, outside of the sight visibility triangle, and no closer than five (5) feet to the front property line; provided, however, off-premises weekend directional signs may be located in a county road right-of-way.

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

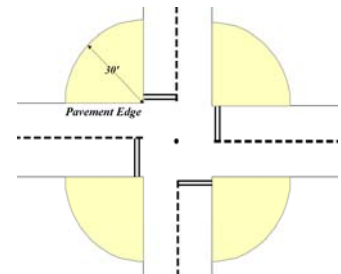
(q) *Off-premises weekend directional signs.*

- (1) Off-premises weekend directional signs are permitted in all zoning districts, with the following restrictions:

- a. A permit and identification sticker must be obtained from the Planning Department for each sign proposed to be erected; and a permit fee/sticker fee of five (\$5.00) dollars per sign, must be paid. Each permit shall be valid for one (1) year from the date of issuance.

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1. The identification sticker must be affixed to the face of the sign, and will identify the permit number and the date of permit expiration.
2. Permits shall only be issued to and held in the name of the:
 - [a] Sign company erecting the sign;
 - [b] Business owner associated with or identified on the sign; or
 - [c] Real estate broker or agent.
- b. The sign area shall not exceed twenty-four (24) inches by twenty-four (24) inches.
- c. A sign shall include no more than three (3) lines of text and a business or company logo, and must include a directional arrow symbol.
- d. Sign height shall not exceed three (3) feet above adjacent grade.
- e. Signs may be placed along county roads in the right-of-way or on private property; provided, however, signs shall not obstruct visibility at any intersection location, nor shall the sign be erected within thirty (30) feet of an intersection (see example at right), nor shall more than two (2) signs per permit holder be allowed at an intersection.
- f. Prior to placing a sign on private property, written consent must be obtained from the property owner(s).
- g. No sign shall be erected on or abutting a road owned and maintained by the state of South Carolina unless specifically allowed by the South Carolina Department of Transportation.
- h. Signs shall be placed at least three (3) feet from the edge of the road pavement.
- i. Signs shall be placed no closer than one-quarter (1/4) of a mile (i.e. 1,320 feet) to another sign giving directions to the same location, unless the sign is placed near an intersection to show that a left or right turn is needed.



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- j. No sign permitted in this subsection shall be erected more than one (1) mile from: 1) the site for which directions are being provided or 2) the nearest SCDOT classified collector or arterial road.
 - k. Signs shall not be erected before 5:00 p.m. on Friday evening and shall be completely removed by 11:59 p.m. on Sunday.
 - l. If a sign is damaged or faded, the permit holder may bring in the damaged sign (with permit) and obtain a replacement sticker at no additional cost.
- (2) Violations. Signs found in violation of these provisions shall be subject to immediate removal. Such signs shall be impounded for a period of ten (10) business days, and if not claimed within that period of time, the sign shall be discarded. In addition:
- 1. For a first offense, the permit holder (or the offending individual, company, or corporation, if the sign did not have a permit) shall be notified of the violation and given a warning.
 - 2. For a second offense, the existing permit shall be revoked and a new permit must be obtained and a new fee paid. If the sign did not have a permit, a second or subsequent offense shall subject the offending individual, company, or corporation to the penalty provisions of Section 26-272.
 - 3. A third offense shall result in the permit holder being barred from erecting any weekend directional off-premises signs for a period of time at the discretion of the zoning administrator, but such time shall not exceed six (6) months.
 - 4. A permit holder who commits a fourth or subsequent offense shall be subject to the penalty provisions of Section 26-272.

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

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

SECTION VI. Effective Date. This ordinance shall be effective from and after *July 21, 2009*, and shall automatically expire on *July 21, 2011*; provided, however, this ordinance may be

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amended by County Council to make the regulations herein permanent at any time prior to the expiration hereof.

RICHLAND COUNTY COUNCIL

BY: _____
Paul Livingston, Chair

ATTEST THIS THE ____ DAY

OF _____, 2009

Michielle R. Cannon-Finch
Clerk of Council

RICHLAND COUNTY ATTORNEY'S OFFICE

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

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

EXPLANATION OF KIOSK SIGNS ORDINANCE

Title:

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

What this ordinance will do:

The definition of a kiosk sign is provided. In addition, the following regulations apply to kiosk signs:

- Kiosks shall only be located along collector and arterial roads, outside of the right-of-way.
- Each kiosk shall not exceed sixty (60) square feet (6 feet in width and 10 feet in height).
- Individual directional kiosk signs shall not exceed 8 inches by 72 inches.
- The permit fee shall be \$100.00 dollars per sign face. If the directional sign is dual-faced, the permit fee shall be \$200.00 dollars. Each permit shall be valid for one (1) year from the date of issuance.
- The maximum number of directional signs allowed in a kiosk shall be 6 if single-faced or 12 if double-faced.
- One such sign (if single faced) or two such signs (if double-faced) shall be reserved for usage by the County.
- Kiosks and any directional signs shall be maintained, repaired, replaced, and/or repainted as necessary.

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

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

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

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

Sign, kiosk. An off-premise structure designed to hold multiple individual directional signs, which provide the identification of a use or occupancy located elsewhere and which tells the location of or route to such use or occupancy.

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

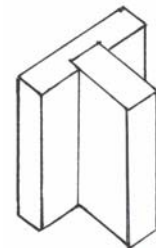
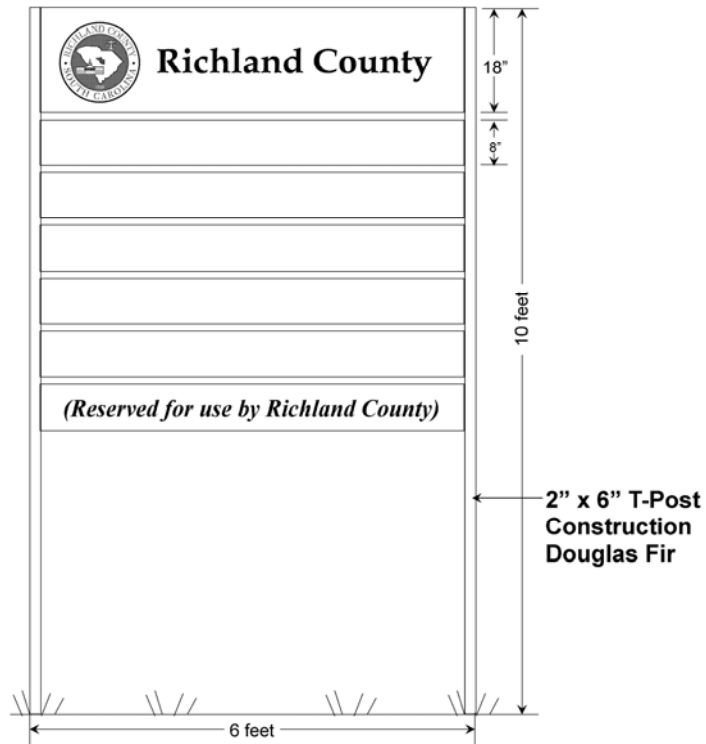
- (xx) *Off-premises kiosks.* Off-premises kiosks are permitted in all zoning districts, with the following restrictions:
 - a. A site plan must be submitted and a building permit must be obtained from the County prior to erecting a sign kiosk in the unincorporated areas of the county.
 - b. Kiosks shall only be located along collector and arterial roads, outside of the right-of-way. If the kiosk is to be located at an intersection, it must be placed outside of the sight triangle.
 - c. Written consent from the landowner for the installation and maintenance of the kiosk , including a provision giving the County the right to enter the property and remove a sign for noncompliance with this Section, must be submitted with the site plans.
 - d. Kiosks shall be located in such a manner so as to not obscure proper vehicular sight-distance at street intersections, as determined by the Planning Director.

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e. Kiosks shall be erected in accordance with the following specifications:

1. Each kiosk shall not exceed sixty (60) square feet nor shall any such kiosk exceed six (6) feet in width and ten (10) feet in height, as measured from the ground to the top of the kiosk. Individual directional kiosk signs shall be constructed so as to conform to the size and design of the kiosk. In no event shall the individual signs exceed eight (8) inches by seventy-two (72) inches.

2. Kiosks shall be constructed substantially in conformance with the diagrams, below:



T-Post detail (not to scale)

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3. All individual directional signs mounted on the kiosk shall be of the same design and shall be a medium to dark colored background with contrasting colored lettering. Letters may be upper case and/or lower case. Type style shall be uniform for all plaques with the exception of the words "Richland County" at the top of the kiosk and shall be approved by the Planning Director.
3. Each individual directional sign shall contain only the name of the subdivision, community, or business to which it refers, and shall contain a directional arrow.
4. Nothing shall be attached to or placed on a directional kiosk other than a permitted individual kiosk sign. Additional signage, tags, streamers, flags, balloons, or other similar devices, are prohibited.
- f. For each individual directional sign proposed for the kiosk, an annual permit shall be obtained from the Planning Department. The permit fee shall be one hundred (\$100.00) dollars per sign face. If the directional sign is dual-faced, the permit fee shall be two hundred (\$200.00) dollars. Each permit shall be valid for one (1) year from the date of issuance. No later than thirty (30) days prior to the permit expiring, the County shall send a renewal notice to the permit holder. Failure to pay the fee prior to the expiration of the permit shall result in the sign being removed.
- g. The maximum number of directional signs allowed in a kiosk shall be six (6) if single-faced or twelve (12) if double-faced. One (1) such sign (if single faced) or two (2) such signs (if double-faced) shall be reserved for usage by the County for one for the purpose of indicating the location of public buildings, or public facilities or services, such as parks, schools, emergency substations.
- h. Kiosks and any directional signs shall be maintained, repaired, replaced, and/or repainted as necessary so that they remain in good condition and repair. If the County notifies the kiosk permit holder in writing that repairs are needed, said repairs shall be completed within five (5) business days of receipt of the notice.

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.

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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

RICHLAND COUNTY ATTORNEY'S OFFICE

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

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

EXPLANATION OF COMMUNICATION TOWER SETBACKS ORDINANCE

Title:

AN ORDINANCE AMENDING THE RICHLAND COUNTY CODE OF ORDINANCES; CHAPTER 26, LAND DEVELOPMENT; ARTICLE VI, SUPPLEMENTAL USE STANDARDS; SECTION 26-152, SPECIAL EXCEPTIONS; SUBSECTION (D), STANDARDS; PARAGRAPH (22), RADIO, TELEVISION AND TELECOMMUNICATIONS AND OTHER TRANSMITTING TOWERS; SUBPARAGRAPH C.; SO AS TO CLARIFY SETBACK REQUIREMENTS.

Background:

The existing language was not clear as to what setback standards were in place when applications for communication towers went to the Board of Zoning Appeals, so staff is proposing alternative language.

What this ordinance will do:

The minimum setbacks for communication towers from abutting districts shall be as follows:

1. Communication towers abutting a residentially zoned parcel shall have a minimum setback of one (1) foot for each foot of height of the tower as measured from the base of the tower. The maximum required setback shall be two hundred and fifty (250) feet.
2. Communication towers abutting a non-residentially zoned parcel with a habitable residential dwelling shall have a minimum setback of fifty (50) feet.
3. Communication towers abutting a non-residentially zoned parcel without a habitable residential dwelling shall observe the setbacks of the district in which it is located.

DRAFT

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 VI, SUPPLEMENTAL USE STANDARDS; SECTION 26-152, SPECIAL EXCEPTIONS; SUBSECTION (D), STANDARDS; PARAGRAPH (22), RADIO, TELEVISION AND TELECOMMUNICATIONS AND OTHER TRANSMITTING TOWERS; SUBPARAGRAPH C.; SO AS TO CLARIFY SETBACK REQUIREMENTS.

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

SECTION I. The Richland County Code of Ordinances; Chapter 26, Land Development; Article VI, Supplemental Use Standards; Section 26-152, Special Exceptions; Subsection (d), Standards; Paragraph (22), Radio, Television and Telecommunications and Other Transmitting Towers; Subparagraph c. is hereby amended to read as follows:

- c. The minimum setbacks for communication towers from ~~certain uses abutting districts~~ shall be as follows:
 1. ~~In no case shall a communication tower be located within fifty (50) feet of a residential zoning district or an inhabited residential dwelling.~~ Communication towers abutting a residentially zoned parcel shall have a minimum setback of one (1) foot for each foot of height of the tower as measured from the base of the tower. The maximum required setback shall be two hundred and fifty (250) feet.
 2. ~~For towers in excess of fifty (50) feet, the setback shall increase one (1) foot for each foot of height of the tower as measured from the base of the tower. The maximum required separation being two hundred fifty (250) feet.~~ Communication towers abutting a non-residentially zoned parcel with a habitable residential dwelling shall have a minimum setback of fifty (50) feet.
 3. Communication towers abutting a non-residentially zoned parcel without a habitable residential dwelling shall observe the setbacks of the district in which it is located.

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.

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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 _____, 2009.

RICHLAND COUNTY COUNCIL

BY: _____
Paul Livingston, Chair

Attest this the _____ day of
_____, 2009

Michielle R. Cannon-Finch
Clerk of Council

RICHLAND COUNTY ATTORNEY'S OFFICE

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

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

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

