

CHAPTER 22: LAND DEVELOPMENT REGULATIONS*

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Editor's note--Ord. No. 1535-86, § 1, effective Oct. 21, 1986, deleted Ch. 22 in its entirety and enacted a new Ch. 22 to read as herein set forth. Prior to deletion, Ch. 22, consisting of §§ 22-1-22-25, set out the subdivision regulations of the county, and was derived from the following: Code 1976, §§ 7-2001-7-2025; Ord. No. 316-76, § 1, eff. 5-5-76; Ord. No. 505-78, § 1, eff. 11-15-78; Ord. No. 528-79, §§ 1-3, eff. 4-18-79; Ord. No. 553-79, §§ 1-5, eff. 2-7-79; Ord. No. 566-79, § 1, eff. 9-19-79; Ord. No. 617-79, § 1, eff. 11-7-79; Ord. No. 631-79, § 1, eff. 12-19-79; Ord. of 6-3-81; Ord. No. 898-82, §§ I-V, eff. 2-3-82; Ord. No. 1000-82, § 1, eff. 12-15-82; Ord. No. 1103-83, § 1, eff. 11-15-83; Ord. No. 1146-84, §§ 1, 2, eff. 4-17-84; Ord. No. 1179-84, § III, eff. 7-31-84; Ord. No. 1192-84, § 1, eff. 9-4-84; Ord. No. 1282-85, §§ 1, 2, eff. 4-2-85; Ord. No. 1285-85, § 2, eff. 4-2-85; Ord. No. 1430-86, § 4, eff. 2-4-86; Ord. No. 1432-86, § 3, eff. 2-4-86; and Ord. No. 1516-86, §§ 1, 2, eff. 7-29-86.

Chapter 22 is set out herein as enacted by Ord. No. 1535-86, with the exception that articles designated A through K have been redesignated I through XIII, in order to maintain Code format.

Cross reference(s)--Buildings and building regulations, Ch. 6; drainage, erosion and sediment control, Ch. 8; motor vehicles and traffic, Ch. 17; parks and recreation, Ch. 19; planning, Ch. 20; roads, highways and bridges, Ch. 21; zoning regulations, Ch. 26

State law reference(s)--Authority to adopt subdivision regulations, S.C. Code 1976, § 6-7-1010 et seq.

Richland County Code

**ARTICLE I. PURPOSE, AUTHORITY,
JURISDICTION, DEFINITIONS**

Sec. 22-1. General intent.

The public health, safety, morals, and general welfare require the harmonious, orderly, and progressive development of land within the unincorporated portion of Richland County, South Carolina. In furtherance of this general intent, the regulation of land development by the county is authorized for the following purposes, among others: (1) to encourage the development of an economically sound and stable county; (2) to assure the timely provision of required streets, utilities, and other facilities and services to new land developments; (3) to assure the adequate provision of safe and convenient traffic access and circulation, both vehicular and pedestrian, in and through new land developments; (4) to assure the provision of needed public open spaces and building sites in new land developments through the dedication or reservation of land for recreational, educational, transportation, and other public purposes; and (5) to assure, in general, the wise and timely development of new areas, and redevelopment of previously developed areas in harmony with the comprehensive plan of Richland County.

(Ord. No. 1535-86, § 1, 10-21-86; Ord. No. 018-96HR, § I, 4-2-96)

Sec. 22-2. Authority.

These land development regulations are adopted under authority granted by the 1976 Code of Laws of South Carolina, as amended from time to time.

(Ord. No. 018-96HR, § I, 4-2-96)

Sec. 22-3. Jurisdiction.

These regulations shall govern the development of land within the unincorporated portion of Richland County, South Carolina.

(Ord. No. 1535-86, § I, 10-21-86; Ord. No. 018-96HR, § I, 4-2-96)

Sec. 22-4. Definitions.

(a) For the purpose of these regulations, the following words and terms are defined as follows:

- (1) Words used in the present tense include the future tense.
- (2) Words used in the singular number include the plural, and words used in the plural include the singular.
- (3) The word "shall" is mandatory and not merely discretionary.
- (4) *Alley*: A private street primarily designed to serve as secondary access to the side or rear of those properties whose principal frontage is on a street, either public or private, meeting minimum county requirements.
- (5) *Bond*: Any form of security including a cash deposit, surety bond, collateral, property, or instrument of credit in an amount and form satisfactory to the governing body.
- (6) *City*: The City of Columbia, South Carolina.
- (7) *Common area/open space*: Land within or related to a development, not individually owned or dedicated for public use, which is designed and intended for the common use or enjoyment of the residents of the development. It may include complementary structures and improvements. Those areas identified as such on a plat approved by the planning commission and recorded.
- (8) *Common area maintenance documents*: Documents providing for perpetual private maintenance of common areas.
- (9) *County*: Richland County, South Carolina.
- (10) *Easement*: A grant to the general public, a corporation, or a certain person or persons

of the right to the use of a strip or parcel of land for a specific purpose. Fee simple title to the land remains with the grantor.

- (11) **Gross floor area:** The total floor area contained within a unit as measured from the inside of the exterior walls exclusive of stairways and elevator shafts, for multi-family, commercial and industrial only.
- (12) **Health department:** The South Carolina Department of Health and Environmental Control and any other health agencies having jurisdiction over the land area in which the proposed subdivision is located.
- (13) **Land development:** The changing of land characteristics through redevelopment, construction, subdivision into parcels, condominium complexes, apartment complexes, shopping centers, industrial parks. Mobile home parks, and similar developments for sale, lease, or any combination of owner and rental characteristics.
- (14) **Lot:** A portion of a subdivision intended as a unit for transfer of ownership or for development or both. The word "lot" includes the word "plot" or "parcel."
- (15) **Off-street parking area:** An area adequate for parking an automobile with room for opening doors on both sides, together with properly related access to a public street arranged so that no maneuvering incidental to parking shall be on any public street and so that an automobile may be parked or unparked therein without moving any other automobiles.
- (16) **Open space:** Area devoted to common use, active or passive, by all or a portion of the property owners, exclusive of parking areas, streets and street rights-of-way, which is designed to meet the primary objective of supplying open space or recreational needs.
- (17) **Planning commission:** The Richland County planning commission.
- (18) **Plat or plan:**
- a. **Sketch plan or site plan.** A sketch or plan made prior to preparation of the preliminary plat (construction drawings). Its purpose is to enable the subdivider to save time and expense in presenting a proposed concept for development to the planning commission for review.
 - b. **Preliminary plan.** The preliminary drawing or drawings required by these regulations depicting the proposed layout of the project and incorporating any changes to the sketch or site plan required by the regulations. This is to include the maps, drawings, design calculations, specifications and other required data. These documents shall depict the specific location, design and method of installation of improvements required by these regulations.
 - c. **Final plat.** The final map or plan of a subdivision, including required additional documentation, described by these regulations. The final plat is the document to be recorded in the office of the register of mesne conveyances.
 - d. **Planned unit development (PUD).** An area of a minimum contiguous size, as specified by ordinance, to be planned and developed in accordance with an approved site plan. This approved site plan may contain various uses which may be deemed compatible for this particular development. These uses may be residential, commercial, industrial or a combination of all.
- (19) **Record drawings:** The approved construction plans properly revised to graphically depict the location, size, and

other pertinent details of the actual installation of improvements (water, sewer, storm drainage, and streets).

- (20) *Right-of-way*: A strip of land occupied or intended to be occupied by a street, crosswalk, railroad, road, electric transmission line, gas pipeline, water main, sanitary or storm sewer main, or for any other special use.
- (21) *Screening*: A structure or planting consisting of fencing, berms, and/or evergreen trees or shrubs that will provide a view obstruction within a site or property.
- (22) *Setback*: The distance between a building or buildings, the property lines and/or the street right-of-way nearest thereto.
- (23) *Sidewalk*: A paved path provided for pedestrian use and usually located at the side of the road within the right-of-way.
- (24) *Street*: The word "street" means, relates to and includes streets, avenues, boulevards, roads, highways, freeways, lanes, alleys, courts and other ways:
- a. *Arterial*. A freeway, expressway or an arterial street or highway which 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.
 - b. *Industrial or commercial service*. A street whose use or intended use is somewhat less than that of an arterial and somewhat greater than that of a collector. It will generally be located in industrial/commercial areas or be used to provide access for heavy vehicles or heavy vehicular volumes to such areas.
 - c. *Collector*. A street which is used or intended to be used for moving traffic from minor to local streets to arterial streets, including the circulation street or streets of a residential development and including the proposed transportation network streets 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.
 - d. *Local commercial*. A street in a commercial area used primarily for access to abutting properties and to feed traffic to collector streets. This classification includes streets located parallel and adjacent to limited access streets or highways which provide access to abutting commercial properties and protection from through traffic.
 - e. *Local residential*. A street in a residential area used primarily for access to abutting properties and to feed traffic to collector streets. This classification includes streets located parallel and adjacent to limited access streets or highways which provide access to abutting residential properties and protection from through traffic. Average daily traffic is less than two thousand (2,000) vehicles.
 - f. *Minor residential*. A loop street which serves not more than forty (40) dwelling units or a cul-de-sac street which serves not more than twenty (20) dwelling units, either of which carries no through traffic and is used for access to abutting residential lots.
 - g. *Residential collector*. A street which is used for moving traffic from minor or local streets of a residential development which basically complies

with the criteria for collector streets except that right-of-way is reduced and access is limited to intersections.

- h. *Rural*. A street serving development in low density, primarily rural areas.
- i. *Cul-de-sac*. A street having one end open to traffic and the other end terminated by a vehicular turnaround; a dead-end street.
- j. *Alley*. A private street primarily designed to serve as secondary access to the side or rear of those properties whose principal frontage is on a street, either public or private, meeting minimum county requirements.

(25) *Subdivider*: Any person, firm or corporation which undertakes the subdivision of land as defined herein.

(26) *Subdivision*: The division of a tract or parcel of land into two (2) or more lots, building sites, or other divisions for the purpose, whether immediate or future, of sale or building development, and includes all division of land involving a new street or a change in existing streets, and includes resubdivision which would involve the further division or relocation of lot lines of any lot or lots within a subdivision previously made and approved or recorded according to law; or, the alteration of any streets or the establishment of any new streets within any subdivision previously made and approved or recorded according to law, and includes combinations of lots of record; however, the following exceptions are included within this definition only for the purpose of requiring that the planning commission be informed and have a record of the subdivision:

- a. The combination or recombination of portions of previously platted lots where the total number of lots is not

increased and the resultant lots are equal to the standards of Richland County.

- b. The division of land into parcels of five (5) acres or more where no new street is required. Plats of these exceptions must be received as information by the planning commission which shall indicate that fact on the plats.
- c. The partition of land by court decree.
- d. The combination or recombination of entire lots of record where no new street or change in existing streets is involved.

(27) *Subdivision, development types*:

- a. *Cluster housing*. A tract of land which is planned, subdivided, and developed as an integral unit that provides common open space in a manner that is functional and useful to the residents of the development. As an incentive for providing such open space, conventional zoning and/or subdivision standards are relaxed to permit modifications in lot size and shape by concentrating single-family dwellings to specific areas of an overall tract. Depending on the zoning district in which the development is located, cluster housing may be detached and/or attached if Richland County building codes are met.
- b. *Experimental/innovative subdivision*. Any subdivision which in the opinion of the planning commission is sufficiently unusual in its design, layout, character or other feature as to warrant special evaluation of the subdivision by the planning commission as to how it satisfies the

purposes of the subdivision regulations as stated in section 22-50, Intent, etc.

- c. **Group development.** A development such as shopping centers, office buildings, industrial sites, mobile home parks, and apartment complexes:
- **Commercial or industrial development.** A single building or combination of buildings containing fifty thousand (50,000) square feet gross floor area, or more.
 - **Housing development.** A single lot of record upon which is erected three (3) or more dwelling units and all the structures and amenities thereon. This definition includes apartments, highrises, and townhouses, whether rented or sold as condominiums, where no subdivision of land occurs, but subdivision of air rights is permitted.
- d. **Major subdivision.** All subdivisions that require a full set of submittal to the planning commission and other regulatory agencies.
- e. **Minor subdivision.** Any subdivision with lots fronting on an existing street, not involving any new street or road, the extension of public utilities, and not adversely affecting the remainder of the parcel or adjoining property, and not in conflict with any provision or portion of the comprehensive plan, official map, zoning ordinance or this chapter.
- f. **Mobile home park.** A lot used, designed or intended to be used for the purpose of supplying parking space for four (4) or more occupied mobile/manufactured homes and which may include buildings, structures, or enclosures used or intended to be used as a part of such mobile home park. Sales or storage lots for unoccupied mobile homes not connected to utilities are not considered to be mobile home parks.
- g. **Planned unit development (PUD).** An area of land in which a variety of housing types and/or related commercial and industrial facilities are accommodated in a preplanned environment under more flexible use and density standards than those restrictions which would normally apply under the county development regulations. The procedure for approval of such development requires rezoning and the approved development plan becomes the zoning district.
- h. **Resubdivision.** A change in a map of an approved or recorded subdivision plat, if such change affects any street layout on such map or area reserved thereon for public use or any lot; or if it affects any map or plat legally recorded prior to the adoption of any regulations controlling subdivisions.
- i. **Private driveway subdivision.** A subdivision of land in conformance with Article XIII, private driveway subdivisions, which is exempt from the road access and paving requirements of these land development regulations.

(Ord. No. 1535-86, § 1, 10-21-86; Ord. No. 018-96HR, § I, 4-2-96)

Secs. 22-5--22-9. Reserved.

ARTICLE II. PROCEDURES FOR PLAT APPROVAL

Sec. 22-10. Steps for subdivision plat review and approval.

(a) The procedures for review and approval of a major subdivision plat consists of the three (3) following separate steps.

- (1) Review of sketch plan by the staff of the planning commission.
- (2) Review and approval of preliminary plan (construction drawings) by the planning commission subject to receipt of recommendations and comments of all appropriate review agencies.
- (3) Review and approval of final plat by the planning commission.

(b) Minor subdivisions which do not involve the construction or opening of new streets, water or sewer facilities, storm drainage systems, or improvement to existing streets may be accepted for review by the planning commission in the form of a final plat. Sketch plans and preliminary plats are not required in such cases. However, a service connection plan for utilities and a grading plan may be required.

(Ord. No. 1535-86, § 1, 10-21-86; Ord. No. 018-96HR, § I, 4-2-96)

Sec. 22-11. Procedures outlined.

The following procedures shall be followed in the submission, review, and action upon all subdivision plats:

(a) *Sketch plan review.*

- (1) The subdivider or his representative shall present seven (7) copies of a sketch plan to the staff or the planning commission prepared in accordance with these regulations for review and approval. Suggested street names and

any phasing of the proposed subdivisions shall be identified.

- (2) The staff shall review the sketch plan for conformity with applicable zoning, minimum design standards as set forth in Article III, development plans for the area, floodplain information and other pertinent community plans and approve or disapprove the sketch plan within fifteen (15) working days. Failure of the staff of the planning commission to act within fifteen (15) days after submission of the sketch plan shall be deemed to constitute sketch plan approval, provided, however, that the subdivider may waive this requirement and consent in writing to the extension of that period.
- (3) If the sketch plan is disapproved by the staff or the staff requires changes with which the subdivider does not concur, the subdivider may submit the sketch plan to the planning commission at its next regular meeting. Notice of the time and place of that meeting shall be sent by registered certified mail to the address specified on the plan not less than five (5) days before the meeting. The planning commission shall review and approve, disapprove, or approve with modifications the sketch plan at the meeting at which it is presented. Pertinent comments and recommendations shall be noted on the minutes of the planning commission meeting.
- (4) Sketch plan approval is conditional based upon meeting or exceeding minimum design standards of Article III.

- (b) *Sketch plan preparation and requirements.* Sketch plans shall be prepared in accordance with the following requirements:

- (1) The sketch plan shall be drawn at a scale of not smaller than two hundred (200) feet to one (1) inch.
 - (2) The sketch plan shall include a vicinity map at a scale of one (1) inch equals one thousand (1,000) feet showing the relationship of the proposed subdivision to surrounding development.
 - (3) The sketch plan shall show:
 - a. Total acreage in the tract to be subdivided, tentative phasing plan and total acreage per phase, if applicable.
 - b. Tentative street and lot arrangements.
 - c. Approximate rights-of-way.
 - d. Typical lot area and approximate number of lots or family living units in multifamily dwelling units.
 - e. Existing and proposed uses of land throughout the subdivision.
 - f. Existing uses of land surrounding the subdivision, including existing street rights-of-way widths abutting the subdivision and/or locations of intersections within four hundred (400) feet of the property.
 - g. Topography by contours at vertical intervals of not more than five (5) feet depicted in mean sea level datum; or based on available information where mean sea level datum is not available.
 - h. Locations of streams, lakes, swamps and land subject to flood based on one-hundred-year flood frequency. The boundaries of the floodplain and floodway for the one-hundred year flood shall be shown, based on available information. If boundaries are approximate, it shall be so stated. Community panel number, flood zone designation and effective date of the map shall be shown.
 - i. Proposed name of subdivision, proposed street names or designations, name and address of person to whom notice of hearing shall be sent.
 - j. Tax map reference and existing zoning.
- (c) *Preliminary plan and construction drawings.* The subdivider or his representative shall submit seven (7) copies of a preliminary plan (construction drawings) to the staff of the planning commission or in the alternative, shall submit five (5) copies of the preliminary plan to the staff and shall submit adequate copies of the preliminary plan and construction drawings to all other appropriate review agencies. These construction drawings must contain the following:
- (1) The plans must be drawn to a scale of not less than one (1) inch equals one hundred (100) feet on sheets twenty-four (24) inches by thirty-six (36) inches, be dated and carry the seal and signature of a registered professional engineer, landscape architect or Tier "B" surveyor licensed to practice in the State of South Carolina. Where necessary, a twenty-four-inch by thirty-six-inch master plan sheet, drawn to appropriate scale, shall be included showing the

relationship and sheet numbers of the various portions or phases of the subdivision.

- (2) The plans must show the proposed name of the subdivision, owner and/or subdivider, graphic scale, north point and date. The north point shall be identified as magnetic, true, or grid north.
 - (3) There shall be included a vicinity map at a scale of one (1) inch equals one thousand (1,000) feet showing streets, roads and the relationship of the subdivision to the surrounding area.
 - (4) The plan shall show the acreage to be subdivided, the phasing of the subdivision and number of acres in each phase, and the boundaries of the tract with all bearings and distances indicated. The boundary survey shall be to such a degree of accuracy that the error of closure shall comply with the standards set forth by the Minimum Standards Manual for the practice of land surveying in South Carolina.
- (d) The following existing conditions shall be shown on the preliminary plan:
- (1) Topography in terms of mean sea level by contours at vertical intervals of not more than five (5) feet.
 - (2) Tax map reference of adjoining property or name of subdivision.
 - (3) In case of resubdivision, a copy of existing plat with proposed resubdivision superimposed thereon.
 - (4) Locations of streams, lakes, swamps, and land subject to flood based on one-hundred-year flood frequency. The boundaries of the floodplain and

floodway for the one-hundred-year flood shall be shown.

- (5) Locations of existing adjoining property lines and buildings on the property to be subdivided.
 - (6) Locations and rights-of-way of streets, intersections within two hundred (200) feet of the property, roads, railroads, and utility lines either on or adjacent to the property to be subdivided. Specify whether utility lines are in easements or rights-of-way and show location of poles or towers, width of right-of-way and name of utility.
 - (7) If required by the reviewing agencies, the plan shall include approximate size and location of existing sewer, water mains, drains, culverts or other underground facilities within the street or within the right-of-way of streets or roads adjoining or within the tract to the extent data is available. Grades, invert and rim elevations of existing sewers shall be shown. If relocation of existing sewers is proposed, complete plans and profiles of existing conditions as well as plans and profiles of proposed conditions must be shown.
 - (8) All elevations shall be expressed in mean sea level datum and this fact so stated on the drawings.
 - (9) Location of city limit lines and county lines, if applicable.
 - (10) Tax map reference and existing zoning.
- (e) The following proposed conditions shall be shown as follows:
- (1) On the preliminary plan:
 - a. Layout of streets, roads and alleys, with widths.

- b. Layout of all lots (scaled dimensions on lots, lot and block numbers, utility and drainage easements with width and use, and street names as approved on the sketch plan).
 - c. Total number of lots, total acreage, acreage per phase, total length of new streets.
 - d. Construction plans for water supply system with hydraulic calculation, pipe sizes, material and location of hydrants and valves.
 - e. Proposed major contour changes in areas where substantial cut or fill is to be done.
 - f. All proposed conditions may be superimposed on a topographic map(s) of existing conditions or may be shown as a separate map as necessary.
- (2) On the construction drawings:
- a. Construction plans for streets showing natural and finished grades and cross-sections. Where a proposed street is an extension of an existing street, the profile shall be extended to include three hundred (300) feet of the existing roadway; the cross-section of the existing street also shall be shown.
 - b. Construction plan and profile for sanitary sewers (if applicable) with grade, pipe size and material, location of manholes, and points of discharge.
 - c. Construction plans for storm drainage system with grade, pipe sizes and material, and location of outlets. Storm drains shall be designed in accordance with criteria outlined in the Richland County storm drainage ordinance. Storm drainage plans shall show sufficient off-site information and include method and computations where indicated; and a statement by a registered engineer that storm drainage designs meet county ordinances must be provided.
 - f. Upon determination by the planning staff that the layout shown on the preliminary plat is in conformity with the approved sketch plan, the staff may submit copies of these plans to the required review agencies for review and approval, if the applicant has not submitted the preliminary plan and construction drawings directly to the appropriate review agencies. Upon receipt of reports from the required review agencies, but in no case more than thirty (30) days after submission of the preliminary plan (construction drawings) the staff shall schedule the review of these plans at the next regularly scheduled planning commission meeting. The planning commission may approve the plans subject to changes required by the reviewing agencies. The staff shall notify the subdivider or his representative and the reviewing agencies of that action. The planning commission approval of the preliminary plan or the approval of the preliminary plan subject to changes required by the reviewing agencies constitutes authority to the subdivider to construct site improvements in accordance with the approved preliminary plan. The start of actual construction must be scheduled with the appropriate inspection agencies. Preliminary plan approval shall be valid for only two (2) years, in the absence of all

secured permits and start of actual and continuing construction. Preliminary plan approval shall in no way be construed as constituting an official action of approval for the recording of the subdivision plat as required elsewhere in this chapter.

(g) Final plat approval:

(1) After completion of the physical development of all or any approved phase of the area shown on the approved preliminary plat (construction drawings), the subdivider or his representative shall submit eight (8) copies of the final plat and one (1) set of the record drawings in a form acceptable to the staff of the planning commission. The final plat shall conform substantially to the approved preliminary plat and should be marked final plat on the title block. The "record drawings" shall conform substantially to the approved construction plans and shall be marked "record" in the title block. The final plat and as-built drawings shall be drawn to a scale not smaller than one (1) inch equals one hundred (100) feet on twenty-four-inch by thirty-six-inch sheets and shall include the following information:

- a. Name of subdivision, name and address of the fee simple title holder conveying the improvements to the county.
- b. Graphic scale, north point and date. The north point shall be identified as magnetic, true, or grid north.
- c. Vicinity map at a scale of one (1) inch by one thousand (1,000) feet showing the relationship of the subdivision to the surrounding area.

- d. Street names, lot numbers and block numbers.
- e. Sufficient data to determine readily and reproduce on the ground the location, bearing and length of every road right-of-way line, subdivision boundary line, lot line, and block line whether curved or straight.
- f. Location and descriptions of monuments.
- g. All rights-of-way, easements, and areas to be dedicated to public use with the purpose of each stated.
- h. The following signed certificates shall appear on the final record drawings:

"I hereby certify that the streets, storm drainage system, sanitary sewer system and water system in _____ subdivision as shown on the record drawings dated _____, prepared by _____ have been installed in accordance with the preliminary plat (construction drawings) approved on _____ 19 _____.

Registered Engineer,
State of South Carolina."

The following signed certificate shall appear on the final plat:

"I hereby certify that the plan shown and described herein is a true and correct survey to

the accuracy required by the Richland County Land Development Regulations and the monuments shown have been placed to the specifications set forth in those regulations. _____, 19 _____.

Registration No. _____,
Registered Land Surveyor."

- i. Sufficient data to determine and reproduce on the ground the location of all valves, fire hydrants, individual service lines and other appurtenances on water systems. Similar data for sanitary sewer lines, manholes, wyes, etc., shall be shown. Where utility lines run through easements of rights-of-way their locations in relation to easement lines must be shown. Location data shall be referenced to stable physical features such as curb corners, building corners, property corners, etc. Construction station numbers will not be used as reference.
 - j. Tax map reference and zoning.
- (2) Upon determination by the planning staff that the layout shown on the final plat is in conformity with the approved preliminary plan, the staff shall submit one copy each of the final plat and the record drawings to the required review agencies for review and approval if the applicant has not submitted the final plat and record drawings directly to the appropriate review agencies. If the required review agencies do not act within thirty (30) days, the planning

commission will be furnished an interim report.

After approval of the site improvements by the required review agencies and the proper dedications completed, or the acceptance of a surety bond in an amount covering the value of the uncompleted site improvements, the planning staff will schedule the final plat for review for the next regular planning commission meeting. Upon the approval of a final plat by the planning commission, the planning staff shall stamp eight (8) of the prints with the appropriate certificate of the planning commission, and return two (2) to the subdivider for recordation purposes.

The approval of the land development plan or subdivision plat may not be deemed to automatically constitute or effect an acceptance by the county of the dedication of any street, easement, or other ground shown upon the plat. Public acceptance of the lands must be by action of the county administrator or his designee.

(Ord. No. 018-96HR, § I, 4-2-96)

Secs. 22-12--22-20. Reserved.

ARTICLE III. MINIMUM DESIGN STANDARDS

Sec. 22-21. Streets.

All streets which shall hereafter be established in connection with the development of a subdivision shall comply with the following design standards and county specifications for roadway design:

- (a) *Extension of existing streets.* The arrangements of streets in a subdivision shall provide for the alignment and continuation or extension of existing streets in adjoining areas

in the same or greater width than the minimum required by these regulations. A greater width may be required if the existing street is identified for widening on the county long range major street plan.

- (b) *Residential cul-de-sacs.* Cul-de-sacs shall terminate in a circular turnaround having a minimum right-of-way of at least one hundred (100) feet in diameter and a paved turnaround with a minimum outside diameter of eighty (80) feet, or other approved type of turnaround, including T's, Y's or landscaped islands with minimum right-of-way sufficient for county maintenance.
- (c) *Temporary dead-end streets.* Temporary deadend streets shall be provided with a temporary turnaround having a roadway surface diameter of eighty (80) feet, or other approved type of turnaround.
- (d) *Half streets.* Half streets of less than two (2) lanes are prohibited. Whenever a street is planned adjacent to the proposed subdivision tract boundary, the entire street right-of-way shall be platted within the proposed subdivision, or a portion of the street may be platted and reserved with adequate provision for the concurrent dedication of the remaining portion of the right-of-way by the adjacent landowner, evidence of which shall be furnished by the subdivider.
- (e) *Intersections.* The center lines of no more than two (2) streets shall intersect at any one point. Streets shall be laid out so as to intersect as nearly as feasible at right angles and no street shall intersect any other street at an angle of less than sixty (60) degrees. The angle of intersections shall be measured at the intersection of street center lines. Where curved streets intersect, the lesser traveled street (based on current studies) shall have a minimum tangent of one hundred (100) feet at the intersection with no more than ten (10) degrees deflection from radial.
- (f) *Reverse curves.* A tangent of at least one hundred fifty (150) feet on collector streets shall be provided between reverse curves. On major arteries, tangent distances shall be determined by use of South Carolina Department of Transportation standards or county street designs standards.
- (g) *Street names.* Streets or roads that are extensions of, or obviously in alignment with, existing named streets shall bear that name. The names of new streets and roads shall be subject to the approval of the planning commission and shall not duplicate or be similar in sound to existing names, irrespective of the use of the suffix street, avenue, circle, way, boulevard, drive, place or court or the like, unless for orientation purposes, suffix streets are connected.
- (h) *Street access to unsubdivided property.* Where it is deemed necessary to the development of a logical street pattern and transportation network, streets and rights-of-way shall be extended to the boundary of adjoining property. Incompatible characteristics of adjoining property shall be given due consideration in making a determination of what shall constitute a logical street pattern. Reserve strips adjoining street rights-of-way for the purpose of preventing access to adjacent property shall not be permitted:
 - (1) Where required for a logical street pattern, street extensions or connections may be built. In the event the adjoining property is later developed in such a manner that it is determined that the connection will not be necessary for a logical street pattern, the connection may be abandoned and divided proportionally among adjoining landowners.
 - (2) In certain situations the planning commission may permit a platted lot to be "reserved for future street connection" in lieu of construction of

the street connection, in which case an escrow account will be established in favor of the county for a ten (10) year period in an amount determined by the county engineer to cover the cost of construction. In the event the connection is constructed, any remaining property shall be conveyed to adjoining property owners and the balance of the escrow account refunded to subdivider. In the event the adjoining property is later developed in such a manner that it is determined that the connection will not be necessary for a logical street pattern or, if it is determined that the connection is not required or desirable, the reservation will be terminated, ownership of the lot will remain with the subdivider and the escrow account refunded to subdivider. If the extension has not been constructed within the ten (10) year period, the planning commission will determine the continued necessity of the extension and either extend the time of the escrow account or recommend that the reservation be terminated, with ownership of the lot remaining with the subdivider and the escrow account being refunded to subdivider.

- (i) *Street intersection spacing.* Street intersections shall have a center line offset of not less than two hundred (200) feet except that street intersections on minor or local residential streets shall have a center line offset of not less than one hundred twenty-five (125) feet.
- (j) *Additional right-of-way.*
 - (1) *County roads:* In the event that the subdivision of property includes or abuts an existing platted county street or road that does not conform to the minimum right-of-way requirements of these regulations (i.e.: a minimum of

fifty (50) feet), or in the event that the subdivision will result in an increase in the average daily traffic using the street or road to the extent that the classification of the street will change under these regulations, or the street or road is shown on the county planning commission's long range major street plan, the preliminary plan must provide for sufficient right-of-way along one or both (if applicable) sides of the right-of-way to increase the size of the right-of-way to the width needed under the new classification. In the event the subdivision abuts only one (1) side of such a street or road, the additional right-of-way reserved shall not exceed one-half ($\frac{1}{2}$) of the additional right-of-way required under the new classification, measured from the center line of the existing right-of-way.

The subdivision plat will contain a notation that the portion so reserved is "reserved for future street widening right-of-way." In such event the reserved right-of-way may be conveyed as part of a lot but may not be calculated as part of the minimum lot square footage and may not be considered as part of any setbacks which may be required in any other part of these regulations and the county zoning ordinance. In the event that the county begins appropriate action to actually widen the street or road within ten (10) years from the time of the recording of the final subdivision plat, the additional right-of-way will be dedicated by the owner to the county without payment to the property owner.

In instances where there is little or no likelihood that the platted substandard street or road will be upgraded, the planning commission shall have the authority to waive this requirement.

(2) **State roads:** In instances of subdivision of land which abuts a road scheduled for improvement as shown in the latest adopted Columbia Area Transportation Study (COATS) Plan, the minimum setback for a structure shall be the setback for the zoning district plus an additional setback as outlined above which corresponds to standard widths for road classifications. This setback shall not be included in calculating the minimum lot size for the zoning district. That portion of the additional setback needed for the right-of-way may be purchased by the South Carolina Department of Transportation prior to construction unless the owner wishes to dedicate the right-of-way.

(k) **Right-of-way and pavement widths.** Minimum rights-of-way and pavement widths shall be as follows:

<i>Street Classification</i>	<i>Minimum Right-of-way (feet)</i>	<i>Minimum Pavement Width (feet)</i>
Rural	66	22(1)(4)
Minor residential	50	21(2)(3)
Local residential	50	25(2)
Local commercial	66	37(2)(3)
Collector	66	37(2)
Industrial service	66	37(2)
	80	36(1)
Arterial	100	53(2)
Residential collector	50	37(2)

- (1) Measured pavement edge to pavement edge.
- (2) Measured from back of curb to back of curb or from low point of valley to low point of valley.
- (3) Minimum pavement width and right-of-way may be reduced by the planning commission in individual cases.

(4) The mixing of rural and any other street classification is prohibited.

(l) **Street grades.** Grades on streets not classified shall be established by the South Carolina Department of Transportation, or the county engineer. Grades on collector streets shall not exceed eight (8) percent unless topographic conditions make this impractical. Grades on minor residential streets shall not exceed fifteen (15) percent, unless topographic conditions make this impractical. All streets shall have a minimum grade of not less than one-half (1/2) of one (1) percent.

(m) **Horizontal curves.** Where a deflection angle of more than ten (10) degrees occurs in the alignment of a street or road, a curve of reasonable radius shall be introduced. On streets not classified the center line radius of curvature shall be determined by the South Carolina Department of Transportation or county engineer. On collector, industrial or commercial service streets, the center line radius of curvature shall not be less than three hundred and fifty (350) feet. On local residential streets, the center line radius of curvature shall not be less than one hundred and fifty (150) feet unless the topography of the land to be subdivided makes this impractical.

(n) **Vertical curves.** Minimum stopping sight distance on streets not classified shall be determined by the state department or county engineer. On collector, industrial or commercial service streets, the minimum stopping sight distance shall be two hundred and seventy-five (275) feet (forty (40) mph), and on minor residential streets, one hundred and sixty (160) feet (twenty-five (25) mph). Stopping sight distances shall be measured from a height of eye of three (3) feet, nine (9) inches to an object with a height of six (6) inches, both distances measured above the center line of the street or road. Stopping sight distance shall be determined in accordance with the standards of the

American Association of State Highway Officials.

- (o) *Split-level streets.* Streets which are constructed so as to have two (2) traffic ways, each at a different level within the same right-of-way shall provide a paved traffic surface of at least twenty (20) feet oneach level and a slope between the two (2) traffic ways of six (6) to one (1) or flatter.
- (p) *Alleys.* Alleys shall not be provided except where the subdivider produces evidence satisfactory to the planning commission of the need for alleys. Where alleys are permitted, they shall be graded and surfaced to specifications approved by the planning commission and maintained in private ownership.
- (q) *Access to parks, schools, etc.* Streets shall be designed or walkways dedicated to assure convenient access to adjoining parks, playgrounds, schools and other places of public assembly. Dedicated walkways shall not be less than fifteen (15) feet in width if constructed or platted outside of street right-of-way.
- (r) *Relation to railroad rights-of-way.* When a subdivision adjoins railroad right-of-way, the subdivider may be required to arrange the street pattern to provide for future grade separation of street and railroad crossings.
- (s) *Street right-of-way.* When a tract of land to be subdivided includes any part of a street shown on the major thoroughfare plan approved by the planning commission, a right-of-way for the arterial street shall be platted in the location and to the width specified in the plan and such right-of-way shall be dedicated to the county.
- (t) *Marginal access streets.* In order to reduce traffic congestion, marginal access streets

may be required in residential, commercial or industrial subdivisions.

(Ord. No. 1535-86, § 1, 10-21-86; Ord. No. 018-96HR, § I, 4-2-96)

Sec. 22-22. Blocks.

(a) *Nonresidential blocks.* Blocks for other than residential use shall be of such length and width as may be suitable for their prospective use, including adequate provision for off-street parking and service.

(b) *Residential block length.* In order that there may be convenient access between various parts of a subdivision, and in order to help prevent traffic congestion and undue inconvenience except cul-de-sac lengths, the length of blocks hereafter established shall not exceed one thousand eight hundred (1,800) feet or be less than six hundred (600) feet.

(c) *Residential block width.* Where practical, the width of any residential block shall be sufficient to permit at least two (2) tiers of lots.

(d) *Cul-de-sac street length.* Cul-de-sacs shall not exceed the maximum length as designated for its zoning district as follows:

Zoning District	Maximum Length
RS-3	One thousand (1,000) feet
RS-2	One thousand two hundred fifty (1,250) feet
RS-1A	One thousand two hundred fifty (1,250) feet
RS-1	One thousand five hundred (1,500) feet
RR	Two thousand (2,000) feet
RU	Two thousand (2,000) feet.

All other districts shall be governed by the intensity of development, but in no event shall cul-de-sacs exceed two thousand (2,000) feet.

(Ord. No. 018-96HR, § I, 4-2-96)

Sec. 22-23. Lots.

All lots which shall hereafter be established in connection with the development of a subdivision shall comply with the following design standards:

- (a) *Authority of health department.* Nothing contained in these regulations shall be construed as preventing the health department, after study of the conditions existing in a proposed subdivision, from requiring that all or any portion of the area of that subdivision shall not be built upon or that the minimum lot sizes set forth in these regulations are inadequate and must be increased to ensure the protection of the public health.
- (b) *Lot lines and city limit or county lines.* Lots should, insofar as practical, not be divided by city limit or county boundary lines.
- (c) *Corner lots.* Corner lots shall be of sufficient size so that a structure could be constructed and still maintain minimum yard requirements specified in the county zoning ordinance.
- (d) *Double frontage.* Double frontage lots (i.e. lots having street frontage both in front and rear) shall be avoided except where essential to provide separation of residential development from railroad or major street rights-of-way or from nonresidential uses.
- (e) *Lot lines.* Insofar as practical, side lot lines shall be at right angles to straight street lines and radial to curved street lines.
- (f) *Minimum lot dimensions and area.* Minimum lot dimensions and area are governed by the zoning ordinance or applicable health regulations.
- (g) *Street access.* Every lot hereafter established shall front (or abut) and access on a street

which conforms to the requirements of these regulations.

(Ord. No. 1535-86, § 1, 10-21-86; Ord. No. 018-96HR, § I, 4-2-96)

Sec. 22-24. Easements.

Easements shall be required in subdivisions for the following purposes:

- (a) *Utility easements.* When it is found to be necessary and desirable to locate public utility lines in other than street rights-of-way, easements shall be shown on the plat for those purposes. All aboveground utilities shall be provided along rear property lines except where site conditions make this impractical. That easement shall be not less than twelve (12) feet in width on rear property line and ten (10) feet on the side lines and where feasible shall be centered on rear or side lot lines.
- (b) *Water course and drainage easements.* Where a proposed subdivision is traversed by a water course, drainage way, or stream, appropriate provisions shall be made to accommodate storm water and drainage through and from the proposed subdivision. That easement shall conform substantially with the lines of the water course and be of sufficient width or construction or both, as to comply with the Richland County storm drainage ordinance.

(Ord. No. 1535-86, § 1, 10-21-86; Ord. No. 018-96HR, § I, 4-2-96)

Sec. 22-25. Variances to design standards.

When, due to the peculiar shape of topography of a tract of land or other unusual condition of a tract of land, it is impractical for a developer to comply with the literal interpretations of the design standards of this article, the planning commission shall be authorized to vary those requirements provided the intent and purposes of these regulations are not

violated. In no case shall the planning commission vary a requirement of other review agencies. (Ord. No. 1535-86, § 1, 10-21-86; Ord. No. 018-96HR, § I, 4-2-96)

Secs. 22-26–22-35. Reserved.

ARTICLE IV. IMPROVEMENTS

Sec. 22-36. Requirements; installation prior to final plat approval.

A well-designed subdivision means little to a prospective lot buyer until he can see actual physical transformation of raw land into lots with all necessary improvements provided. Likewise, a well-designed subdivision is not an asset to the community until the necessary improvements have been installed. In order that prospective lot purchasers may get usable products and new subdivisions may be an asset rather than a liability to the community, the improvements required by these regulations shall be installed, or proper arrangements made therefor, prior to the approval of the final plat:

- (a) *Monuments.* All lot corners shall be marked with an iron pipe at least twenty-four (24) inches long and driven to within four (4) inches above the finished grade or flush as conditions may require.
- (b) *Natural gas.* When gas lines (where installed), are located in a street right-of-way, where possible, those lines shall be located outside the portion of the street to be surfaced to prevent having to cut into the paved surface to serve abutting properties.
- (c) *Water supply.* When required, water mains, valves, and fire hydrants shall be installed according to plans and specifications approved by the appropriate review agencies. When required, a connection shall be stubbed out to the property line, or easement line, to serve all abutting lots at the time of installation of water mains.
- (d) *Sanitary sewerage.* When required, sanitary sewers shall be installed according to the plans and specifications approved by the appropriate review agencies. When required, a connection shall be stubbed out to the property line, or easement line, to serve all abutting lots at the time of installation of sewer mains. The developer shall obtain the appropriate permit to construct from the South Carolina Department of Health and Environmental Control.
- (e) *Wastewater treatment facility.* Prior to the construction of any wastewater treatment facility such as an oxidation pond or other facility, the location, size, plans and specifications of such a facility shall be approved by the appropriate review agencies. No wastewater treatment facility will be approved unless it is in accordance with the approved sewer plan for the area and the sewer construction ordinance of the county. All wastewater treatment systems must receive a permit to construct from the South Carolina Department of Health and Environmental Control.
- (f) *Curbs and gutters.* When required, curbs and gutters shall be installed in accordance with plans and specifications approved by the county engineer.
- (g) *Street grading and surfacing.* Street grading, base preparation and surfacing shall be carried out by the subdivider according to plans and specifications approved by the county engineer.
- (h) *Storm drainage.* An adequate drainage system based on acceptable storm water management principles, including necessary open swales and waterways, pipes, culverts, storm sewers, intersectional drains, drop inlets, bridges, and other necessary appurtenances shall be installed by the subdivider according to plans in accordance with the county storm drainage ordinance and approved by the county engineer.

- (i) **Street name signs.** Street name signs shall be installed at all intersections within a subdivision. The location and design of such signs shall be approved by the county engineer.
- (j) **Street trees.** The planting of street trees is not required. However, if the subdivider chooses to plant trees along the street to enhance the appearance of a subdivision, those trees shall not be planted on any street right-of-way of less than sixty (60) feet unless it can be conclusively shown that there will be no future conflict with vehicles or with utility lines either above or below the ground surface.
- (k) **Traffic control devices.** The developer of a subdivision shall be responsible for the cost of all materials and labor involved in the installation of all traffic control devices, such as stop signs, yield signs, traffic lights, etc., as required by the county engineer and in accordance with the South Carolina Manual on Uniform Traffic Control Devices for Streets and Highways. The total cost of all such traffic devices shall be paid in full to the county public works and utilities department prior to recording of the final plat, if the public works department purchases and installs such devices.
- (l) **Control of sedimentation and erosion.** All disturbed areas within any road rights-of-way in a subdivision shall be treated to prevent or control sedimentation and erosion in accordance with the design standard in the county sediment and erosion control ordinance and county standard specifications for streets and drainage.
- (m) **Private roads.** Where subdivision roads are not to be dedicated to the county for public maintenance, subdividers shall install signs at the beginning of the private subdivision roads which state "county maintenance ends." Such

roads shall be constructed to county standard specifications for streets and drainage.

(Ord. No. 1535-86, § 1, 10-21-86; Ord. No. 018-96HR, § I, 4-2-96)

Sec. 22-37. Surety in lieu of completion of improvements.

After preliminary plat approval has been given, in lieu of the completion of the physical development and installation of the required improvements prior to the final approval of a plat, the county may accept a bond, in an amount and with surety and conditions satisfactory to it, providing for and securing to the county the actual construction and installation of those improvements and utilities within a period specified by the county engineer and/or county attorney and expressed in the bond. All easements and rights-of-way shall be shown on final plats and descriptions recorded prior to filing of the final plat of a subdivision under surety bond. The types of bonds accepted are contained in Article XII, types of bonds, of this chapter.

(Ord. No. 1535-86, § 1, 10-21-86; Ord. No. 018-96HR, § I, 4-2-96)

Secs. 22-38–22-45. Reserved.

ARTICLE V. CLUSTER HOUSING

Sec. 22-46. Cluster housing.

The intent of residential cluster housing is to provide savings in infrastructure installation, land resources and energy use through the concentration of dwellings, construction and physical impact to specific areas of a tract. Cluster housing permits variation in lot size, shape and orientation without an increase in overall density of population or development:

- (a) **Procedure for plat approval.** As a condition of approval for cluster housing developments, all applicants shall submit plans for review by the planning commission according to the requirements of sections 22-10 and 22-11 of the county land development regulations.

(b) *Plat requirements.*

(1) All applicants requesting plat approval for cluster housing developments shall prepare sketch plans, preliminary plats and final plats in accordance with section 22-11 of the county land development regulations and section 26-87, cluster housing development, of the county zoning ordinance.

(2) In addition to the information required in section 22-11, all applicants for cluster housing developments shall submit the following documents showing the information indicated:

a. Sketch plan:

- 1. Location and type of all proposed common buildings or other amenities.
- 2. Designation of all proposed common open space and percent.
- 3. Location and design of required parking, if applicable.
- 4. Landscaping plan, if applicable.

b. Preliminary plat and construction drawings:

- 1. Location and scaled dimensions of all proposed common buildings or other amenities.
- 2. Designation of all proposed common open space and percent.

3. A copy of the legal documentation for land in common ownership or restricted for common use and the identification of area in private ownership, common ownership, and public ownership.

4. The planning commission may require additional information if there is a need.

c. Final plat:

1. Designation of all common open space and percent.

2. The legal documentation approved by the county attorney for land in common ownership or restricted for common use and the identification of land are in common ownership which shall be recorded along with the final plat in the office of the register of mesne conveyances.

3. Where phasing is proposed, each phase must independently or when combined with previously recorded phases, meet all minimum requirements of the cluster housing regulations.

(c) *Design standards.* The following requirements are applicable to cluster housing developments:

- (1) *Street access.* Any dwelling units on lots established within a cluster housing development shall be provided with access by a street which meets the requirements of these regulations. In no case shall the planning commission vary the requirements for compliance with the minimum design standards of the regulations set forth in § 22-21 or the county engineer's office.
- (2) *Screening.* The planning commission may require additional screening above that required by the landscaping ordinance.
- (3) *Minimum required common open space.*

a. Open space is defined as that concentrated land/water area devoted to common active or passive use by all the homeowners, exclusive of parking areas, street and street rights-of-way, which is designed to meet the primary objective of supplying open space or recreational needs:

Minimum Common Open Space

<i>Zoning District</i>	<i>Percent of Land in Open Space to Total Tract Area</i>
RS-1	10%
RS-2	15%
RS-3, RG-1	20%
RG-2	25%
C-1	30%

b. Maintenance of open space is defined as open space area designated for use by the residents of the cluster housing development as generated by the requirements

in section 22-46(c)(3)(a) of this article shall be maintained in perpetuity and a document executed and recorded in the public records to that effect.

- (4) *Other lot requirements.* Notwithstanding other provisions of this article, individual lots within cluster housing developments are not subject to minimum lot width or lot area requirements.

(Ord. No. 1535-86, § 1, 10-21-86; Ord. No. 018-96HR, § I, 4-2-96; 015-98HR, 5-5-98)

Secs. 22-47--22-49. Reserved.

ARTICLE VI. EXPERIMENTAL DEVELOPMENTS

Sec. 22-50. Intent.

It is the intent of these regulations to ensure that all new developments shall contribute to the building of economically sound and desirable living areas within the community with all necessary services and facilities.

(Ord. No. 1535-86, § 1, 10-21-86; Ord. No. 018-96HR, § I, 4-2-96)

Sec. 22-51. Authority to modify standards.

In order to provide the subdivider with maximum flexibility in the design and character of new residential developments, the planning commission is hereby authorized to modify the standards and requirements of these regulations in the case of a plan for an experimental subdivision or planned unit development, which in the judgment of the planning commission provides adequate public spaces for circulation, recreation, light, air and service needs of the tract when fully developed and populated, and which also provides such covenants or other legal provisions as will assure conformity to and achievement of the plan.

(Ord. No. 1535-86, § 1, 10-21-86; Ord. No. 018-96HR, § I, 4-2-96)

Sec. 22-52. Maintenance of spirit of regulations.

Any development or subdivision approved under this section shall maintain the objectives, purposes, and intent of these regulations. It is noted that the zoning ordinance of the county sets certain development criteria, and that the planning commission does not have authority to grant permission to violate the zoning ordinance nor can the planning commission override the requirements of the reviewing agencies.

(Ord. No. 1535-86, § 1, 10-21-86; Ord. No. 018-96HR, § I, 4-2-96)

Sec. 22-53. Plat approval process.

Experimental developments or subdivisions approved under this section shall be processed under the procedures as outlined in Article II, procedures for plat approval.

(Ord. No. 1535-86, § 1, 10-21-86; Ord. No. 018-96HR, § I, 4-2-96)

Secs. 22-54, 22-55. Reserved.

ARTICLE VII. GROUP DEVELOPMENTS

Sec. 22-56. Group developments.

In order to prevent creation of traffic hazards, ensure the provision of off-street parking and necessary utilities, plans for group developments such as shopping centers, office buildings, industrial sites, mobile home parks, and apartment complexes where the site is not subdivided into lots, blocks and streets, but includes two (2) or more structures designed or intended for separate occupancy or use, shall be submitted to the planning commission for review and approval:

- (a) *Procedures for plan review.* The following procedures shall be followed in the submission, review and action upon all group development plans:

- (1) *Site plan review:*

- a. The developer or his representative shall submit nine (9) copies of a site plan to the staff of the planning commission prepared in accordance with these regulations for review.
- b. The staff shall submit copies of the site plan to the reviewing agencies for comments.
- c. Upon receipt of the reports from the reviewing agencies and determining that the site plan is in conformance with the county requirements, the staff shall approve the site plan subject to ratification of the planning commission.
- d. Ratification of the site plan subject to changes required by the reviewing agencies shall constitute authority of the developer to submit construction drawings.

- (2) *Construction drawings review:*

- a. The developer shall submit at least five (5) copies of the construction drawings of all or a portion of the development given site plan approval, along with the necessary supporting data to the staff of the planning commission.
- b. Upon determination by the planning staff that the layout shown on the construction drawings is in conformity with the approved site plan, the staff shall submit copies of these plans to the required review agencies for review and

approval. Upon receipt of approval from the required review agencies, the staff shall notify the developer or his representative and the reviewing agencies that the construction drawings have been approved or subject to changes required by the reviewing agencies. This approval constitutes authority of the developer to construct site improvements in accordance with the approved construction drawings. The start of actual construction must be scheduled with the appropriate inspection agencies. Construction drawings approval shall be valid for only two (2) years, in the absence of all secured permits and start of actual and continuing construction. Construction plan approval shall in no way be construed as constituting an official action of approval for the recording of the subdivision plat as required elsewhere in this chapter.

(3) *Overall plan information:* Plans shall be prepared in accordance with the requirements of section 22-11 of the county land development regulations. In addition to the requirements of section 22-11, site plans and construction drawings, plans for group developments shall contain the following:

- a. Typical arrangement of existing and proposed buildings and structures.
- b. The shape, dimensions, and location of all buildings existing and proposed on said parcel.

- c. The nature (commercial, industrial, etc.) of the proposed uses of the buildings and/or land.
- d. The location and dimensions of off-street parking and loading spaces and the means of ingress and egress to and from such spaces.
- e. Such other information as the planning commission or reviewing agencies may deem necessary because of the physical character peculiar to the particular development.
- f. Proposed location and type of material of walls, fences and screen plantings in accordance with the requirements of the county landscape ordinance.
- g. Proposed locations and service connectors of fire hydrants and refuse collection points.

(4) *Minimum off-street parking and loading requirements:* Shall be as specified in the zoning ordinance (Article 7) and Article IX of these land development regulations.

(5) *Water and sewer:* Adequate provisions for water supply and sanitary sewerage, shall be installed by the developer according to the plans and specifications approved by the appropriate review agencies.

(6) *Storm drainage:* An adequate drainage system based on acceptable storm water management principles, including necessary open swales and waterways, pipes, culverts, storm sewers, intersectional drains, drop inlets, bridges, and other necessary appurtenances shall be installed by the

subdivider according to plans in accordance with the county storm drainage ordinance and approved by the county engineer.

(7) *Minimum parking and driveway setbacks except for ingress and egress:* Parking facilities and/or driveways shall not be permitted for a distance of ten (10) feet from any street right-of-way. Bumper stops shall be installed at all parking spaces bordering street rights-of-way.

(8) *Access requirements:* Shall be in accordance with the South Carolina Department of Transportation "Access & Roadside Standards" (ARMS) dated December 1991, as amended.

(9) *Parking layout:* Parking shall be as specified in Article IX, Section 22-65, minimum design standard:

Minimum curb return radius: A minimum curb return radius of twenty (20) feet is required. The planning commission may require higher street design (i.e.: turn lanes, etc.).

(10) *Minimum internal road, driveway, and aisle widths:*

a. The minimum aisle widths between parking areas are:

- Ninety (90) degree parking - twenty-five (25) feet
- Sixty (60) degree parking - twenty (20) feet
- Forty-five (45) degree parking - fifteen (15) feet.

b. Minimum driveway widths which do not directly access parking spaces:

- Twelve (12) feet for one-way traffic; must be properly marked for one-way traffic.
- Twenty-four (24) feet for two-way traffic.

c. Minimum road widths: Group residential developments exceeding five hundred (500) units and group commercial developments exceeding five hundred thousand (500,000) square feet gross floor area shall be required to provide an internal circulation road which meets the county standard specifications for streets and drainage. On-street parking will not be permitted on an internal circulation road.

(11) *Building setback from exterior property line:* The setback from exterior property lines shall be in accordance with the county zoning ordinance. However, the planning commission may require additional setback.

(12) *Internal design and spacing:* The internal design and spacing shall be in accordance with the county zoning ordinance. However, the planning commission may require additional spacing between structures.

(13) *Landscaping:* The landscaping for group developments shall be in accordance with the requirements of the county landscape requirements, Chapter 27; however, the planning commission may require additional plantings.

(Ord. No. 1535-86, § 1, 10-21-86; Ord. No. 018-96HR, § I, 4-2-96)

Sec. 22-57. Variances.

When, due to the peculiar shape or topography or other unusual condition of a tract of land, it is impractical for a developer to comply with the literal interpretations of the design standards contained in section 22-56, the planning commission shall be authorized to vary those requirements provided the intent and purposes of these regulations are not violated. In no case shall the planning commission vary a requirement of other review agencies. (Ord. No. 1535-86, § 1, 10-21-86; Ord. No. 018-96HR, § I, 4-2-96)

Secs. 22-58--22-62. Reserved.

ARTICLE VIII. PLANNED UNIT DEVELOPMENTS

Sec. 22-63. Planned unit development.

The intent of planned unit development regulations is to permit the developer to derive the benefits of efficiency, economy, and flexibility by encouraging unified development of large sites, while also obtaining the advantages of creative site design, improved appearance, compatibility of uses, optimum service by community facilities, and better functioning of vehicular access and circulation. (Ord. No. 1535-86, § 1, 10-21-86; Ord. No. 018-96HR, § I, 4-2-96)

Sec. 22-64. Procedures for plat approval.

Planned unit developments approved under this section shall be processed under the procedures as outlined in Article II, procedures for plat approval. (Ord. No. 1535-86, § 1, 10-21-86; Ord. No. 018-96HR, § I, 4-2-96)

ARTICLE IX. PARKING LOTS

Sec. 22-65. Minimum design standards.

All surface parking lots shall comply with the following design standards:

- (a) *Border barricades.* A rail, fence, curb or other continuous barricade sufficient to retain

the parked vehicles completely within the property shall be provided, except at exit and access driveways. Appropriate screening shall be provided on all borders facing residential areas (see paragraph (e) below).

- (b) *Entrances and exits.* The location and design of all entrances and exits shall be subject to the approval of the planning commission. No entrance or exit shall be within twenty-five (25) feet of a lot in a residential zone.

- (c) *Lighting.* Lighting of the parking lot shall be provided. Any lighting shall be so arranged as to reflect light away from any residential area and not to adversely affect safe vision of drivers on the adjacent roads.

- (d) *Drainage.* The drainage on all parking lots shall conform with the county's storm drainage ordinance and be approved by the county engineer.

- (e) *Landscaping and screening.* Shall be as set forth in the landscaping requirements, Chapter 27, Article 4, parking lots.

- (f) *Emergency access driveways.* When deemed necessary for safety and general welfare, emergency access (ingress and egress) shall be provided.

- (g) *Additional requirements.* As set forth in Article 7, additional requirements, of the zoning ordinance.

(Ord. No. 1535-86, § 1, 10-21-86; Ord. No. 018-96HR, § I, 4-2-96)

Secs. 22-66--22-69. Reserved.

ARTICLE X. GENERAL PROVISIONS

Sec. 22-70. Application of regulations.

From and after the adoption of these regulations and notification of the register of mesne conveyances:

- (a) No plat of a subdivision shall be filed with or recorded by the register of mesne conveyance

until that final plat has been approved by the staff of the planning commission according to the procedures set forth in these regulations.

- (b) No street right-of-way shall be accepted, opened, or maintained in any subdivision established hereafter which does not meet the requirements of these regulations.
- (c) Building permits shall be issued for buildings in any subdivision after approval of the preliminary plat (construction drawings) by the staff and ratification by the planning commission. No occupancy permit shall be issued for buildings in any subdivision established hereafter unless a final plat of that subdivision has been approved by the planning commission and recorded. See procedures outlined in section 22-37 for approval of final plats under bond.

(Ord. No. 1535-86, § 1, 10-21-86; Ord. No. 018-96HR, § I, 4-2-96)

Sec. 22-71. Violation and penalty.

(a) Whoever, being the owner or agent of the owner of any land located within a subdivision, transfers or sells, agrees to sell or negotiates to sell any land by reference to, or exhibition of, or by other use of a plat of a subdivision, before that plat has been approved by the planning commission and recorded in the office of the register of mesne conveyance, shall be guilty of a misdemeanor. The description of any such lot or parcel by metes and bounds in the instrument of transfer or other document used in the process of selling or transferring that lot or parcel shall not exempt the transaction from those penalties or remedies herein provided. The county may enjoin such transfer, sale or agreement by appropriate action.

(b) The county register of mesne conveyance is prohibited by the Code of Laws of South Carolina from accepting, filing, or recording any subdivision plat of land situated within an area covered by subdivision regulations without prior approval of the plat by the planning commission.

(Ord. No. 1535-86, § 1, 10-21-86; Ord. No. 018-96HR, § I, 4-2-96)

Sec. 22-72. Schedule of fees and charges.

(a) The county council may establish a schedule of fees and charges, and a collection procedure, for review of preliminary, construction, and final plats and other matters pertaining to these regulations. This schedule of fees and charges, if established, shall be available to the general public, and may be altered or amended only by the county council, provided however, that such fees and charges shall not be levied against the county council, the planning commission, or any department or agency of the county.

(b) No plans or plats shall be reviewed or approved unless and until such costs, charges, fees, or expenses have been paid in full, provided, however, that no fees shall be charged for any Habitat For Humanity project.

(Ord. No. 1535-86, § 1, 10-21-86; Ord. No. 052-95HR, § II, 9-5-95)

Sec. 22-73. Legal status.

(a) *Conflict with other ordinances.* Whenever the provisions of these regulations impose more restrictive standards than are required in or under any other ordinance, the regulations herein contained shall prevail. Whenever the provisions of any other ordinance require more restrictive standards than are required herein the requirements of those regulations shall prevail.

(b) *Repeal of conflicting regulations.* All ordinances regulating the subdivision of land adopted prior to these regulations are hereby repealed.

(c) *Separability clause.* If any section, clause or portion of these regulations shall be held by a court of competent jurisdiction to be invalid or unconstitutional, that finding shall not affect any other section, clause, or portion of these regulations.

(d) *Effective date.* These regulations shall take effect and be enforced from and after their adoption.

(e) *Amendment.* These regulations may be amended after notice and public hearing in the same manner as prescribed by law for their original adoption.

(f) *Failure to obtain approval a misdemeanor.* No subdivision plat or land development plan, as defined in Section 22-4(22), whether or not exempt from the definition of subdivision, within the jurisdiction of the county may be filed or recorded in the office of the register of mesne conveyances, and no building permit may be issued until the plat or plan bears the stamp of approval and is properly signed by the designated authority. The submission for filing or the recording of a subdivision plat or other land development plan without proper approval as required is declared a misdemeanor and, upon conviction, is punishable as provided by law.
(Ord. No. 1535-86, § 1, 10-21-86; Ord. No. 018-96HR, § I, 4-2-96)

ARTICLE XI. FEE SCHEDULE

Sec. 22-74. Fees.

(a) *Subdivision processing fee schedule.* The following fees shall be paid by the owner or agent of the owner of a proposed subdivision when the preliminary plan and construction drawings are submitted to the planning staff:

<i>Number of Lots</i>	<i>Fees</i>
3 - 7	\$200.00
8 - 25	\$600.00
26 - 50	\$600.00 + \$10.00 per lot over 25, max. \$850.00
51 - 100	\$850.00 + \$5.00 per lot over 50, max. \$1,100.00
Above 100	\$1,100.00 + \$2.50 per lot over 100.

(b) *Group development processing fee schedule.* The following fees shall be paid by the developer of a group development or his agent when the construction drawings are submitted to the planning staff:

- (1) Residential group developments:

<i>Number of Dwelling Units</i>	<i>Fees</i>
1-25	\$ 500.00
26-50	\$ 500.00 + \$3.00 per unit over 25, max. \$575.00
51-100	\$575.00 + \$2.00 per unit over 50, max. \$675.00
Above 100	\$675.00 + \$1.00 per unit over 100.

- (2) Commercial or industrial group developments:

< 50,000 square feet	\$500.00
50,001--60,000	\$600.00
60,001--100,000	\$700.00
100,001 and up	\$800.00

(c) *Experimental developments processing fee schedule.* The planning commission shall determine the amount of the processing fee when it initially approves the concept of any particular experimental development.

(d) *Exempt plats processing fee.* A fee of five dollars (\$5.00) will be charged for each plat processed for exemption from the county land development regulations.

(e) *Minor subdivisions processing fee.* Minor subdivisions requiring no improvements shall be charged a fee of five dollars (\$5.00) for each platted lot, to be payable upon approval of the said plat.
(Ord. No. 1535-86, § 1, 10-21-86; Ord. No. 018-96HR, § I, 4-2-96; Ord. No. 033-96HR, § I, 6-4-96)

ARTICLE XII. TYPES OF BONDS

Sec. 22-75. Types of bonds.

In lieu of completion of a development previous to final plat approval, county council may accept a bond, in an amount and with surety and conditions satisfactory to it, providing for and securing to the county the actual construction and installation of all improvements and utilities within a period specified by the planning commission and expressed in the

bond. The types of bonds acceptable to the county are:

- (a) A surety bond issued by a company licensed to do business in the State of South Carolina in an amount equal to one hundred twenty five (125) percent of the estimated cost of improvements. The estimated cost of improvements shall be determined by the county engineer.
- (b) Escrow funds in an account in the name of Richland County in an amount equal to one hundred twenty five (125) percent of the estimated cost of improvements. The estimated cost of improvements shall be determined by the county engineer. The contract may authorize a reduction of the escrow account upon completion of a portion of the improvements but at no time shall the escrow account be less than one hundred twenty five (125) percent of the cost of remaining improvements.
- (c) The developer may pledge securities in the form of negotiable stocks or bonds in favor of the county in an amount at least two (2) times the estimated cost of improvements. The estimated cost of improvements shall be determined by the county engineer.
- (d) In addition to the bond provided by the developer to ensure installation of all improvements, it is recommended that county council require the contractor to post a performance bond which holds the contractor liable for any problems up to eighteen (18) months after completion of the improvements. An acceptable performance bond is issued by a bonding company licensed to do business in the State of South Carolina in an amount of fifty (50) percent of the cost of the initial improvements for which the contractor is responsible.
- (e) An irrevocable letter of credit issued by a responsible financial institution, in an amount equal to one hundred twenty five (125) percent of the estimated cost of improvements. The estimated cost of

improvements shall be determined by the county engineer.

(Ord. No. 1535-86, § 1, 10-21-86; Ord. No. 1925-89, §§ I-III, 10-17-89; Ord. No. 018-96HR, § I, 4-2-96)

ARTICLE XIII. PRIVATE DRIVEWAY SUBDIVISIONS

Sec. 22-76. Private driveway subdivisions.

It is the intent and purpose of this article to furnish a means of subdividing property in the county without incurring the costs associated with major subdivisions. For the purposes of this article, family members are defined as the grantor, his or her spouse, parents, grandparents, great-grandparents, brothers, sisters, children, grandchildren, and great-grandchildren of either the grantor or the spouse of the grantor.

Notwithstanding any of the provisions of this section, a private driveway subdivision road will be accepted into the county road system, provided the road meets all applicable standards as set forth in Chapter 21, Roads Highways and Bridges, of the Code of Ordinances for Richland County.

Subdivision of land meeting the intent and purpose of this appendix is exempt from the road access and paving requirements of the land development regulations, but is not exempt from the road design requirements to permit acceptable ingress and egress of emergency vehicles:

(a) *Approval procedure.*

- (1) The applicant shall submit a sketch plan for review by the staff of the planning commission prior to expenditure of major funds. The applicant must certify that the conveyance shall be to family members only.
- (2) If the sketch plan meets the requirements of this article, it may be scheduled before the next planning commission for conceptual approval. If conceptual approval is given, the applicant shall comply with all conditions listed in section (b).

(3) Once the conditions listed in section (b) are satisfied, the restrictive covenants and plat shall be submitted to the staff of the planning commission. The planning commission shall review and approve, disapprove or approve with modifications the restrictive covenants and plat at the meeting in which it is presented. Review and approval of the restrictive covenants is limited to the purpose of assuring compliance with the requirements of this article. If the restrictive covenants and plat are approved, the planning commission staff shall collect from the owner the necessary recording fees and shall promptly record the plat and restrictive covenants for the owner.

(b) *Conditions for approval.*

(1) An owner of land may subdivide a tract of land pursuant to this article provided that no more than seven (7) lots result from the subdivision, and each lot has a minimum size of one (1) acre, exclusive of the private driveway. After recording a final subdivision plat under the provisions of this article, subdivision of the remaining tract of land into smaller parcels shall not be permitted except in full compliance with the provisions of all land development regulations.

(2) *Restrictive covenants:* Prior to the transfer of any interest in land and/or the recording of any deed or plat subdividing the property, the owner shall submit to the planning commission a properly executed set of restrictive covenants covering the tract to be subdivided. These restrictive covenants shall be in a form acceptable to the county attorney and shall provide at a minimum:

a. A privately maintained driveway which has an acceptable all-weather surface as determined by the county engineer and approved by the planning commission, having a minimum access width of fifty (50) feet, an approved

encroachment to a public road and which provides access to all lots and shall be established by one (1) of the following methods:

- Cross easements in favor of each lot owner fronting on the driveway containing a provision for common maintenance of the driveway with fee simple owned by each lot owner.
- Conveyance of an undivided interest of each lot owner fronting on the driveway, the numerator of which is one (1) and the denominator of which is the number of lots fronting on the driveway, together with a provision for cross easements and for maintenance of the driveway by all lot owners. Said driveway shall be jointly owned and maintained by all property owners abutting the driveway. Such private driveway shall comply with any lending requirements of FHA and VA.

b. Provision shall be made for maintenance of the private driveway in perpetuity by the property owners abutting the driveway. All lot owners shall be jointly and severally financially required to maintain the driveway, said obligation to be enforceable by the filing of a lien by the remaining property owners against the property of a defaulting owner. The following statement in capital letters shall be conspicuously displayed in the restrictive covenants:

THE PRIVATE DRIVEWAY PROVIDING ACCESS TO LOTS IN THIS DEVELOPMENT IS NOT AND WILL NOT BE MAINTAINED BY

RICHLAND COUNTY. OWNERS OF LOTS IN THIS DEVELOPMENT ARE FINANCIALLY OBLIGATED TO MAINTAIN THIS DRIVEWAY IN PERPETUITY FOR THE BENEFIT OF ALL PROPERTY OWNERS IN THE DEVELOPMENT.

c. A variance to section (b)(2)a. may be permitted under planning commission approval subject to the following:

- The all-weather surface driveway may be omitted upon showing undue hardship and platting showing a maximum of four (4) lots.
- A restriction limiting the total number of dwellings to five (5) overall.
- A cleared, passable surface of a minimum of twenty-four (24) feet is maintained.

d. The restrictive covenants shall require that any deed or document conveying any interest in a lot in the subdivision shall conspicuously contain the following language with an appropriate space for a signature by the grantee or grantees acknowledging same:

THE REAL PROPERTY DESCRIBED IN THIS DEED IS SUBJECT TO RESTRICTIVE COVENANTS RECORDED IN DEED BOOK ____ AT PAGE ____ . THESE RESTRICTIVE COVENANTS PROVIDE, AMONG OTHER THINGS, A FINANCIAL OBLIGATION TO MAINTAIN A PRIVATE DRIVEWAY. THESE RESTRICTIVE COVENANTS ARE SPECIFICALLY ACKNOWLEDGED BY THE GRANTEE(S).

GRANTEE(S)

(3) *Plat:* A plat of the development shall be prepared by a licensed surveyor. This plat shall, at a minimum, show the borders of all lots resulting from the proposed subdivision, the size and acreage of each lot exclusive of the access driveway, the frontage of the overall tract on public roads and streets, and the locations and dimensions of the privately maintained access driveway. The following statement must be conspicuously shown on the plat in capital letters:

THE PRIVATE DRIVEWAY PROVIDING ACCESS TO LOTS (INSERT THE LOT NUMBERS) SHOWN HEREON IS NOT, AND WILL NOT BE, MAINTAINED BY RICHLAND COUNTY. SEE DECLARATION OF RESTRICTIVE COVENANTS RECORDED IN DEED BOOK _____, PAGE _____, IN THE RMC OFFICE FOR RICHLAND COUNTY, SOUTH CAROLINA.

(4) *Road frontage:* The tract proposed to be subdivided must have frontage of no less than fifty (50) feet on a public road or street. A minimum distance of not less than two hundred (200) feet shall be required between the centerlines of such driveways.

(5) *Sign:* The owner shall conspicuously place on the privately maintained driveway near the entrance to the development a street sign with an approved name for 9-1-1 coordination.

(6) *Driveway improvements and drainage:* Any impermeable or semipermeable improvements to the driveway at any point shall require submission of a storm drainage plan to the county planning department for review and approval by the county engineer. Submittal of a storm drainage plan under other circumstances prior to plat approval shall be at the discretion of the county engineer. In any event, the deed or any document conveying any interest in the subdivision shall conspicuously contain the following language with an appropriate space for signature(s) by the grantee(s) acknowledging same:

ALTERATION OF STORM DRAINAGE FLOW IS PROHIBITED WITHOUT A STORM DRAINAGE PLAN PREPARED IN ACCORDANCE WITH THE RICHLAND COUNTY STORM DRAINAGE ORDINANCE AS REQUIRED AND APPROVED BY THE COUNTY ENGINEER.

GRANTEE(S)

The aforementioned language shall be conspicuously displayed in capital letters in the restrictive covenants and on the plat as a disclosure statement.

(Ord. No. 1535-86, § 1, 10-21-86; Ord. No. 1853-89, § I, 4-4-89; Ord. No. 0015-94, § I, 3-1-94; Ord. No. 018-96HR, § I, 4-2-96; Ord. No. 034-96HR, § I, 6-4-96; Ord. No. 033-97HR, § I, 5-6-97)

CHAPTER 27: LANDSCAPE REQUIREMENTS

- Art. 1. Intent, §§ 27-1.1–27-1.7
- Art. 2. Street Frontages, §§ 27-2.1–27-2.6
- Art. 3. Bufferyard and Screening Standards, §§ 27-3.1–27-3.99
- Art. 4. Parking Lots, §§ 27-4.1–27-4.6
- Art. 5. Service Areas, §§ 27-5.1–27-5.5
- Art. 6. Tree Protection, §§ 27-6.1–27-6.7
- Art. 7. Standards and Materials, §§ 27-7.1–27-7.6
- Art. 8. Definitions, § 27-8.1
- Art. 9. Legal, §§ 27-9.1–27-9.7

Cross reference(s)—Weeds and rank vegetation on lots, § 14-61 et seq.; planning, § 20-1 et seq.; roads, highways and bridges, § 21-1 et seq.; land development, § 22-1 et seq.; zoning, Ch. 26.

Richland County Code

ARTICLE I. INTENT**Sec. 27-1.1. General.**

27-1.10 This ordinance shall apply to all real property except single-family and two-family residential uses and churches, synagogues and other places of worship within the unincorporated area of the county, including any land covered by water; however, the requirements of Article 6--Tree Protection shall apply to residential subdivision developments. Utility equipment shall be subject to the requirements of Article 5--Service Areas only. (Ord. No. 097-96HR, § I, 12-3-96)

27-1.11 This ordinance is designed to safeguard public health, safety and welfare; to prevent air and water pollution, erosion, sedimentation, noise, glare and excessive heat and to protect and enhance the value of investments, the visual beauty and the environment of the unincorporated area of the county.

27-1.12 It is the intent of this ordinance to improve the appearance of the community by encouraging attractive and creative design and good landscaping practice.

27-1.13 It is the intent of this ordinance that any burden imposed by it will be compensated for by the resulting increases in property values, commercial activity, and economic development.

Sec. 27-1.2. Areas.

27-1.20 Since visitors' impressions of the community are shaped primarily by the views from thoroughfares, preserving and improving streetscape and landscape resources and aesthetics contributes to the general welfare, prosperity and community pride, while mitigating the damage caused by the prevalence of unmitigated strip development which has destroyed the natural beauty of the landscape, upset the balance of nature, degraded the image of the community and lowered the quality of life.

27-1.21 Article 2--Street Frontages is designed to improve the image of the community by encouraging

beautification along roads, highways and traffic arteries.

27-1.22 Article 3--Buffer Yards and Article 5--Service Areas are designed to protect and enhance the value of land adjacent to parking lots, utility and service facilities and high-intensity uses.

27-1.23 Article 4--Parking Lots is designed to preserve the natural environment from the harmful effects of large expanses of unbroken pavement surfaces by reducing pollution, noise, glare and heat.

27-1.24 Article 6--Tree Protection is designed to preserve healthy trees which have become valuable and irreplaceable natural resources by virtue of age and size; and to prevent the clear cutting of non-agricultural lots.

27-1.25 Article 7--Standards and Materials, Article 8--Definitions, and Article 9--Legal, specify and define the terms and conditions set forth in the previous article of the ordinance as required to clarify intent and enforce the ordinance.

Sec. 27-1.3. Planting.

27-1.31 Plantings, trees and landscaping shall be required in order to provide shade, improve appearance, mitigate the impact of unattractive areas, break up large expanses of impervious surfaces and improve ground water recharge.

Sec. 27-1.4. Screening.

27-1.40 Earth berm, plant, fence or wall screening shall be required in order to safeguard the public from the dangers of attractive nuisances.

27-1.41 To improve community appearance, service areas and unsightly equipment and structures shall be screened from view and from dangerous access from public rights-of-way and certain adjoining property by landscaping, berming or fences.

Sec. 27-1.5. Trees.

27-1.50 The planting of trees in new or expanding

developments promotes air purification and oxygen regeneration, insures adequate light, air and open space and conserves energy.

27-1.51 These articles should be construed to encourage preservation of existing trees and discourage the unnecessary removal of trees while allowing for the reasonable and economical develop of land.

Sec. 27-1.6. Special.

27-1.60 It is the intent of these sections to encourage creativity and good practice in design, and flexibility in the application of the design standards, by placing emphasis on the use of a variety of elements and diverse planting groups to achieve the desired results. These include large canopy/shade trees, small/understory trees, shrubbery, earth berms, walls, fences, paving materials, irrigation systems and provisions for alternative methods of compliance.

Sec. 27-1.7. Legal.

27-1.70 This chapter is not intended, and should not be interpreted, as a taking of property without due process or just compensation; nor is it intended to unnecessarily burden those who exercise due care in the installation and maintenance of landscaping.

27-1.71 Any person violating, by act or omission, any requirement of this chapter shall, upon conviction, be deemed guilty of a misdemeanor punishable by a fine of not less than twenty dollars (\$20.00) or more than five hundred dollars (\$500.00), or imprisonment of not more than thirty (30) days, or both, at the discretion of the court. Such person shall also be liable for any civil damages, injunctions, mandamus, or the replacement of illegally removed trees.

27-1.72 Where violation of this chapter continues after notice given by the zoning administrator, each day of continuation shall be deemed a separate offense.

27-1.73 Any person or organization who knowingly commits, assists in or maintains such

violation may be found jointly and severally liable for such violation.

(Ord. No. 029-01HR, § I, 4-17-01)

ARTICLE 2. STREET FRONTAGES

Sec. 27-2.1. General.

27-2.10 This article shall apply to all land used for solely for multi-family, office, commercial or industrial development, wherever a front yard setback is planned, provided or required by either the zoning ordinance or land development regulations of the county or any other laws or regulations.

27-2.11 No improvements required by this article may encroach upon the right-of-way, nor may improvements other than ground cover be installed within twenty-five (25) feet of any intersection of right-of-way lines.

Sec. 27-2.2. Areas.

27-2.20 Subject to section 27-2.1 above, all new multi-family, commercial and industrial developments fronting on a public right-of-way shall be improved with landscaping along the full length of such frontage, or left in its natural vegetative state, meeting the intent of this ordinance.

27-2.21 Where single or aggregate expansions of existing facilities increase building or parking lot area by more than fifty (50) percent, or where renovations exceed fifty (50) percent of the current value of the existing use, then the requirements of this article shall apply.

27-2.22 The area to be landscaped along street frontages shall have an average depth of at least ten (10) feet and a minimum depth of five (5) feet and shall extend along the full length of such frontage.

Sec. 27-2.3. Planting.

27-2.30 Where required under this section, street frontages shall be improved with trees, landscape planting and/or screening complying with sections 27-2.4 and 27-2.5, below.

27-2.31 Planting required under this section shall also be counted toward the buffer yard requirements in Article 3 where portions of street frontage are appropriately located to serve a dual purpose.

Sec. 27-2.4. Screening.

27-2.40 All surface parking lots shall be screened from all adjacent public streets in accordance with the following paragraphs:

(a) Screening must extend along the entire length of street frontage of the surface parking lot, exclusive of:

- (1) Driveways and accessways at points of ingress and egress to and from the lot; and
- (2) Visibility triangles.

(b) Streetfront screening shall be at least thirty-three (33) percent opaque and not less than two (2) feet, nor more than four (4) feet in height at maturity.

Sec. 27-2.5. Trees.

27-2.50 Subject to section 27-2.1, wherever developments adjoin or front on public streets, large trees shall be provided in planting groups in accordance with the following paragraphs:

(a) Tree planting groups shall extend along the full length of the street frontage of the lot at an average density as specified below, exclusive of:

- (1) Driveways and accessways at points of ingress and egress to and from the lot; and
- (2) Visibility triangles:

(b) The minimum density of tree grouping required for street front landscape plan shall average as follows:

- (1) Multi-Family Residential One (1) tree group per (forty) feet;

- (2) Office and Commercial One (1) tree group per forty (40) feet;
- (3) Industrial or portion thereof One (1) tree group per forty (40) feet;

(c) Tree groupings shall comply with one or more of the design standards defined in section 27-3.6; and

(d) Tree groupings shall be located within thirty (30) feet of the actual or projected street curb. For purposes of this subsection, "projected street curb" means the future location of the street curb consistent with the thoroughfare plan.

Sec. 27-2.6. Special.

27-2.60 Trees provided to meet the requirements of this article shall also be counted toward the requirements of Article 4--Parking Lots, provided street trees are within twenty (20) feet of the paved area of the parking lot.

27-2.61 The required average distance between tree groups shall be increased by ten (10) feet for each additional (ten) feet of average street front yard depth provided above the minimum required by ordinance.

27-2.62 The required average distance between tree groups shall be increased by an additional fifteen (15) feet per group when an automatic irrigation system is installed for all required street frontage planting in compliance with the recommendations of the sprinkler head manufacturer.

ARTICLE 3. BUFFERYARD AND SCREENING STANDARDS

Sec. 27-3.1. Purpose.

27-3.10 The purpose of the bufferyard is to ameliorate nuisances between adjacent land uses, and promote land use compatibility. Additionally, the bufferyard offers the developer several options, each of which is calculated to "buffer" to an equivalent degree through distance (setbacks) and/or density (mass).

27-3.12 The unique feature of the bufferyard is that it is flexible. It may vary in distance and density based on (1) what is proposed, (2) what is existing on the adjacent property, and (3) the type of bufferyard selected from one of the four prescribed by the bufferyard illustrations.

Note—Bufferyard illustrations and table of bufferyard requirements are included at the end of this article.

Sec. 27-3.2. Definition.

27-3.20 A bufferyard is a unit of yard, together with plantings, fences, berms, walls, and other screening devices required thereon.

Sec. 27-3.3. Exceptions.

27-3.30 The requirement of this article shall apply to all land uses and structures except single-family dwellings and mobile homes on individual lots.

Sec. 27-3.4. Location of bufferyards.

27-3.40 Bufferyards shall be located on the outer perimeter of a lot or parcel, extending to the lot or parcel boundary line. Bufferyards shall not be located on any portion of an existing public or private street or right-of-way; however they may occupy part or all of any required front, side or rear yard setback. Where required, bufferyards and/or bufferyard structures shall be developed as an integral part of the proposed use.

Sec. 27-3.5. Determination of bufferyard requirements.

27-3.50 To determine the bufferyard required between two (2) adjacent parcels, the following procedure shall be followed:

- (a) Identify the proposed land use.
- (b) Identify the use of land adjacent to the proposed use.
- (c) Determine the bufferyard required on each boundary (or segment thereof) of the

proposed land use by referring to the table of bufferyard requirements and illustrations contained herein which specify the bufferyard options between a proposed use and the existing adjacent use.

- (d) Where an existing use includes undeveloped land, the bufferyard requirements of this section shall apply only to that segment of the property line separating the two (2) uses, a distance of one hundred (100) feet from the existing use.

Note: The letter designation contained in the table refers to the type of bufferyard specified by the illustrations herein.

Sec. 27-3.6. Bufferyard specifications.

27-3.60 The attached illustrations specify the type and quantity of plant materials required by each bufferyard. The requirements are stated in terms of the width of the bufferyard and the number of plants required per one hundred (100) linear feet of bufferyard. The requirements of a bufferyard may be satisfied by any one of the options illustrated. The "plant unit multiplier" is a factor by which the basic number of plant materials required for a given bufferyard is determined given a change in the width of that yard. Each illustration depicts the total bufferyard required between two uses. Whenever a wall, fence or berm is required within a bufferyard, these are shown as structures in the following illustrations wherein their respective specifications also are shown.

27-3.61 The exact placement of required plants shall be the decision of the developer, except that evergreen (or conifer) plant materials shall be planted in clusters rather than singly in order to maximize screening.

27-3.62 All plant materials shall be locally used species, living and healthy at the time they are installed.

27-3.63 All bufferyard areas not devoted to plants shall be seeded with lawn grass or suitable ground cover.

Sec. 27-3.7. Minimum plant size.

27-3.70 Plants shall be sufficiently sized to insure buffering and screening at the time of installation. Where the bufferyard illustrations indicate a mass or line of plants paralleling the length of the property line, the plant materials shall be sufficiently sized to insure obscurity at the time of installation. However, seedling plants may be used where berms or structures are required as part of the bufferyard.

27-3.71 The following table shall serve as a guide for determining minimum plant size:

<i>Plant Materials Type</i>	<i>Planting in Bufferyards Abutting Structures, Fences, Berms</i>	<i>All Other Plantings</i>
Canopy tree single stem	1 1/2 inch caliper	2 1/2 inch caliper
Multi-stem clump	6 feet (height)	10 ft. (height)
Understory tree caliper	4 feet (height)	1 1/2 inch caliper
Evergreen tree	3 feet (height)	5 ft. (height)
Shrub, deciduous	15 inches (height)	24 inches (height)
Evergreen	12 inches (height)	18 inches (height)

Sec. 27-3.8. Bufferyard substitutions.

(a) Evergreen canopy or evergreen understory trees may be substituted up to fifty (50) percent for deciduous understory and canopy trees.

(b) In all bufferyards, evergreen or conifer shrubs may be substituted for deciduous shrubs without limitation.

(c) Any existing plant material which otherwise satisfies the requirements of this section may be counted toward satisfying all such requirements.

(d) Structures, where required, may be substituted with approval of the zoning administrator.

(e) Where, owing to existing land use, lot sizes, configurations, topography, or circumstances peculiar to a given piece of property the bufferyard requirements of this section cannot be reasonably met, the developer(s) may request and the zoning administrator may approve the substitution of appropriate screening, in the way of a fence or wall structure, illustrated by this section, along the property line of the proposed use.

(f) Where required by the bufferyard illustrations, berms may be substituted for more intense plantings, by decreasing the plant unit multiplier by 0.25.

Sec. 27-3.9. Outside storage.

27-3.90 Any proposed commercial, industrial or other non-residential uses with outside storage area for materials to be sold, salvaged, stored and the like shall be screened from view by an F-3 structure as illustrated by the fence and wall illustrations in this section.

Note--The fence and wall illustrations have not been set out herein but are available in the office.

Sec. 27-3.95. Containers and dumpsters.

27-3.950 All exterior dumpsters or exterior garbage containers (excluding containers or groups of containers) with a combined capacity of less than six (6) cubic yards shall be screened on all but one (1) side by an F-3 fence or wall, intensive landscaping, or other suitable opaque enclosure. The average height of the enclosure shall be one (1) foot more than the height of the container but shall not be required to exceed eight (8) feet in height. The open side shall be obscured from street visibility to the extent possible.

Sec. 27-3.96. Fences and walls--appearance.

27-3.960 All fences and walls used as part of the bufferyard requirements must have a finished side that is facing adjoining property. The interior side of the fence or wall may be finished as owner deems appropriate. Where fences or walls are proposed by the developer, but not required by the applicable

bufferyard requirements, they shall be established along the inside line of the bufferyard toward the proposed use, except for ornamental fences or fences to the rear of the property, which may be built on the property line. Security fences and walls also may be established along the outer perimeter of the lot, with approval of the zoning administrator.

27-3.961 Where staggered-slat wooden fences are proposed to meet the requirements of this section, back shadow construction shall be necessary to ensure adequate screening.

27-3.962 Where walls are less than one hundred (100) percent opaque, additional shrubbery and landscaping may be required to ensure adequate screening.

Sec. 27-3.97. Berms.

27-3.970 Where required, berms may be located anywhere within the bufferyard, provided they parallel the property line.

Sec. 27-3.98. Use of bufferyards.

27-3.980 A bufferyard may be used for passive recreation; however, no plant material may be removed. All other uses are prohibited, except for freestanding signs which may be located in the front bufferyard (only) in accord with the provisions of Article 8.

Sec. 27-3.99. Required maintenance.

3.990 The maintenance of required bufferyards shall be the responsibility of the property owner. All such yards shall be properly maintained so as to assure continued buffering. Failure to do so is a violation of this ordinance and may be remedied in the same manner prescribed for other violations.

Landscape Requirements

**TABLE 3
BUFFER YARD REQUIREMENTS**

<i>Proposed Land Use</i>	<i>Existing Land Use</i>							
	<i>Single Family</i>	<i>Duplexes</i>	<i>Multi-Family</i>	<i>Commercial\ Institutional</i>	<i>Industrial</i>	<i>Vacant¹</i>	<i>Street²</i>	<i>All Other²</i>
Single family detached dwelling	*	*	*	*	*	*	*	*
Two family detached dwelling (duplexes)	A	*	*	*	*	*	*	*
Multi-family ³	D	C	B	B	B	D/B	D/B	D/B
High-rise residential structures	E	D	D	C	C	E/C	E/C	E/C
Commercial/institutional ³	D	D	D	*	*	D/*	D/*	C/*
Industrial	E	E	E	*	*	E/*	D/*	D/*

¹Use first letter if property is zoned residentially; if other zoning, use second letter.

²Use first letter if land across street is used or zoned residentially; if other use or zoning, use second letter.





³If building over 25 feet or two stories, buffer must be increased by one category.



*No buffer required.

Richland County Code





BUFFER A

MULTIPLIER


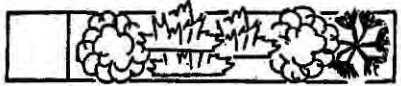


		<u>Required Plant Units/ 100 ft.</u>		
2	Canopy Trees		.8	7.5
2	Understory Trees			
3	Shrubs		.1	5
	Evergreen/Conifers			





BUFFER B

		<u>Required Plant Units/ 100 ft.</u>			
1	Canopy Trees			.4	25'
2	Understory Trees				
3	Shrubs			.8	15'
	Evergreen/Conifers				




100 ft.

BUFFER C

		<u>Required Plant Units/ 100 ft.</u>			
3	Canopy Trees			.6	30'
8	Understory Trees				
9	Shrubs			1	20'
	Evergreen/Conifers				

100 ft.

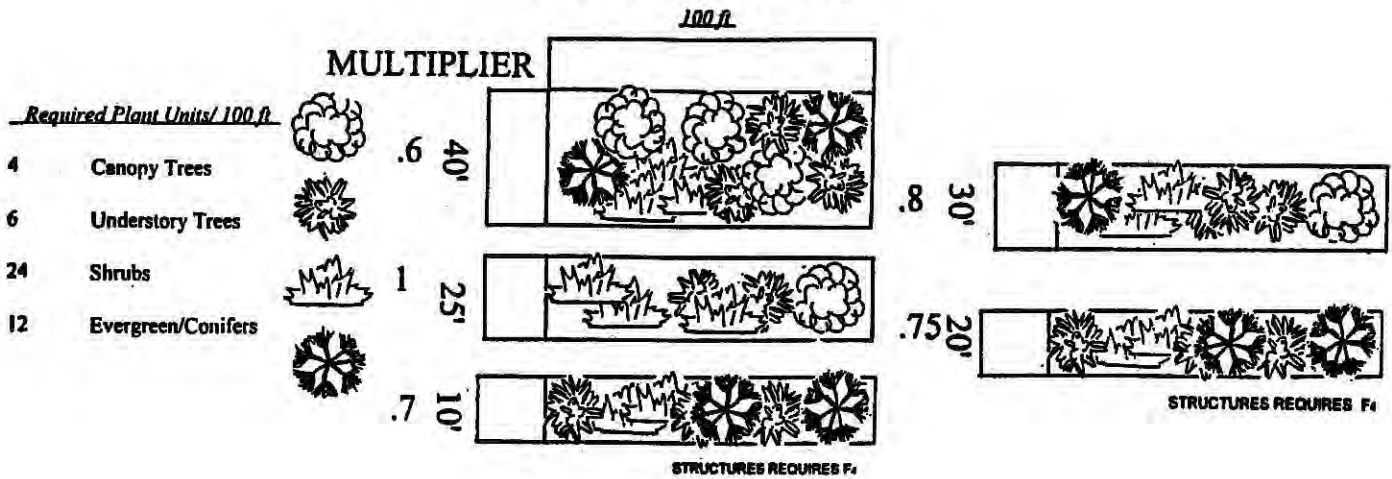
LOWER INTENSITY USE

HIGHER INTENSITY USE

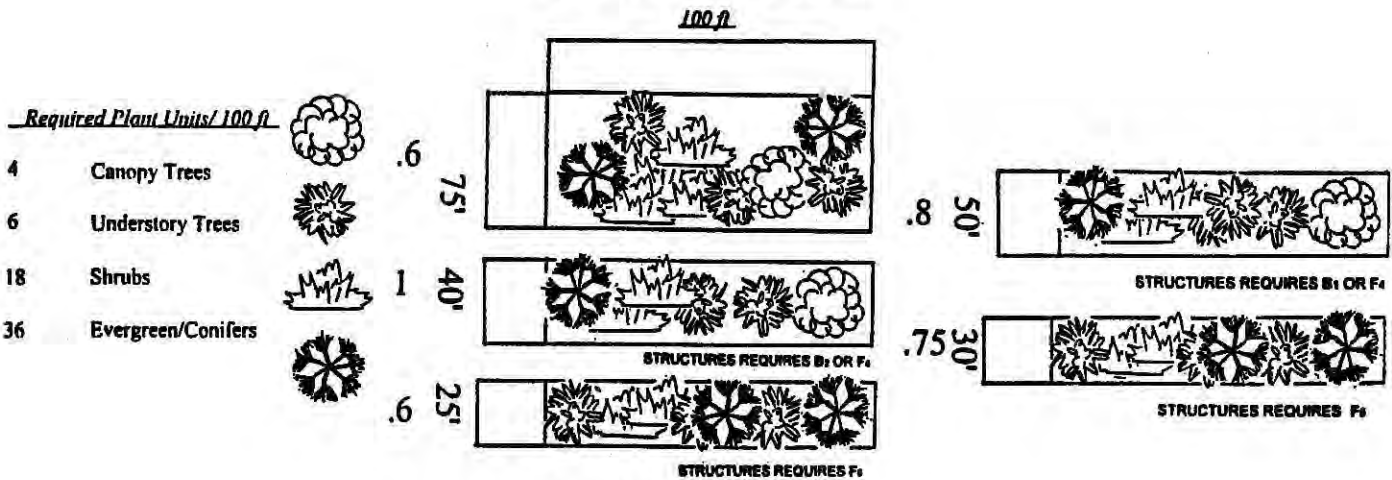
STRUCTURES
REQUIRES
F₃ OR H

Landscape Requirements

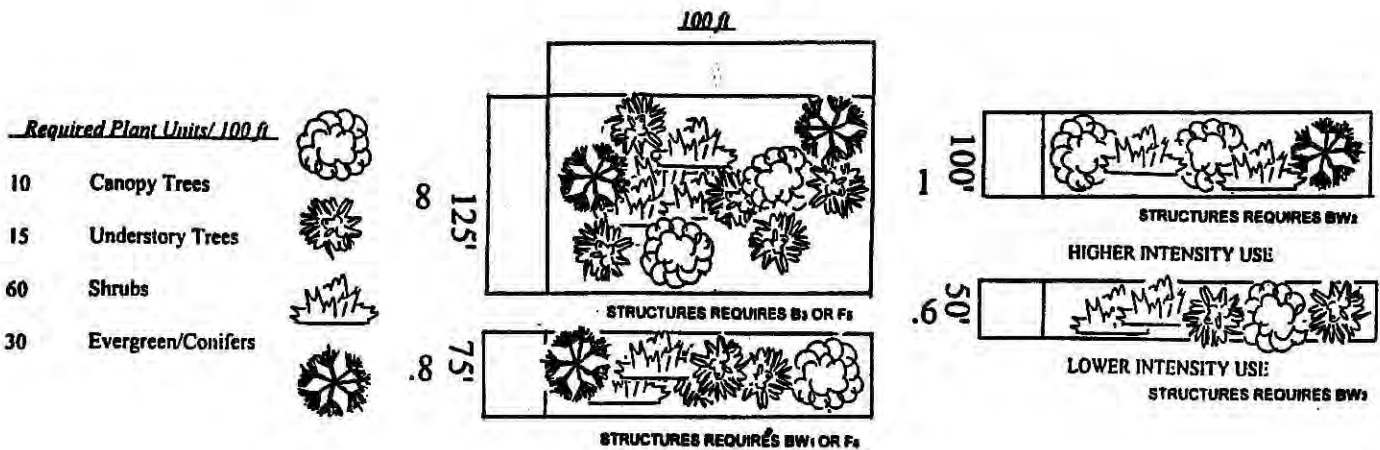
BUFFER D



BUFFER E

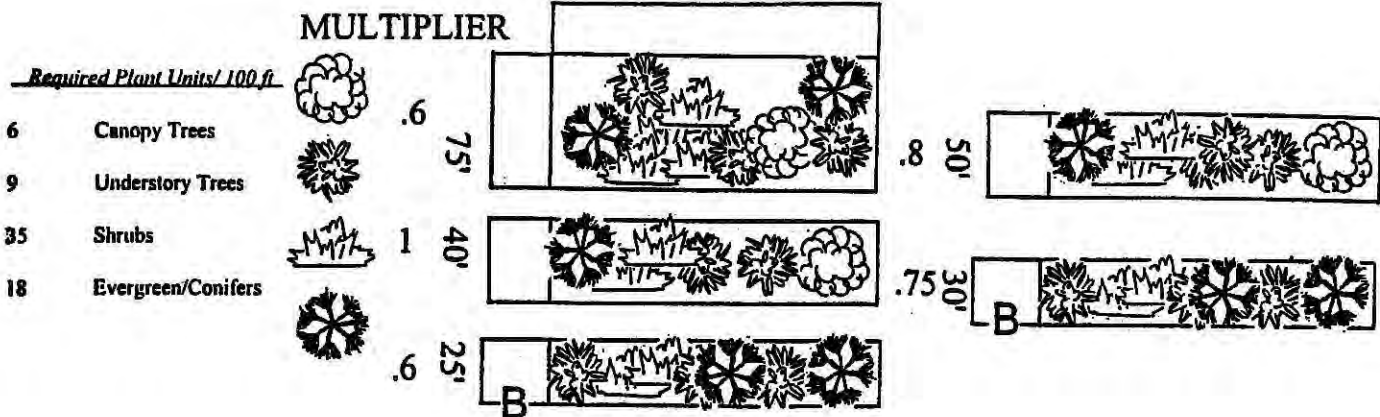


BUFFER F



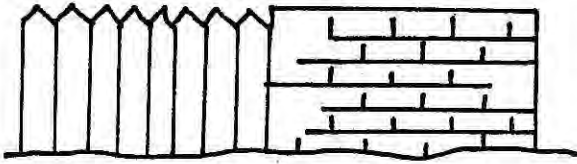
BUFFER G

100 ft



STRUCTURES

Fences



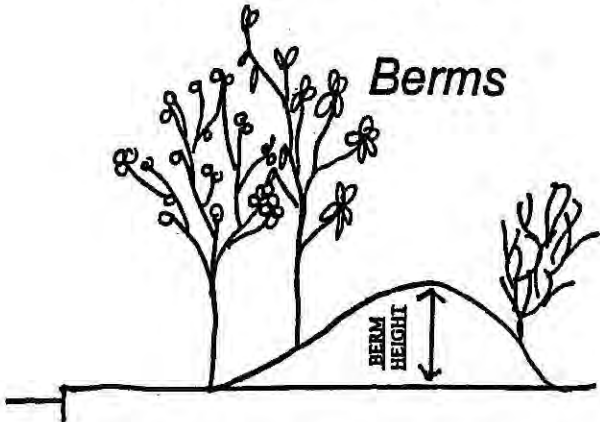
SYMBOL	HEIGHT	MATERIAL
F3	6'	Wood
F4	8'	Wood
F5	6'	Masonry
F6	8'	Masonry

Hedges



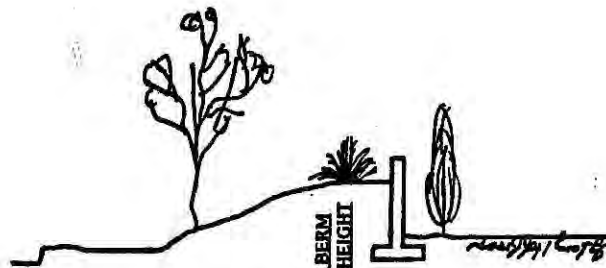
SYMBOL	HEIGHT	PLANT
H	6"	REFER TO APPROVED SPECIES LIST

Berms



SYMBOL	HEIGHT	MATERIAL	SYMBOL
B1	4'	Earth	BW 1
B2	5'	Earth	BW 2
B3	6'	Earth	BW 3

Berm Walls



SYMBOL	HEIGHT
BW 1	4' BERM w/ 6' MASONRY WALL
BW 2	5' BERM w/ 7' MASONRY WALL
BW 3	6' BERM w/ 8' MASONRY WALL

Sec. 27-3.5. Trees.

27-3.50 Required landscape buffer strips shall contain at least one of the following groups of plant materials at a minimum average density of one (1) group for every forty (40) linear feet, or portion thereof, of buffer strip:

- (a) One large tree and three small trees; or
- (b) One large tree and three large evergreen shrubs; or
- (c) One large tree, two small trees and one large evergreen shrub; or
- (d) One large tree, one small tree and two large evergreen shrubs; or
- (e) Two large trees.

27-3.51 Where existing overhead power utility lines preclude sufficient space for large mature tree canopy spread, then two (2) small trees shall be substituted for each required large tree.

ARTICLE 4. PARKING LOTS**Sec. 27-4.1. General.**

27-4.10 This article shall apply to all surface lots which are intended for use by more than ten (10) vehicles for parking, loading, or access to parking or loading areas and all storage yards greater than three thousand (3,000) square feet in area as defined below.

27-4.11 This article shall be construed broadly to apply to any use similar in impact to a parking lot. The requirements of this article shall also apply to outdoor areas for storage/sale/rental of motor vehicles, mobile homes, boats and recreational vehicles.

27-4.12 These requirements shall not apply to existing parking lots unless they are expanded as set forth in section 27-4.2.

Sec. 27-4.2. Areas.

27-4.20 All new parking lots shall meet the requirements of this section as to interior areas or screening.

27-4.21 In addition, all new parking lots shall meet street frontage requirements of Article 2 and buffer yard requirements of Article 3.

27-4.22 In the case of single or aggregate expansions which will increase the area of the lot by more than fifty (50) percent, then improvements meeting the requirements of Article 2 shall be installed along the existing portion of street frontage, and the existing portion of the lot shall be retrofitted as required below.

Sec. 27-4.3. Planting.

27-4.30 All surface parking lots shall be landscaped in accordance with the following:

- (a) In addition to the street front and buffer yard landscape areas required by Article 2 and Article 3, a minimum of fifteen (15) square feet of landscape area shall be provided in the parking lot for each off-street parking space in the lot; and
- (b) Large canopy trees meeting the requirements of section 27-4.5 and determined to be suitable for planting in paved areas by a qualified horticultural authority are planted in protective tree gates with adequate provisions for watering, oxygenation and maintenance of both trees and tree grates as trees mature.

Sec. 27-4.4. Screening.

27-4.40 Surface parking lots shall be screened in accordance with the pertinent requirements of section 27-2.4 and section 27-3.4.

Sec. 27-4.5. Trees.

27-4.50 Large canopy trees must be provided in

each parking lot at a minimum average density of one (1) tree for every ten (10) parking spaces in the lot.

27-4.51 No off-street parking space may be located more than one hundred (100) feet from the trunk of a large canopy tree.

27-4.52 No tree may be planted closer than three and one-half (3 1/2) feet to the back of a curb or the paved portion of the parking lot.

Sec. 27-4.6. Special.

27-4.60 When at least twenty-five (25) percent of all outdoor vehicular pavement area, or at least fifty (50) percent of all outdoor pedestrian pavement area, consists of decorative or permeable pavement, the required average density of trees required in parking lots shall be decreased by twenty-five (25) percent.

27-4.61 When asphalt curb with acceptable anchored concrete wheel stops or concrete curb and gutter is provided for all vehicular paving and parking in the lot, the required average density of trees in parking lots shall be decreased by twenty-five (25) percent; the required average density of trees in parking lots shall be decreased by fifty (50) percent when stone, unit masonry or other decorative curb is provided in lieu of concrete or asphalt curb.

27-4.62 The required average density of trees in parking lots shall be increased by fifty (50) percent for landscape plans which propose unpaved parking lots.

ARTICLE 5. SERVICE AREAS

Sec. 27-5.1. General.

27-5.10 This article shall apply to all service areas which detract from the appearance of the community; including, but not limited to, garbage collection sites, exposed non-power utility fixtures, power utility substations and exposed metal cabinets over five (5) feet in height.

27-5.11 In the case of pre-existing service areas, these requirements shall apply only when single or aggregate expansions of these service areas would increase the gross floor site area by fifty (50) percent or more, or where renovations would exceed fifty (50) percent of the current value of existing facility.

27-5.12 This section shall not be construed to deny access by vehicles and equipment to service areas; nor shall it be construed to apply to utility equipment improvements.

Sec. 27-5.2. Areas.

27-5.20 Garbage collection sites shall be shielded from view from public roads and adjoining developed property by screening that is seventy-five (75) percent opaque in accordance with section 27-5.4.

27-5.21 Non-power utility fixtures, substations and exposed metal cabinets above five (5) feet in height, shall be screened from public roads and adjoining, developed, non-industrial property except as required for proper equipment operation, security, code compliance, access and maintenance.

Sec. 27-5.3. Planting.

27-5.30 All plant materials for required screens shall be evergreen varieties and recommended for local area use. In addition, the plant materials shall:

- (a) Be located in a bed or a berm that is at least three (3) feet wide;
- (b) Be placed at a planting density that a landscape authority certifies as being capable of providing the required visual opacity and height within three (3) years of their initial planting.

27-5.31 Screening provided by earthen berm with or without evergreen plant materials, shall be planted with turf grass or ground cover recommended for local area use by a qualified horticultural authority. The berm slope shall not exceed one (1) foot of rise for each two (2) feet of run.

Sec. 27-5.4. Screening.

27-5.40 All service areas affected by this article shall be provided with a visual screen consisting of fences, berms or landscaping, or a combination of these, designed and installed to screen the area from view in accordance with section 27-5.2 and meeting or exceeding the minimum standards required below:

- (a) The screening shall be at least one (1) foot higher than the item to be screened but not less than six (6) feet in height;
- (2) The screening shall extend along the entire perimeter of the service area, exclusive of:
 - (1) Driveways and accessways at points of ingress and egress to the lot; and
 - (2) Visibility triangles.

Sec. 27-5.5. Trees.

27-5.50 When screening fences or walls are provided to meet the requirements of this article the area between the screening and the perimeter of the site or parking lot shall be landscaped with a minimum average of:

- (a) One (1) large evergreen shrub or small multi-stem tree for each ten (10) linear feet; or
- (b) One (1) large tree for each (thirty) linear feet of screening is constructed entirely of earthen berm and/or evergreen plant materials.

ARTICLE 6. TREE PROTECTION**Sec. 27-6.1. General.**

27-6.10 This article is designed to prevent the clear-cutting of building sites, a practice which destroys the balance of nature, leads to sedimentation and erosion, contributes to air and water pollution,

and unnecessarily robs the community of valuable assets.

27-6.11 Because any healthy tree of circumference greater than ninety-two (92) inches is a valuable and irreplaceable natural resource which, by virtue of its age and size, has been a future in the landscape for generations, it shall be a violation of this article to damage, destroy or remove any such healthy tree not a pine tree, unless specific relief is granted by the county zoning board of adjustment.

Sec. 27-6.2. Areas.

6.20 This article shall not apply to the following:

- (a) Lots and sub-divisions for which pre-development approvals, such as preliminary plat approval or building permits, have been issued prior to the effective date of this ordinance.
- (b) Any public road, utility project or right-of-way.
- (c) Any single-family or two-family dwelling on a recorded lot.
- (d) Any pine tree or any other tree which the zoning administrator has certified in writing as being hazardous to the public health, safety or welfare, except as set forth below:

27-6.21 This article shall apply to all residential subdivision developments which have not been granted pre-development approvals as of the effective date of this ordinance. [May 19, 1992]

Sec. 27-6.3. Tree Credits.

27-6.30 Tree credits may be claimed for any healthy trees, including pines, which would not otherwise have been preserved under the requirements of section 27-6.5.

27-6.31 For each tree retained having a circumference equal to or greater than twelve (12)

inches but less than eighteen (18) inches, a credit of one (1) required tree shall be allowed.

27-6.32 For each tree retained having a circumference equal to or greater than eighteen (18) inches but less than thirty-six (36) inches, a credit of two (2) required trees shall be allowed.

27-6.33 For each tree retained having a circumference equal to or greater than thirty-six (36) inches, a credit of three (3) required trees shall be allowed.

Sec. 27-6.4. Planting.

27-6.40 Specific relief from the literal terms of this article shall be granted by the zoning administrator within fifteen (15) working days of the receipt of formal written request, in the following cases:

- (a) Any land which requires more than twelve (12) inches of fill to elevate it above the required flood protection elevation.
- (b) Any lot which cannot be reasonable used for permitted purposes without the removal of a tree more than ninety-two (92) inches in circumference from with the building area.

27-6.41 Where specific relief is granted under this section, the zoning administrator may require reasonable revegetation of building sites in addition to that required by this ordinance.

Sec. 27-6.5. Controlled clearing.

27-6.50 Prior to development, it shall be a violation of this ordinance to remove more than twenty (20) percent of the trees over twenty-four (24) inches in circumference on any lot in any one (1) year period.

27-6.51 During and after development, a minimum of fifty (50) percent of the trees over twenty-four (24) inches in circumference within required setback yards, as required by the zoning

ordinance and/or subdivision regulations, shall be preserved.

Sec. 27-6.6. Trees.

27-6.60 After the necessary development approvals have been granted, and before any site work has begun, the developer shall cause protected trees to be marked with surveyor's flagging and shall instruct work crews to protect such trees during development in accordance with paragraph 27-6.61.

27-6.61 During and after development, a minimum protective zone with a (diameter) of one (1) foot per inch of tree (diameter), shielded by suitable protective barriers or curbing shall be established and maintained around all trees to be retained as required by this article. During construction there shall be no construction, paving, grading, operation of equipment or vehicles, storage of materials within this protective zone. The protective zone shall extend a minimum of five (5) feet measured from the tree trunk at any point.

Sec. 27-6.7. Special.

27-6.70 Credit shall be awarded for retaining existing healthy trees on the lot provided herein even though the tree is not otherwise relied upon to satisfy the requirements of this article.

27-6.71 Credits claimed under this subsection shall not be used outside the lot where the tree is located.

27-6.72 Credit claimed under this subsection are automatically lost when the tree dies or is replaced. All required trees not planted due to the credits shall be planted as shown on the landscape plan within one hundred and eighty (180) days of official notification.

ARTICLE 7. STANDARDS AND MATERIALS

Sec. 27-7.1. General.

27-7.10 Where these regulations require the installation of landscaping, the failure to maintain

such landscaping or fencing, shall be deemed a violation of this ordinance equivalent to failure to install such landscaping or fencing.

27-7.11 The requirements of this ordinance are intended as minimum requirements. Should any requirement of this ordinance conflict with any other lawfully adopted regulations, the stricter requirement or the higher standard shall prevail.

27-7.12 The property owner shall be responsible for regular weeding, mowing, fertilizing, irrigating, pruning or other maintenance of all plant materials required to comply with this ordinance.

27-7.13 The owner shall not take any measures which will prevent materials from reaching minimum mature sizes required by the ordinance.

Sec. 27-7.2. Areas.

27-7.20 The improvements shown on any landscaping plan that has been approved by the zoning administrator shall be installed before the issuance of a final approval or certificate of occupancy. A bond may be required by the zoning administrator who may grant one (1) extension of up to one (1) year upon finding that extraordinary conditions beyond the developer's control have delayed a bona fide effort to comply during the development period.

27-7.21 Any required plant shown on the landscape plan that dies must be replaced with another living plant complying with the landscape plan within ninety (90) days after notification by the zoning administrator.

Sec. 27-7.3. Planting.

27-7.30 All plant materials for required buffer yards and screening shall be drought-tolerant species, living and healthy at the time they are installed, and shall be maintained in a healthy state or promptly replaced with healthy plants as per paragraph 27-7.21.

27-7.31 All plant materials installed to meet the requirements of this ordinance shall be recommended for local area use by a qualified horticultural authority.

27-7.32 Proposed watering methods (irrigation or otherwise) must be adequate to maintain plant materials in a healthy growing condition at all times.

27-7.33 At the time of installation all shrubs shall be a minimum of twelve (12) inches tall.

Sec. 27-7.4. Screening.

27-7.40 All screen fences erected to meet the requirements of this ordinance may be constructed of brick, stone, wood, or painted, stuccoed or decorative concrete block; shall be structurally sound and properly maintained; and shall be at least seventy-five (75) percent opaque.

Sec. 27-7.5. Trees.

27-7.50 At the time of installation, all large canopy trees shall be at least twelve (12) feet tall with a minimum caliper of two (2) inches; all small understory or multi-stem trees shall be at least six (6) feet tall with a minimum caliper of one and one-quarter (1 1/4) inches.

Sec. 27-7.6. Special.

27-7.60 Decorative pavement material may be used in place of concrete or bituminous asphalt. Decorative pavement may be either permeable or nonpermeable, intended for pedestrian or vehicular use, and of such material as brick or stone pavers, exposed aggregate concrete, or stamped and/or stained concrete.

ARTICLE 8. DEFINITIONS

Sec. 27-8.1. General.

27-8.10 This ordinance shall be interpreted according to its literal terms. Words shall be construed as defined in a standard dictionary and syntax shall be understood according to conventional rules.

27-8.11 Unless the context requires otherwise:

- (a) The present tense of verbs shall include the future tense;
- (b) The masculine gender shall include the feminine;
- (c) The singular number shall include the plural, and the plural shall include the singular; the word "shall" denotes a mandatory requirement; the word "may" denotes permissive.

27-8.21 The following terms shall have the following definitions:

Aggregate expansion: Any area expansions of a site, building or building group which occurs within a three-year period or less.

Authority horticultural/landscape: Any individual or source, licensed, registered, degreed or otherwise acknowledged as capable of providing expert information and reference in horticultural science and/or landscape design and maintenance.

Berm: Any hill or slope which represents a change of elevation of at least two (2) feet at a slope of between twenty-five (25) and fifty (50) percent and which is covered with an appropriate stabilizing vegetation.

Buffer yard: A strip of land, improved by landscaping or fences, or both, designed to mitigate the extent of high-intensity land uses on neighboring, lower-intensity uses.

Caliper: The diameter of nursery stock, taken at six (6) inches above ground for up to and including four-inch caliper size, and twelve (12) inches above ground for larger sizes.

Corner lot: Any lot which is bounded on two (2) or more consecutive sides by road rights-of-way which intersect at an angle of one hundred thirty-five (135) degrees or less.

Decorative curbing: Parking or storage lot pavement curbing usually constructed of stone or unit masonry and designed to control surface drainage and serve as a barrier to vehicular traffic.

Developed lot: Any lot which had been developed with buildings or other improvements, or for which development approval, such as a final plat approval, a zoning permit, or a certificate of occupancy, had been issued before the effective date of this ordinance.

Circumference: For existing trees, the trunk circumference is measured at four and one half (4 1/2) feet above ground.

Display area or lot: Any unenclosed area used for the display of merchandise.

Ground cover: Any plant material which serves to prevent soil erosion by covering large areas of ground, and which does not grow beyond twelve (12) inches in height.

Parking lot: Any parcel of land larger than three thousand (3,000) square feet in area which is used by ten (10) or more vehicles, whether for parking, loading, or access to parking or loading areas. The term should be construed broadly to include areas where expanses of impervious surfaces disrupt the natural environment, but does not include buildings or public roads.

- (a) For purposes of Article 4--Parking Lots, the term "parking lot" includes:
 - (1) The paved portion of the parking lot; and
 - (2) The paved pedestrian walkways within or immediately adjacent to the paved area of the lot.

Road frontage: Any strip of land adjacent to a public road right-of-way.

Screen fence or wall: Any structure which stands at least six feet high at its lowest point, is between

sixty-seven (67) and one hundred (100) percent opaque, and is designed and constructed as a permanent improvement for the purpose of blocking view.

Shrub: Any hard-wooded perennial plant of a species which normally reaches a height between twelve (12) inches and eight (8) feet, and which is between eighty (80) and one hundred (100) percent opaque, at maturity.

Thoroughfare: Any major arterial road; one of the principal routes into and through the community.

Tree: Any hard-wooded perennial plant, whether coniferous or deciduous, of a species which normally reaches a height of eight (8) feet or more at maturity.

Tree, canopy, large: Any single-stem tree of a species which normally reaches a height of thirty (30) feet or more and a crown spread of twenty (20) feet or more at maturity.

Tree, understory/non-canopy, small: Any single-or multi-stem tree of a species which normally reaches a height of between eight (8) and thirty (30) feet and a crown spread of less than twenty (20) feet at maturity.

Visibility triangle: The triangular horizontal area formed by intersecting right-of-way lines of roadways, or the intersection of a right-of-way line of a roadway and the edge of a driveway, and a line connecting points located on those lines twenty-five (25) feet from the point of intersection. The vertical dimension of a visibility triangle is defined as the space above two and one-half (2 1/2) feet from the surface of pavement.

Zoning administrator: The person appointed by the county council to administer this ordinance.

ARTICLE 9. LEGAL

Sec. 27-9.1. Administration.

27-9.10 The county council hereby designates

the county zoning administrator as the administrative official responsible for administering and enforcing this ordinance, as follows:

- (a) To receive and approve copies of landscaping plans required by this ordinance and to serve as staff of the county council.
- (b) To investigate complaints of violations of this ordinance and require correction of violations.
- (c) To interpret this ordinance according to its literal terms.

27-9.11 All development plans shall include landscaping plans showing the items and features required in section 27-9.2 and, if applicable, section 27-9.3; predevelopment approvals or permits shall not be issued without the zoning administrator's certification in writing that landscaping plans meet or exceed the requirements of this ordinance.

Sec. 27-9.2. Plan requirements.

27-9.20 The landscaping plan required in section 27-9.1 shall bear the name of the proposed development, the name, address and telephone number of the developer and the project designer; and a location map showing the proposed project and its relationship to roadway network.

27-9.21 This plan shall be drawn to a scale appropriate to clearly convey all required information, but no smaller than one (1) inch equals one hundred (100) feet, and shall show the true size, shape and location of all existing and proposed features and landscaping as follows:

- (a) All existing lot lines, buildings, pavement, rights-of-way, utility lines, watercourses, floodways, floodplains, land uses and topography in two-foot contours;
- (b) All proposed buildings, paving, utilities, land uses, and final grades in two-foot contours;

- (c) All proposed landscaping and watering systems required by this ordinance with all plant species labeled and scaled to show location and spread at time of installation;
- (d) A table of planting materials stating species, number, and size at planting for all plants.

Sec. 27-9.3. Tree credits.

27-9.30 If tree credits are claimed under Article VI, the landscape plan shall:

- (a) Identify all trees which are being preserved beyond the requirements of section 27-6.5, indicating their species, circumferences, the number of credits claimed and their locations;
- (b) Identify all required trees for which credits are claimed, specifying their species and caliper, and indicating the locations where these required trees are not being planted by reason of the credits claimed.

Sec. 27-9.4. Plan review.

27-9.40 The developer shall present five (5) copies of the landscaping plan to the zoning administrator.

27-9.41 The zoning administrator shall review the landscaping plan and verify that it contains all of the required information and conforms to the terms and intent of this ordinance within fifteen (15) working days after submission, prior to certifying in writing that the landscaping plan is approved.

Sec. 27-9.5. Alternate compliance.

27-9.50 Any developer who wishes to approach the problems addressed by this ordinance in a different manner from that prescribed herein shall have the freedom to present his solution to the county zoning board of adjustment for consideration as follows:

- (a) Present proposed solutions to the administrator in writing by the required deadline for regularly scheduled meeting of the zoning board of adjustment.
- (b) Explain in detail the problem for which an alternative solution is offered, the requirements of this ordinance for solving that problem, the proposed alternative, and a written statement, graphic presentation, or both, prepared by a registered landscape architect, architect or engineer, explaining how the alternative meets the intent and spirit of this ordinance.
- (c) Include a statement, binding upon the developer, that if the alternative is approved by the zoning board of adjustment the developer will install the alternative as described, or meet the literal terms of this ordinance, within one (1) year.

Sec. 27-9.6. Alternative approval.

27-9.60 The zoning board of adjustment shall, at its next meeting, consider the proposed alternative and determine whether it would meet the intent and spirit of this ordinance. If they find that the proposed alternative would address the problem as well or better than the requirements of this ordinance, they may grant approval of the alternative and accept the developer's statement described in section 27-9.5.

27-9.61 Alternative approval shall be valid for one (1) year, and may be extended once for one (1) year if the approved work has begun but is not completed after the first year.

27-9.62 Alternative approval shall run with the land and be transferable to the developer's successor's in title or interest, provided that such successors resubmit the statement described in section 27-9.5.

Sec. 27-9.7. Appeals.

27-9.70 Any person or corporation aggrieved by the administration, interpretation or enforcement of this ordinance may appeal any decision of the zoning

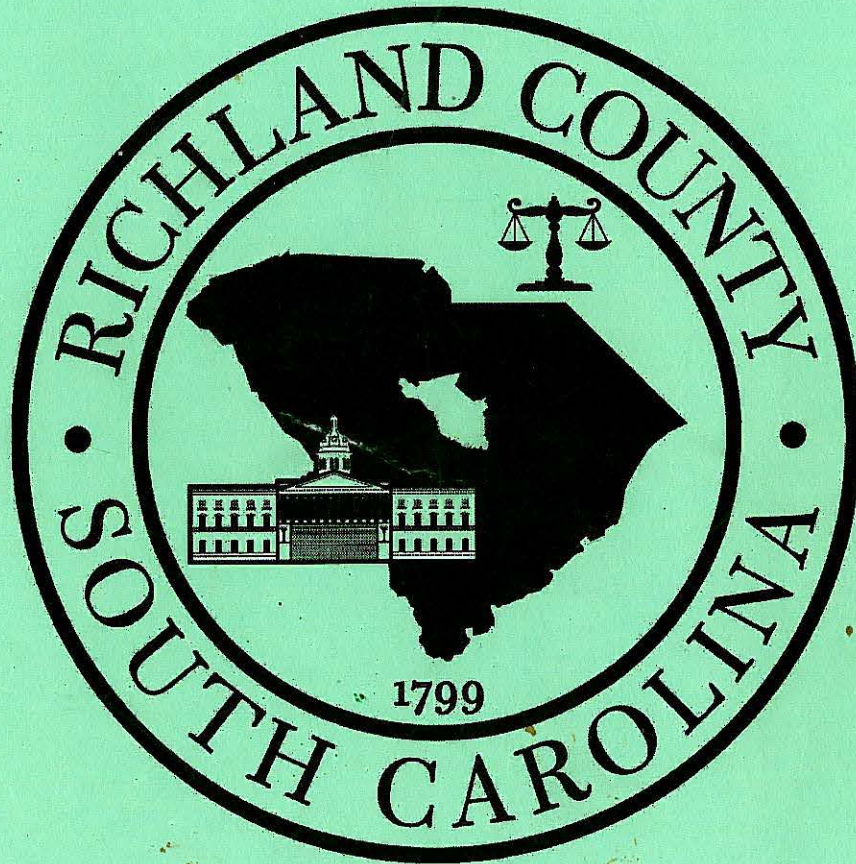
administrator to the county zoning board of adjustment. The zoning board of adjustment shall hold a public hearing to determine whether the zoning administrator has acted erroneously or unjustly. Upon finding such error or injustice, the zoning board of adjustment shall have the authority to overturn or modify such decision.

27-9.71 Any person who seeks relief through the zoning board of adjustment may appeal the decision of the zoning board of adjustment to a court of competent jurisdiction.

27-9.72 Should any court of competent jurisdiction find any portion of this ordinance to be unlawful or unconstitutional, such finding shall not affect this ordinance as a whole or any portion of it not found invalid.

Richland County Code

RICHLAND COUNTY ZONING ORDINANCE



**Adopted September 7, 1977
By Richland County Council
Amended through March 2003**

Geo.
(Notes)

CODE OF ORDINANCES

OF

RICHLAND COUNTY,

SOUTH CAROLINA

2003 S-8 Supplement

Plus Replacement Pages
317, 318, 509, 510, 604C, 604D

**CONTAINING THE
GENERAL ORDINANCES OF THE COUNTY**

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CHAPTER 26: ZONING*

- Art. 1. Enactment and Jurisdiction, §§ 26-11--26-13
- Art. 2. Definitions and Interpretations of Words and Phrases Used in This Ordinance, §§ 26-21, 26-22
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*Editor's note--This chapter contains the city's zoning ordinance, adopted September 7, 1977. The ordinance is set out as enacted and set out in the county's zoning ordinance pamphlet updated through December 30, 1981, with subsequent ordinances having been worked in and indicated in history notes following amended sections. Material inserted in brackets has been added to correct obvious errors or to clarify the meaning where the same was ambiguous. Obviously misspelled words have been corrected without notation.

Cross reference(s)--Department of public works and utilities, § 2-192 et seq.; department of planning management, § 2-216 et seq.; buildings and building regulations, Ch. 6; drainage, erosion and sediment control, Ch. 8; garbage, trash and refuse, Ch. 12; interim zoning and land development related to 2020 Vision, Ch. 20, Art. IV; parks and recreation, Ch. 19; planning, Ch. 20; roads, highways and bridges, Ch. 21; land development regulations, Ch. 22.

ARTICLE 1. ENACTMENT AND JURISDICTION

Sec. 26-11. Authority.

Pursuant to authority conferred by the South Carolina Code of Laws and to guide development in accordance with existing and future needs, to protect, promote, and improve the public health, safety, morals, convenience, order, appearance, prosperity, and general welfare, to lessen congestion in the streets, to secure safety from fire, panic, and other dangers, to provide adequate light and air, to prevent the overcrowding of land, to avoid undue concentration of population, to protect scenic areas, to facilitate the adequate provision of transportation, water, sewerage, schools, parks, and other public requirements; in accordance with a comprehensive plan and with reasonable consideration of the character of each area and its peculiar suitability for particular uses, and with a view to promoting desirable living conditions and the sustained stability of neighborhoods, protecting property against blight and depreciation, securing economy in governmental expenditures, conserving the value of land and buildings, and encouraging the most appropriate use of land, buildings, and structures; county council does ordain and enact into law the following regulations upon the location, height, bulk, number of stories and size of buildings and other structures, the percentage of lot which may be occupied, the sizes of yards, courts; and other open spaces, the density and distribution of population, uses of buildings, structures, and land for trade, industry, residence, recreation, agriculture, forestry, conservation, airports, and approaches thereto, water supply, sanitation, protection against floods, public activities; and furthermore provides for the method of administration and amendment of these regulations, defines the powers and duties of the board of adjustment with respect to these regulations, defines certain terms used herein, and provides penalties for violation of these regulations.

Sec. 26-12. Title.

These regulations shall be known and may be

cited as the "Zoning Ordinance for Richland County, South Carolina."

Sec. 26-13. Jurisdiction.

The regulations set forth herein shall apply to all land and improvements thereon in the unincorporated portion of Richland County, South Carolina.

ARTICLE 2. DEFINITIONS AND INTERPRETATIONS OF WORDS AND PHRASES USED IN THIS ORDINANCE

Cross reference(s): Definitions "pertaining to sexually oriented businesses, § 26-202.

Sec. 26-21. Interpretation of certain words and phrases.

26-21.1 *Words to have customary meanings:* The words and phrases used in this ordinance shall have their customary meanings or as defined in a standard dictionary, except for specific words and phrases as defined below.

26-21.2 *Tense:* The present tense includes the future tense.

26-21.3 *Number:* The singular number includes the plural number and the plural number includes the singular number.

26-21.4 *Person:* The word "person" includes a firm, association, partnership, trust, company, corporation, or any other entity usually defined in legal usage as a person.

26-21.5 *Shall and may:* The word "shall" is mandatory, the word "may" is permissive.

26-21.6 *Used or occupied.* The words "used" and "occupied" include the words "intended, designed or arranged to be used or occupied."

26-21.7 *Lot:* The word "lot" includes the words "plot" and "parcel."

- 26-22.3 *Boarding house*: Same as rooming and boarding houses.
- 26-22.4 *Building*: Any structure having a roof supported by columns or walls and which is designed for shelter, support or enclosure of persons, animals or property of any kind.
- 26-22.4a *Business sign*: Any sign, pictorial or otherwise, regardless of size or shape, which directs attention to a business, commodity, attraction, profession, service or entertainment conducted, sold, offered, manufactured, existing or provided on the premises where the sign is located or to which it is affixed. Such signs are sometimes called "on-premise signs" or "point-of-sale signs."
- 26-22.4b *Changeable copy sign*: A sign on which message copy is changed manually through the utilization of attachable letters, numbers, symbols, and other similar characters or changeable pictorial panels. Poster panels and printed boards are not considered changeable copy signs.
- 26-22.5 *Civic organization*: See "Club, lodge . . ."
- 26-22.6 *Club, lodge, civic or fraternal organization, fraternity, sorority*: An incorporated or unincorporated association for civic, social, cultural, religious, literary, political or like activities, operated for the benefit of its members and not open to the general public.
- 26-22.6a *Cluster housing*: A development design wherein conventional zoning and/or subdivision standards are relaxed to permit modifications in lot size and shape by concentrating single family dwellings in specific areas of an overall tract. Depending on the zoning district in which the development is located, cluster housing may be detached or attached if building code standards are met.
- 26-22.6b *Cluster housing development*: Detached or attached dwelling units on individual lots within an overall tract with the remaining area in common open space.
- 26-22.6b1 *Commercial center*: A commercial complex consisting of more than one retail, commercial, or office establishment grouped together, usually developed under one (1) ownership or management, and generally sharing parking areas and vehicular entrances and exits.
- 26-22.6c *Common zero lot line development*: A single family development (attached and semidetached units) where the units are connected on one (1) side by means of a common dividing structural or loadbearing wall of at least ten (10) linear feet to another one-family dwelling. Each dwelling is located on its own individual lot and adjacent structures are placed on alternate side lot line.
- 26-22.6d *Communications tower*: A tower of any size which supports communication equipment (transmitting or receiving) utilized by commercial, governmental, or other public and quasi-public users. This does not include satellite dishes as defined in section 26-91 for private home use or amateur radio operators licensed by the Federal Communications Commission.
- 26-22.6e *Copy extension*: Part of the copy of an advertising sign which extends beyond the edge or border of the sign, sometimes called a "cutout" or "dropout."
- 26-22.7 *Day nursery*: Any agency, institution, center, home, nursery, nursery school, kindergarten, play school, or other place, however styled and whether operated under public auspices, as a private business, or by an established religious denomination, in which are received for temporary custodial care apart from their parents, part of the day or all of the day or night, and upon any number of successive days one or more children not related to the persons providing such temporary custodial care.
- 26.22.7a *Developed lot or parcel*: A developed lot or parcel is one which contains fifty thousand dollars (\$50,000.00) in commercial, industrial or business improvements, according to records in the tax assessor's office or receipt of a valid building permit in said amount.

- 26-22.17 *Fraternal organization, fraternity*: See "Club, lodge . . ."
- 26-22.17a *Freestanding sign*: A sign which is permanently secured in the ground and which is not attached to, supported by, or erected on a building or other structure having a principal function other than support of such signs.
- 26-22.18 *Gross floor area*: The total horizontal area of all floors of a building, including interior balconies and mezzanines, measured from the exterior faces of the exterior walls of a building.
- 26-22.19 *Group commercial or industrial developments*: A single lot containing more than one building used for commercial or industrial purposes and all the structures thereon. Group development shall include single buildings containing more than one commercial or industrial use, structure or business. A single building of 20,000 square feet shall be considered a group development and must be reviewed for off-street parking requirements (design, ingress, egress, etc.).
- 26-22.20 *Group housing development*: A single lot of record upon which is erected more than one building containing dwelling units, and all the structures thereon; a single lot upon which is erected a single structure designed to contain more than four (4) dwelling units on the first floor level thereof or designed to contain more than eight (8) dwelling units throughout; except that high rise apartments are not defined as group housing developments.
- 26-22.21 *High rise structure*: Any building which exceeds three (3) stories or thirty-five (35) feet in height.
- 26-22.22 *Home occupation*: An occupation, profession, or trade customarily, and commonly, carried out by an occupant in a dwelling unit as a secondary use which is clearly incidental and subordinate to the residential character of the dwelling unit; and which, for purposes of this ordinance shall in all cases comply with the provisions of section 26-83 herein.
- 26-22.23 *Industrial, heavy*: Manufacturing, processing, assembly, storing, testing and similar industrial uses which are generally major operations and extensive in character; require large sites, open storage and service areas, extensive service and facilities, ready access to regional transportation; normally generate some nuisances such as smoke, noise, vibration, dust, glare, air pollution, and water pollution, but not beyond the district boundary.
- 26-22.24 *Industrial, light*: Wholesaling, distribution, retailing, storage, processing, light manufacturing or other industrial uses which are usually controlled operations: Relatively clean, quiet, and free of objectionable or hazardous elements such as smoke, noise, odor, or dust; operating and storing within open or enclosed structures; and generating no nuisances.
- 26-22.24a *Information sign*: Any sign containing no message, copy, announcement, or decoration other than instructions or directions to the public except for subordinate identity. Such signs include, but are not limited to, identifying the following: Restrooms, public telephones, walkways, entrances and exit drives, freight entrances and traffic directions.
- 26-22.25 *Junk, salvage, scrap, or wrecking yards*: Any use involving storage or processing of inoperable, disused, dismantled, or wrecked vehicles, equipment, or machinery or the storage or processing of scrap metal, waste paper, rags, food processing wastes, construction wastes, industrial wastes, secondhand building materials, or other scrap, salvage, waste, or junk materials.
- 26-22.26 *Lot*: An area of land clearly defined by plat or by metes and bounds description.
- 26-22.27 *Lot frontage*: The front of an interior lot shall be construed to the portion nearest the street. For the purpose of determining yard requirements on corner lots and through lots, all sides of a lot adjacent to streets shall be considered frontage and yards shall be provided upon that basis. The phrase "street frontage" shall

- b) The manufactured home has a minimum of nine hundred (900) square feet of enclosed living area.
- c) The pitch of the roof has a minimum 3/12 pitch, and has a type of shingle commonly used in standard residential construction.
- d) The exterior siding consists of vinyl or aluminum lap siding, wood, masonite, or other materials similar to the exterior siding commonly used in standard residential construction.
- e) All towing devices, wheels, axles, and hitches must be removed.

26-22.34b Standard designed manufactured homes:

A single-family dwelling built according to the Federal Manufactured Housing Construction and Safety Standards (24 CFR 3280) HUD Code, which does not meet the criteria of a Residential Designed Manufactured Home.

26-22.34c Mobile home: A mobile home is a single-family dwelling that is wholly, or in substantial part, fabricated in an off-site manufacturing facility for installation or assembly at the building site, designed to be a permanent residence. Additionally, a mobile home must have been built prior to June 16, 1976 and not meet the criteria of a manufactured home, pursuant to Section 26-22.34. Mobile homes shall not be permitted in Richland County. All mobile homes existing at the time of enactment of this amendment to the Richland County Code of Ordinances, Chapter 26, shall be deemed non-conforming uses. If the non-conforming mobile home is improved so that it meets the criteria of a manufactured home (section 26-22.34), it shall lose its non-conforming status and be deemed a manufactured home.

26-22.35 Manufactured home park: A lot used, designed or intended to be used for the purpose of supplying parking space for four (4) or more

occupied manufactured homes and which includes buildings, structures, or enclosures used or intended to be used as a part of such manufactured home park. Sales or storage lots for unoccupied manufactured homes are not considered to be manufactured home parks.

26-22.35a Modular building unit: A building including the necessary electrical, plumbing, heating, ventilating, and other service systems, manufactured off-site and transported to the point of use for installation or erection, with or without other specified components, as a finished building and not designed for ready removal to another site. This term is not to be limited to residential dwellings. Additionally, a modular building unit must:

- 1) Meet the requirements of the Southern Standard Building Code.
- 2) Meet the requirements of the S.C. Modular Construction Act.

26-22.35b Moving message board: An electrical sign using a pattern of lights to form various words or pictures which changes copy more than four (4) times in any one (1) civil day.

26-22.36 Nonconforming activity: The otherwise legal use of a building or structure or of a tract of land that does not conform to the use regulations of this ordinance for the district in which it is located, either at the effective date of this ordinance or as a result of subsequent amendments to the ordinance.

26-22.37 Nonconforming lot: An otherwise legally platted lot that does not conform to the minimum area or width requirements of this ordinance for the district in which it is located either at the effective date of this ordinance or as a result of subsequent amendments of the ordinance.

within a hotel lobby or as a principal use within a separate structure.

26-22.44a *Product sign*: Any sign which directs attention to products sold, offered or dispensed on the premises where the sign is located.

26-22.44b *Projecting sign*: Any sign which is erected on a building wall or structure and extends beyond the building wall more than twelve (12) inches.

26-22.44c *Radio and television stations*: Public, quasi-public, governmental or private facilities and structures which contain offices, studios, equipment and other facilities involved in the origination and transmission of radio and television programming excluding amateur radio operators as licensed by the Federal Communications Commission.

26-22.45 *Residence*: Same as "Dwelling Unit."

26-22.45a *Roof line*: The intersection of the roof of a building or structure and the perimeter wall of that building or structure.

26-22.46 *Rooming and boarding houses*: Any dwelling, other than a hotel or motel, in which three (3) or more persons who are not members of the owner's or operator's family are housed or lodged in rooms used or intended to be used for living and sleeping but not for cooking or eating purposes, for compensation, with or without meals being provided. Any dwelling in which such accommodations are offered in ten (10) or more rooms shall be considered to be a hotel or motel.

26-22.47 *Salvageyard*. Same as "Junkyard."

26-22.47a *Satellite television dish antennae*: Dish-shaped structures designed to receive television broadcasts relayed by microwave signals from earth-orbiting communications satellites.

26-22.48 *Scrapyard*: Same as "Junkyard."

26-22.49 *Setback line*: The setback line is the same as the depth or width of any required yard. Note that such line defines the minimum distance between any structure and an adjacent lot boundary and is not necessarily the same as the building line, which is the distance between the actual structure and an adjacent lot boundary.

26-22.50 *Sign*: Any device which informs or attracts the attention of persons not on the premises on which the sign is located.

26-22.51 *Sign, advertising*: Any sign which relates in its subject matter to products, accommodations, services, or activities sold or offered elsewhere than upon the premises on which such sign is located, and as further defined in section 26-95.

26-22.52 *Sign, business*: Any sign which relates in its subject matter to the premises on which it is located or to products, accommodations, services, or activities offered, sold, or engaged in on the premises, and as further defined in section 26-95.

26-22.53 *Sign, other terms related thereto*: Additional terms related to signs and the regulation thereof are defined in 26-95, including:

Display Surface Area;

Marquee;

Sign Copy;

Freestanding Sign;

Mobile Sign;

Portable Sign;

Projecting Sign;

Wall Sign.

26-22.54 *Sorority*: See "Clubs, lodges . . ."

ARTICLE 3. ESTABLISHMENT OF DISTRICTS AND ZONING MAPS

Sec. 26-31. District boundaries established by zoning map.

The boundaries of the zoning districts established by Article 6 of this ordinance are hereby established on a map entitled "Zoning Map of Unincorporated Richland County, South Carolina," which map is declared to be a part of this ordinance.

Sec. 26-32. Maintenance of official copy of zoning map.

At least one official copy of the zoning map shall be maintained in the office of the zoning administrator, upon which shall be recorded, after the passage thereof, every amendment to this ordinance which effects a change in any zoning district boundary. Such official copy of the zoning map shall be available at all times for inspection by the general public.

Sec. 26-33. Zoning maps other than official copy.

The zoning administrator may distribute copies of the zoning map to the general public for reference purposes. However, the official copy of the zoning map maintained in the office of the zoning administrator plus official records of the clerk of court regarding actions of the county council to amend district boundaries shall constitute the only official description of the location of zoning district boundaries, and persons having recourse to this ordinance for any purpose are hereby so notified.

Sec. 26-34. Interpretation of district boundaries.

Where uncertainty exists as to the boundaries of any zoning district, the following general rules of interpretation shall apply. It is the duty of the zoning administrator to interpret the location of zoning district boundaries. An appeal from an interpretation or finding of the zoning administrator may be taken to the zoning board of adjustment as specified in Article 11.

26-34.1 *Where boundaries approximately follow streets, highways or alleys:* District boundaries indicated as approximately following the center lines of streets, highways or alleys shall be construed to follow such center lines.

26-34.2 *Where boundaries approximately follow platted lot lines:* District boundaries indicated as approximately following platted lot lines shall be construed as following such lot lines.

26-34.3 *Where boundaries approximately follow city or county limits:* District boundaries indicated as approximately following city or county limits shall be construed as following such city or county limits.

26-34.4 *Where boundaries follow railroad lines:* District boundaries indicated as following railroad lines shall be construed to be midway between the main tracks.

26-34.5 *Where boundaries follow stream beds or other bodies of water:* District boundaries indicated as following center lines of stream beds or other bodies of water shall be constructed to follow such center lines.

26-34.6 *Where boundaries approximately parallel or are extensions of above features:* District boundaries indicated as approximately parallel to or extensions of features indicated in subsections above shall be so construed and at such distance therefrom as indicated on the official copy of the zoning map. Distances not specifically indicated on the official copy of the zoning map shall be determined by the scale of the map.

ARTICLE 4. APPLICATION OF REGULATIONS

Sec. 26-41. Regulations regarded as minimum.

Within each district, the regulations set forth by this ordinance shall apply uniformly to each class or

reconstructed to continue nonconformity after major damage, or used as grounds for adding other structures or uses prohibited elsewhere in the same district.

26-51.2 Continuation of nonconforming uses, structures, or activities.

- (1) *Change to another nonconforming use:* A nonconforming use, structure, or activity shall not be changed to any other nonconforming use, structure, or activity unless the zoning board of adjustment finds that the new use, structure, or activity is more in character with the uses permitted in the district, in which case the zoning board of adjustment may require appropriate conditions and safeguards in accord with the purpose of this ordinance.
- (2) *Conversion of use on nonconforming lots:* The minimum yard requirements of this ordinance shall not be construed as prohibiting the conversion of an existing building which does not meet the minimum yard requirements to another permitted use, so long as no further encroachment is made into the existing yards.
- (3) *Reconstruction:* A nonconforming structure shall not be demolished and rebuilt as a nonconforming structure.
- (4) *Extension or enlargement:* A nonconforming use, structure or activity shall not be extended, enlarged, or intensified except in conformity with this ordinance, provided however, that any nonconforming use may be extended throughout any parts of a building which were manifestly arranged or designed for such use at the time of adoption or amendment of this ordinance, but no such use shall be extended to occupy any land outside such building, except that nonconforming single-family residential uses may be extended or enlarged; provided such extension or enlargement shall meet all applicable requirements of the district in which the use is located.

(5) *Reestablishment:* A nonconforming use or activity shall not be reestablished after vacancy, abandonment or discontinuance for any period of twelve (12) consecutive months, except where section 26-51.6 applies and except that non-conforming single family residential uses may be reestablished irrespective of time; provided such reestablishment is in accord with all applicable requirements of the district in which the use is located.

(6) *Reconstruction after damage:* A nonconforming structure shall not be rebuilt, altered, or repaired except in conformity with this ordinance after sustaining damage exceeding fifty (50) percent of the replacement cost of the structure at the time of damage, provided that any permitted reconstruction shall begin within twelve (12) months from the time of damage and shall be completed within six (6) months.

The provision of this section shall not apply to any single-family residence. Such use may be reconstructed regardless of the extent of damage; provided such reconstruction is in accord with all applicable requirements of the district in which the use is located.

26-51.3 Repair or maintenance of nonconforming structures.

On any building devoted in whole or in part to any nonconforming use, work may be done on ordinary repairs, or on repair or replacement of nonbearing walls, fixtures, wiring or plumbing provided that the cubic content of the building as it existed at the time of passage or amendment of this ordinance shall not be increased. Nothing in this ordinance shall be deemed to prevent the strengthening or restoring to a safe condition of any building or part thereof declared to be unsafe by any official charged with protecting the public safety, upon order of such official.

Sec. 26-52. Visibility at intersections.

26-52.1 *Sight clearance to be maintained:* At each corner of each street intersection a sight area shall be maintained. Within the sight area no fence, wall, sign or other structure, except poles, no slope or embankment, no parked vehicle, no hedge, foliage or other planting, except tree trunks, and no other object or structure shall be placed, erected or maintained which will obstruct visibility within the sight area. If poles or tree trunks in the sight area are a hazard to proper sight at intersections, they must be removed.

26-52.2 *Dimensions of sight areas:* The horizontal dimensions of sight areas are defined as triangular areas formed by the intersecting right-of-way lines in commercial and industrial districts and twenty-five (25) feet distant from the point of intersection of the right-of-way lines. The vertical dimensions of sight areas are defined as that vertical space between the height of two and one-half (2 1/2) feet and ten (10) feet in elevation above the nearest edge of street pavement of a paved street or above the nearest edge of riding surface of an unpaved street.

Sec. 26-53. Accessory buildings.

No accessory building shall be erected in any required yard except as herein provided, and no separate accessory buildings shall be erected within five (5) feet of any main building.

Sec. 26-54. Measurement of height.

For purposes of this ordinance, the height of a building shall be measured from the average finished ground elevation at the base of the structure to the highest point of the roof of the structure, provided that spires, belfries, cupolas, chimneys, antennas, water tanks, ventilators, elevator housing, mechanical equipment or other such structures placed above the roof level and not intended for human occupancy shall not be subject to height limitations.

Sec. 26-55. Buildings and lots to have access.

Every building hereafter erected or structurally altered shall be on a lot having frontage on a public roadway or on a lot fronting on a private roadway or on a lot that has a recorded easement for ingress and egress purposes, and which meets the relevant standards of the land development regulations of the county. No ingress or egress shall be authorized for commercial or industrial land uses through any residential zoning district established by this chapter.

required front yards, provided that they do not constitute a substantial impediment to visibility across such yards which would contribute to the creation of traffic hazards, and further provided that servicing operations in connection therewith can be conducted so as not to interfere with public use of adjacent sidewalks and public streets.

26-56.6 No fence or wall shall be permitted in any required front yard which substantially impedes vision above a height of thirty (30) inches, except as provided for in C-3, M-1 and M-2 districts in section 26-56.5 above.

26-56.7 Fences or walls are permitted in required side yards or required rear yards provided that such fences or walls do not substantially impede visibility above a height of seven (7) feet.

26-56.8 Signs are permitted to encroach upon required yards in certain instances as set forth in Article 8, "Regulation of Signs."

26-56.9 Screening between commercial or industrial uses and lots zoned residentially as required by section 7-8.

(Ord. No. 2331-93, § I, 6-15-93)

Sec. 26-57. Orientation of required yards.

In interpretation of requirements related to establishment of required yards, the zoning administrator shall apply the following interpretation to the orientation of such yards:

26-57.1 *Through lots:* In the case of through lots, unless the prevailing front yard pattern on adjoining lots indicates otherwise, front yards shall be provided on all frontages. Where one (1) of the front yards that would normally be required on a through lot is not in keeping with the prevailing yard pattern, the zoning administrator may waive the requirement for the normal front yard and substitute therefor a special yard requirement which shall not exceed the average of the yards existing on adjacent lots.

26-57.2 *Corner lots with two frontages:* In the case of corner lots with two (2) frontages, a front yard of the required depth shall be provided on the frontage of the street having the higher traffic volumes. Where the traffic volumes on both streets are approximately equal, the required depth shall be provided on the street frontage having the minimum lot width. A second front yard of half the depth required generally for front yards in the district shall be provided on the other frontage.

26-57.3 *Corner lots with more than two frontages:* In the case of corner lots with more than two (2) frontages, the zoning administrator shall determine the front yard requirements, subject to the following limitations: (1) At least one front yard shall be provided having full depth required generally in the district; (2) No other front yard on such lot shall have less than half the full depth required generally.

26-57.4 *Appropriateness of orientation:* Notwithstanding the above, the zoning administrator may determine that the most appropriate orientation for any required yard is different from the orientation as set forth above in such instance that it appears that such different orientation will further the intent of this ordinance. When a structure is to be built which will contain more than one dwelling unit, the orientation of required yards shall be based upon both the orientation of the lot and the orientation of the structure. The zoning administrator may impose an orientation of yards different from the orientation set forth in this section and elsewhere in this ordinance subject only to appeal of such decision to the board of adjustment as an appeal from an administrative decision of the zoning administrator.

Sec. 26-58. Manufactured homes in residential, single-family districts RS-1, RS-2, and RS-3.

26-58.1 *Reserved.*

and cultural resources, (4) maintain open space and scenic areas contiguous to development area.

26-61.2 Permitted principal uses and structures.

- (1) Agricultural uses, including farming, horticulture, and silviculture, and including the raising and keeping of domestic farm animals.
- (2) Public building and utilities.
- (3) Orphanages, children's homes, nursing homes, and similar nonprofit institutions.
- (4) Hospitals, rest home for the aged, and sanatoriums.
- (5) Churches, synagogues, and related uses.
- (6) Civic, fraternal, cultural, and social organizations, clubs, lodges; provided however, that such uses are: eleemosynary (or non-profit), registered with the South Carolina Secretary of States' Office, and do not include sexually oriented businesses as defined under article 8A of this chapter.
- (7) Education facilities.
- (8) Dwellings, one-family.
- (9) Dwellings, two-family.
- (10) Manufactured homes.
- (11) Group housing developments: Containing three (3) or fewer dwelling units or manufactured homes subject to the provisions of sections 26-81 and 26-86 with the exception that the driveways described in section 26-81.3(3) do not need to be paved as long as they are of an acceptable all weather surface and planning commission review as discussed in section 26-81.3(11) is not required.

- (12) Cemeteries, provided that no such use shall be situated or located within any required setback area (the required setback area is the nonbuildable area of a lot which includes the front yard, side yards and rear yard.)
- (13) Wholesale commercial greenhouses and nurseries.
- (14) Day nurseries and kindergartens, subject to the provisions of section 26-84; and adult day care facilities; provided that the Zoning Administrator shall ensure that the applicant has applied to the South Carolina Department of Health and Environmental Control (SCDHEC) for a license to operate the facility and that all SCDHEC requirements, including, but not limited to, those dealing with the maximum number of persons to be cared for at the facility are satisfied.
- (15) Solid waste management facilities, landfills, and composting facilities, as defined under § 12-41 of this code; provided, however, such facilities shall be subject to the requirements of Article III of chapter 12 of this code.

26-61.3 Permitted accessory uses and structures.

- (1) Occupations, professions, or trades customarily carried on by occupants of dwelling units as secondary uses which are clearly incidental to use of dwelling units for residential purposes are allowed as accessory uses in districts where dwelling units are permitted or permissible, subject to the following provisions:
 - (a) *Location.* Home occupations shall be conducted within the principal structure or one accessory structure use.
 - (b) *Area.* An area equal to not more than 50% of the floor area of the principal structure may be utilized for home

- (2) Group housing developments containing between four (4) and six (6) dwelling units, inclusive, at a rate of density of at least five (5) acres per dwelling unit, subject to the provisions of section 26-81 and 26-86, with the following exception with regard to the driveways: The driveways described in section 26-81.3(3) do not need to be paved as long as they are of an acceptable all-weather surface, and planning commission review as discussed in section 26-81.3(11) is not required.
- (3) Borrow pits for sand, gravel, fill dirt, and topsoil provided such pits are restored to the best management practice and approved by the county engineer.
- (4) Radio, television and all other types of communications towers as well as fire towers subject to the provisions of section 26-94A.
- (5) Commercial scale animal husbandry uses: Concentrated agricultural livestock enterprises requiring permitting under South Carolina Department of Health and Environmental control guidelines shall be allowed as a special exception only, and only if that operation shall satisfy the requirements of public notice, posting, and hearing before the county zoning board of adjustment, as required of any request for a special exception.

All concentrated agricultural livestock enterprises in existence, or with South Carolina Department of Health and Environmental Control permits already being processed on the effective date of this ordinance, shall be considered an existing special exception.

Expansions of existing concentrated agricultural livestock enterprises shall be regarded as part of an existing special exception and shall not require additional approval or review by the board of adjustment; provided that all planned expansions can be operated under existing South Carolina Department of Health and Environmental Control regulations.

Should a special exception for a concentrated agricultural livestock enterprise be requested on property which is contiguous to an existing residential use, the applicant seeking the special exception shall be required to provide a bufferyard as required for industrial uses by the landscape ordinance. In addition, all setbacks shall be measured from the interior boundary of the required bufferyard.

- (6) Temporary dwelling units to house family members who are in need of constant care from other relatives, subject to the provisions of section 26-95.

26-61.5 *Minimum lot area.*

- (1) All residential uses: Thirty-three thousand (33,000) square feet per dwelling unit or as described by "Guidelines for Use with Rules and Regulations Governing the Development of Subdivisions Water Supply and Waste Water Disposal Systems," published by the Richland County Health Department, whichever is greater.
- (2) Other uses and structures permitted outright are permissible with special exceptions: Thirty-three thousand (33,000) square feet except as needed to meet other requirements herein or state health requirements if either no public water or sewer is available.

26-62.2 Permitted principal uses and structures.

- (1) Agriculture, horticulture, animal husbandry, forestry, and similar agriculturally related uses.
- (2) Single family detached dwellings or modular building units located on individual lots.
- (3) Parks, playgrounds, playfields.
- (4) Community service structures and uses such as community service centers, libraries, fire stations, civic, cultural or recreational uses.
- (5) Churches and other places of worship, including educational buildings related thereto.
- (6) Elementary schools and high schools.
- (7) Day nurseries and kindergartens, subject to the provisions of section 26-84; and adult day care facilities, provided that the Zoning Administrator shall ensure that the applicants has applied to the South Carolina Department of Health and Environmental Control (SCDHEC) for a license to operate the facility and that all SCDHEC requirements, including, but not limited to, those dealing with the maximum number of persons to be cared for at the facility are satisfied.
- (8) Cemeteries.
- (9) Single family manufactured home located on individual lots.

26-62.3 Permitted accessory uses and structures.

- (1) Dwellings, barns, sheds, maintenance buildings, storage buildings and similar structures and uses in connection with agriculturally related uses as specified in 26-62.2(1) above.

- (2) Noncommercial greenhouses and plant nurseries, private garages, garden sheds, tool houses, swimming pools, and the like.
- (3) Home occupations subject to the provisions of section 26-83.
- (4) Other structures and uses which:
 - a. Are customarily accessory and clearly incidental and subordinate to permitted uses and structures.
 - b. Do not involve the conduct of trade on the premises other than as permitted as a principal use.
 - c. Are located on the same lot as the permitted principal use or structure, or on a contiguous lot in the same ownership.
 - d. Are not likely to attract visitors in larger numbers than would be expected in the neighborhood.
 - e. Do not involve operations not in keeping with the character of the neighborhood, or of a nature prohibited under "Prohibited Uses and Structures."

26-62.4 Permitted special exceptions.

After public notice and hearing and subject to appropriate conditions and safeguards, the board of adjustment may permit as special exceptions:

- (1) Outdoor recreation uses in addition to those permitted outright, provided that the board of adjustment shall find that the characteristics of such uses and the site design thereof will not be incompatible with nearby uses, and further provided that motor vehicle raceways shall be specifically excluded.

(1) Front:

- a. The required front yard shall be 35 feet.
- b. On corner lots, the secondary front yard shall be not less than 20 feet.

(2) Side yards of interior and corner lots: individual side yards shall be at least 10 feet.

(3) Rear yards: Permitted principal structures--30 feet; Permitted accessory structures--15 feet.

26-62.8 Maximum lot coverage by all buildings.

All permitted and permissible buildings and their accessory buildings: 25 percent.

26-62.9 Maximum height of structures.

Except as provided in section 26-54, no portion of any building shall exceed 35 feet in height.

26-62.10 Minimum offstreet parking and loading requirements.

Off-street parking and loading requirements as set forth in Article 7 shall be met for all structures and uses.

26-62.11 Signs.

Signs are permitted in the D-1 District in accordance with the provisions of Article 8, "Regulation of Signs," provided the owner executes a written agreement to remove the sign from the property in the event the property is rezoned to a zoning classification in which signs are not a permitted principal use. (Ord. No. 1284-85, § 8, 4-2-85; Ord. No. 2062-90, § III, 12-18-90; Ord. No. 026-94, § I, 3-15-94; Ord.No. 048-95HR, § I, 9-5-95; Ord. No. 054-00HR, § IV, 10-3-00; Ord. No. 055-00HR, § IV, 10-3-00; Ord. No. 054-01HR, § IV, 9-4-01)

Sec. 26-63. RS-1, RS-2, RS-3, RR, RS-1A Single family residential.

26-63.1 Intent.

These districts are intended as single family residential areas with low to medium population densities. Use regulations for the single family districts are identical, but custom has established five classes of lot width and lot area, and these dimensional differences are intended to be preserved. Certain structures and uses required to serve governmental, educational, religious, noncommercial recreational, and other needs of such areas are permitted outright within such districts or are permissible as special exceptions subject to restrictions and requirements intended to preserve and protect their single family residential character.

26-63.2 Permitted principal uses and structures.

Single family detached dwellings or modular building units located on individual lots.

26-63.2a Permitted principal uses and structures in RS-2 and RS-3 Districts.

- (1) All principal uses and structures listed in section 26-63.2.
- (2) Parallel zero lot line dwelling units and developments subject to the provisions of section 26-90.

26-63.3 Permitted accessory uses and structures.

- (1) Noncommercial greenhouses and plant nurseries, private garages, garden sheds,

- (9) Beauty and barber shops, as home occupations subject to the provisions of section 26-83.
- (10) Cluster housing developments containing only single-family detached dwellings units subject to the provisions of section 26-74.
- (11) Temporary borrow pits for fill dirt and topsoil.
- (12) Physicians' and dentists' offices provided that the board of adjustment shall find that the characteristics of such uses and the site and elevation design thereof will be in keeping with the residential character of the district. All such uses shall also meet all other requirements of the zoning district in which it is located, the parking requirements of section 26-78.2(11) and the screening and buffering requirements of section 7-8.
- (13) Nonconforming manufactured homes may only be replaced within one (1) year of site vacancy, and only if the board of adjustment finds that allowing the continued nonconformity will not adversely effect the surrounding area. If the board grants a special exception, the board may impose appropriate safeguards regarding siting or characteristics of uses potentially incompatible with nearby uses. The replacement manufactured home must have a decal certifying its construction to federal standards.
- (14) Communications towers are allowed by special exception in RS-1, RS-2, RS-3, RR, and RS-1A districts provided that they are an ancillary or secondary use on a property where another use (other than single or two family) has already been established which is a conforming use either outright or by special exception. Examples of these types of use are churches, schools, and multifamily complexes. These special exception approvals may be issued using the same criteria as set forth in section 26-94A. The zoning board of adjustment is further charged with considering the aesthetic design of the tower in order to minimize its nonresidential appearance.
- (15) Temporary dwelling units to house family members who are in need of constant care from other relatives, subject to the provisions of section 26-95.
- 26-63.4a *Permitted special exceptions in RS-2 and RS-3 Districts.*
- (1) All permitted special exceptions listed in section 26-63.4.
- (2) Common zero lot line dwelling units and developments subject to the provisions of section 26-90.
- 26-63.5 *Prohibited uses and structures.*
- (1) Trade or service other than as provided under "Permitted Principal Uses and Structures," or "Permitted Accessory Uses and Structures," or as permitted in connection with "Special Exceptions."
- (2) Manufacturing.
- (3) Storage in connection with trade, service or manufacturing activities outside the district.
- (4) Storage or long-term parking of commercial or industrial vehicles.
- (5) Storage of building materials except in connection with active construction activities on the premises.
- (6) Storage or use of manufactured homes.
- (7) Signs, except as permitted under Article 8.
- (8) Storage of junk.

3. Rear yards:

- a. For permitted principal structures: 20 feet.
- b. For permitted accessory structures: 5 feet.

26-63.8 Maximum lot coverage by all buildings.

Single family detached dwellings and their permitted accessory buildings: 25%.

(Ord. No. 1015-83, § 1, 1-19-83; Ord. No. 1191-84, § I, 9-4-84; Ord. No. 1283-85, § 3, 4-2-85; Ord. No. 1284-85, § 3, 4-2-85; Ord. No. 1680-87, § 1, 9-1-87; Ord. No. 1681-87, §§ 2--5, 9-1-87; Ord. No. 2151-91, § III, 11-5-91; Ord. No. 048-95HR, § I, 9-5-95; Ord. No. 046-97HR, § I, 6-17-97; Ord. No. 054-00HR, § IV, 10-3-00; Ord. No. 055-00HR, § V, 10-3-00; Ord. No. 054-01HR, § V, 9-4-01)

Sec. 26-64. RG-1 and RG-2 General residential.**26-64.1 Intent.**

These districts are intended as medium and high density residential areas permitting progressively higher population densities, characterized by single family detached, two family detached, multiple family structures, garden-type apartments, and high rise apartments. Certain structures and uses required to serve governmental, educational, religious, noncommercial recreational, and other needs of such areas are permitted outright or are permissible as special exceptions subject to restrictions and requirements intended to preserve and protect the residential character of the districts.

26-64.2 Permitted principal uses and structures.

RG-1 and RG-2

- (1) Single family detached dwellings or modular building units and two family detached dwellings or modular building units located on individual lots or in Group Housing Developments, subject to the provisions of section 26-81.
- (2) Multiple family dwellings or modular building units containing not more than four (4) dwelling units on the first floor level and not more than eight dwelling units throughout, provided that no more than one (1) such principal building shall be located on any individual lot.
- (3) Multiple family dwellings or modular building units located in Group Housing Developments, subject to the provisions of section 26-81.
- (4) Cluster Housing Developments containing detached or attached dwelling units or modular building units subject to the provision of section 26-87.
- (5) Parallel zero lot line dwelling units and developments subject to the provisions of section 26-90.
- (6) Common zero lot line dwelling units and developments subject to the provisions of section 26-90.

26-64.3 Permitted accessory uses and structures.

- (1) Noncommercial greenhouses and plant nurseries, private garages, garden sheds, tool houses, private swimming pools, and the like.
- (2) Home occupations, except beauty and barber shops, subject to the provisions of section 26-83.
- (3) Other structures and uses which:

- (13) Physicians' and dentists' offices provided that the board of adjustment shall find that the characteristics of such uses and the site and elevation design thereof will be in keeping with the residential character of the district. All such uses shall also meet all other requirements of the zoning district in which it is located, the parking requirements of section 26-78.2(11) and the screening and buffering requirements of section 7-8.
- (14) Manufactured homes subject to the requirements of section 26-86.
- (15) Communications towers are allowed by special exception in RG-1 and RG-2 districts provided that they are an ancillary or secondary use on a property where another use (other than single or two family) has already been established which is a conforming use either outright or by special exception. Examples of these types of use are churches, schools, and multifamily complexes. These special exception approvals may be issued using the same criteria as set forth in section 26-94A. The zoning board of adjustment is further charged with considering the aesthetic design of the tower in order to minimize its nonresidential appearance.
- (16) Temporary dwelling units to house family members who are in need of constant care from other relatives, subject to the provisions of section 26-95.
- (3) Fraternities, sororities and denominational student headquarters, provided that the board of adjustment shall find that the characteristics of such uses and the site design thereof will be in keeping with the residential character of the district.
- (4) Rooming and boarding houses.
- (5) Highrise apartments subject to the provisions of section 26-80.
- (6) As accessory uses to permitted principal uses and structures, barber shops, beauty shops, restaurants, drug stores, newsstands and similar uses not enumerated as permitted principal uses, designed primarily to serve the convenience of persons living in the building in which such accessory uses are located. No accessory uses shall be permitted unless the board finds that:
 - a. It is reasonably necessary to serve the needs of the persons involved;
 - b. It is accessory and clearly incidental to the permitted principal use;
 - c. It is not designed or intended to attract clientele from outside the district; and,
 - d. It will not adversely affect neighboring uses or the district as a whole.

26-64.5 Prohibited uses and structures.

- IN RG-2 Districts Only--
- (1) Colleges and universities having minimum lot areas of five (5) acres, provided that the board of adjustment shall find that the characteristics of such institutions and the site design thereof will be in keeping with the character of the district.
- (2) (Reserved.)
- (1) Trade or service other than as provided under "Permitted Principal Uses and Structures," or "Permitted Accessory Uses and Structures," or as permitted in connection with "Special Exceptions."
- (2) Manufacturing.
- (3) Storage in connection with trade, service or manufacturing activities outside the district.

b. Side yard of interior and corner lots:

- (1) For multi-family dwelling individual side yards of interior lots shall be 10 feet.
- (2) For single family or two family dwellings on individual lots: The combined side yards shall total 12 feet, provided however, that no individual side yard shall be less than 4 feet in width.

c. Rear:

- (1) Permitted principal structures: 20 feet.
- (2) Permitted accessory structures: 5 feet.

(2) RG-2

Minimum yard requirements for all structures and uses except highrise apartments shall be as follows. Yard requirements for highrise apartments are set forth in section 26-80.

a. Front:

- (1) The required front yard shall be 25 feet.
- (2) On corner lots, the secondary front yard shall be not less than 15 feet in depth.

b. Side yard of interior and corner lots:

- (1) For multi-family dwellings individual side yards of interior lots shall be 10 feet.
- (2) For single family or two family dwellings on individual lots: The combined side yards shall total 12

feet, provided however, that no individual side yard shall be less than 4 feet in width.

- c. Rear: 15 feet for permitted principal structures; Permitted accessory structures may be located in rear yards, provided however, that no such structure shall be located closer than 5 feet from the rear property line.

26-64.9 *Maximum lot coverage by all buildings.*

RG1 and RG2: 30% except as required to meet other regulations herein.

26-64.10 *Maximum height of structures.*

- (1) Highrise apartments: As provided in section 26-80.
- (2) All other buildings: 35 feet.
- (3) Section 26-54 exempts certain structures or portions thereof from height restrictions.

26-64.11 *Minimum off-street parking and loading requirements.*

Off-street parking and loading requirements as set forth in section [Article] 7 must be met.

26-64.12 *Signs.*

Signs are permitted in the RG-1 and RG-2 districts only in accordance with the provisions of Article 8, "Regulation of Signs."

(Ord. No. 1268-85, § 1, 11-20-84; Ord. No. 1283-85, § 4, 4-2-85; Ord. No. 1284-85, § 4, 4-2-85; Ord. No. 1625-87, § 1, 6-2-87; Ord. No. 2151-91, § III, 11-5-91; Ord. No. 048-95HR, § I, 9-5-95; Ord. No. 054-00HR, § IV, 10-3-00; Ord. No. 055-00HR, § VI, 10-3-00; Ord. No. 054-01HR, § VI, 9-4-01)

- (18) Cluster Housing Developments containing only single family detached dwellings or modular building units subject to the provisions of section 26-87.
- (19) High rise structures containing both residential and nonresidential uses listed as permitted principal uses for this district, subject to the provisions of section 26-80.
- (20) Parallel zero lot line dwelling units and developments subject to the provisions of section 26-90.
- (21) Common zero lot line dwelling units and developments subject to the provisions of section 26-90.
- (22) Single, two-family and multi-family dwellings; provided such uses are developed in accord with the minimum lot (26-64.6), lot coverage (26-64.9), maximum height (26-64.10), off-street parking (26-64.11), and sign (26-64.12) regulations for such uses in the RG-2 District.

26-65.3 *Permitted accessory uses and structures.*

- (1) Noncommercial greenhouses and plant nurseries, private garages, garden sheds, tool houses, private swimming pools and the like.
- (2) Home occupations subject to the provisions of section 26-83.
- (3) Uses and structures which:
 - a. Are customarily accessory and clearly incidental and subordinate to permitted principal uses and structures.
 - b. Are located on the same lot as the permitted principal use or structure, or on a contiguous lot in the same ownership.

- c. Are in keeping with the character of the district.
- d. Are not of a nature prohibited under "Prohibited Uses Structures."

26-65.4 *Permitted special exceptions.*

After public notice and hearing, and subject to appropriate conditions and safeguards, the board of adjustment may permit, as special exceptions:

- (1) As accessory uses to permitted principal uses and structures, barber shops, beauty shops, restaurants, drug stores, newsstands and similar uses not enumerated as permitted principal uses, designed primarily to serve the convenience of persons living or working in the building in which such accessory uses are located. No accessory uses shall be permitted unless the board finds that:
 - a. It is reasonably necessary to serve the needs of the persons involved;
 - b. It is accessory and clearly incidental to the permitted principal use;
 - c. It is not designed or intended to attract clientele from outside the district; and
 - d. It will not adversely affect neighboring uses or the district as a whole.
- (2) Utility substations, provided that the board of adjustment shall impose appropriate conditions and safeguards regarding siting or characteristics of use potentially incompatible with nearby uses.
- (3) Rehabilitation centers with a lot area of at least 10,000 square feet.
- (4) Temporary borrow pits for fill dirt and topsoil.

(3) Rear:

- a. Permitted principal structures: 20 feet.
- b. Permitted accessory structures: 5 feet.

(4) Buildings Adjacent to Residential Districts:

The side and rear yard requirements in (2) and (3) do not apply when the building is adjacent to a residential district. In this case all buildings constructed in a C-1 zone shall be at least 20 feet from the boundary of any residential district.

26-65.9 Maximum lot coverage by all buildings.

- (1) High rise structures: As needed to meet requirements of section 26-80.
- (2) All other structures: 50% or as needed to meet requirements herein.
- (3) Parking structures to accommodate required parking may be erected provided the total lot area covered by all structures shall not exceed eighty (80) percent.

26-65.10 Maximum height of structures.

- (1) High rise structures as required by section 26-80.
- (2) All other buildings 35 feet in height.
- (3) Section 26-54 exempts certain structures or portions thereof from height restrictions.

26-65.11 Minimum off-street parking and loading requirements

Off-street parking and loading requirements as set forth in section [Article] 7 must be met.

26-65.12 Signs.

Signs are permitted in the C-1 district only in accordance with the provisions of Article 8 "Regulation of Signs."
(Ord. No. 1283-85, § 5, 4-2-85; Ord. No. 1284-85, § 5, 4-2-85; Ord. No. 1713-88, § 1, 2-2-88; Ord. No. 2262-92, § I, 10-20-92; Ord. No. 048-95HR, § I, 9-5-95; Ord. No. 054-00HR, § IV, 10-3-00; Ord. No. 055-00HR, § VII, 10-3-00)

Sec. 26-66. C-2 Neighborhood commercial.

26-66.1 Intent.

This district is intended to accommodate commercial and service uses oriented primarily to serving the needs of persons who live or work in nearby areas. Certain related structures and uses required to serve the needs of such areas are permitted outright or are permissible as special exceptions subject to restrictions and requirements intended to best fulfill the intent of this ordinance.

26-66.2 Permitted principal uses and structures.

- (1) Retail establishments limited to the following uses:
 - a. Limited price variety stores limited to 10,000 sq. ft. of floor area.
 - b. Retail merchandise vending machine operations (not including motor fuel).
 - c. Retail food stores limited to 10,000 sq. ft. of floor area.
 - d. Liquor stores.
 - e. Book stores, excluding adult book stores as defined in section 26-202.
 - f. Stationery stores.

(10) Cemeteries.

26-66.3 Permitted accessory uses and structures.

- (1) Dwelling units in connection with permitted or permissible uses or structures, located on the same premises therewith, for occupancy only by owners or employees thereof.
- (2) Other structures and uses which:
 - a. Are customarily accessory and clearly incidental and subordinate to permitted principal uses and structures.
 - b. Are located on the same lot as the permitted principal use or structure, or on a contiguous lot in the same ownership.
 - c. Do not involve operations not in keeping with the character of the area, or of a nature prohibited under "Prohibited Uses and Structures."

26-66.4 Permitted special exceptions.

After public notice and hearing and subject to appropriate conditions and safeguards, the board of adjustment may permit, as special exceptions:

- (1) Retail establishments not exceeding 5,000 square feet of gross floor area, which are not permitted outright under section 26-66.2 above, but excluding establishments dealing in salvaged merchandise, automobile service stations, or establishments selling automobiles or automotive equipment and supplies.
- (2) Personal and professional service establishment not permitted outright under section 26-66.2.

(3) Eating and drinking establishments, including drive-in eating and drinking establishments, provided that it shall be determined that the characteristics of such establishments will be compatible with nearby uses and that appropriate conditions and safeguards as deemed necessary may be placed upon the characteristics of operation of such establishments.

(4) Commercial recreational and entertainment structures and uses such as theaters and bowling alleys, provided that such uses are housed in structures and are of such a size and situation that they are not likely to be incompatible with nearby residential zoning districts, and further provided that the board shall specifically determine that the characteristics of such establishments will be compatible with nearby zoning districts and that appropriate conditions and safeguards as deemed necessary may be placed upon the characteristics of operation of such establishments.

(5) Utility substations, provided that the board of adjustment shall impose appropriate conditions and safeguards regarding siting or characteristics of use potentially incompatible with nearby uses.

(6) Stores and shops which are permitted outright in section 26-66.2, except that they exceed the maximum size requirement set for in that section, if the board of adjustments determines that the characteristics of such establishments will be compatible with nearby zoning districts and that appropriate conditions [and safeguards as deemed necessary may be placed upon the characteristics of operation of such establishments.] The board may place appropriate conditions and safeguards as deem[ed] necessary upon the characteristics of operation or construction of such establishments to assure the compatibility of these uses.

- (2) Section 5-4 exempts certain structures or portions thereof from height restrictions.

26-66.11 Maximum off-street parking and loading requirements.

Off-street parking and loading requirements as set forth in Article 7 must be met.

26-66.12. Signs.

Signs are permitted in the C-2 district only in accordance with the provisions of Article 8 "Regulation of Signs."

(Ord. No. 048-95HR, § I, 9-5-95; Ord. No. 055-00HR, § VIII, 10-3-00)

Sec. 26-67. C-3 General commercial.

26-67.1 Intent.

This district is intended to accommodate a variety of general 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. Certain related structures and uses are permitted outright or are permissible as special exceptions subject to the restrictions and requirements intended to best fulfill the intent of this ordinance.

26-67.2 Permitted principal uses and structures.

- (1) Retail establishments.
- (2) Service and repair establishments.
- (3) Personal service establishments including such uses as beauty shops, barber shops, shoe repair shops, dry cleaning and laundry, dressmaking and tailoring.
- (4) Offices.

- (5) Photography studios, art studios, art galleries, art sales, interior design studios, craft studios, craft sales, antique shops, establishments for the teaching of music, dancing or other performing arts.
- (6) Financial institutions.
- (7) Eating and drinking establishments, including drive-in eating and drinking establishments.
- (8) Wholesaling and distribution establishments not involving over 8,000 square feet of area for storage of wares to be wholesaled or distributed.
- (9) Commercial recreation and entertainment structures and uses, such as theaters; bowling alleys, miniature golf courses, night clubs, and the like.
- (10) Hotels and motels.
- (11) Commercial parking lots and parking garages.
- (12) Commercial printing and job printing establishments.
- (13) Radio stations, television stations.
- (14) Passenger terminals.
- (15) Veterinary establishments, provided that all animals are kept within suitably designed sound-proof, air-conditioned buildings.
- (16) Funeral homes.
- (17) High rise structures containing nonresidential uses which are permitted principal uses for this district, subject to the provisions of section 26-80.

- (2) High rise structures containing both residential and nonresidential uses listed as permitted principal uses for this district, subject to the provisions of section 26-80.
- (3) Hospitals, sanitariums, nursing homes, rest homes, convalescent homes, homes for orphans, homes for the aged provided that no such facility shall have a lot area of less than one (1) acre, and that no building in connection with such facility shall be closer than twenty-five (25) feet to any lot residentially zoned.
- (4) Reserved.
- (5) Temporary borrow pits for fill dirt and topsoil.
- (6) Mini-warehouses with or without an accessory apartment (one (1) apartment only) for security purposes and parking and storing of retail rental vehicles.
- (7) Radio, television and all other types of communications towers subject to the provisions of section 26-94A.
- (5) Truck terminals, warehouses containing over 8,000 square feet of space for storage of wares in connection with wholesale or distribution operations; storage or distribution centers for bulk petroleum products.
- (6) Outdoor displays of merchandise in any required yard.

26-67.6 Minimum lot area.

- (1) High rise structures: As required by section 26-80.
- (2) Uses and structures permissible as special exceptions: As required under "Permitted Special Exceptions" for this district.
- (3) All other structures and uses, and uses permissible as special exceptions for which no minimum lot area is required: No minimum except to meet other requirements herein or state health requirements if either public water or public sewer is not available.

26-67.7 Minimum lot width.

- (1) High rise structures: As required by section 26-80.
- (2) All other permitted and permissible uses and structures: No minimum except as needed to meet other requirements herein.

26-67.5 Prohibited uses and structures.

- (1) Any use other than as provided under "Permitted Principal Uses and Structures," or "Permitted Accessory Uses and Structures," or as permitted in connection with "Special Exceptions."
- (2) Dwellings, except as provided under "Permitted Special Exception."
- (3) Elementary or high schools.
- (4) Yards for storage of new or used building materials, or for any scrap or salvage operations, or for storage or display of any scrap, salvaged or second-hand materials.

26-67.8 Minimum yard requirements.

Minimum yard requirements for all structures and uses except high rise apartments shall be as set forth below. Minimum yard requirements for high rise apartments are set forth in section 26-80.

- (4) Outdoor storage lots and yards, except automobile junkyards, scrapyards, salvage yards, or yards used in whole or in part for scrap or salvage operations or for processing, storage, display, or sales of junk, scrap, or salvaged materials.
- (5) Retail establishments, sales and display rooms.
- (6) Offices.
- (7) Photography studios, art studios, art galleries, art sales, interior design studios, craft studios, craft sales, antique shops, establishments for the teaching of music, dancing or other performing arts.
- (8) Financial institutions.
- (9) Hotels and motels.
- (10) Eating and drinking establishments, including drive-in eating and drinking establishments.
- (11) Personal service establishments.
- (12) Business service establishments.
- (13) Service and repair establishments including automobile service stations and repair garages.
- (14) Amusement, recreational, and entertainment establishments.
- (15) Laboratories and establishments for fitting, repair, or production of eyeglasses, hearing aids, or prosthetic devices.
- (16) Radio and television stations.
- (17) Veterinary establishments.
- (18) Commercial printing and job printing.
- (19) Business schools and vocational schools not involving uses of an industrial nature which would not otherwise be permitted in this district.
- (20) Rehabilitation centers.
- (21) Parking lots and parking garages.
- (22) Clubs, lodges, civic and fraternal organizations.
- (23) Parks, playgrounds, and playfields.
- (24) Utilities substations.
- (25) Churches and other places of worship, including educational buildings related thereto.
- (26) Community service structures and use such as community service centers, libraries, fire stations, civic, cultural or recreational uses.
- (27) All farm type enterprises, either in conjunction with or separate from dwellings.
- (28) Cemeteries.
- (29) Radio, television and all other types of communications towers subject to the provisions of section 26-94A.

26-68.3 Permitted accessory uses and structures.

- (1) Dwelling units in connection with permitted or permissible uses or structures, located on the same premises therewith, provided that such dwelling units shall be occupied only by owners or employees of such uses.
- (2) Other structures and uses which:
 - a. Are customarily accessory and clearly incidental and subordinate to permitted principal uses and structures;
 - b. Are located wholly on the same lot as the permitted principal use or structure, or on a contiguous lot in the same ownership;
 - c. Do not involve operations not in keeping with the character of the area, or of a nature prohibited under "Prohibited Uses and Structures" for this district.
- (3) Day nurseries and kindergartens subject to the provisions of section 26-84.

26-68.4 Prohibited uses and structures.

- (1) Any industry or use which creates corrosive, toxic or noisome fumes, gas, smoke or odor, or obnoxious dust, vapor or offensive noise or vibrations.
- (2) Any use other than as provided under "Permitted Principal Uses and Structures" or "Permitted Accessory Uses and Structures" or as permitted in connection with "Special Exceptions" for this district.
- (3) Dwellings except as provided under "Permitted Accessory Uses and Structures."
- (4) Junk, scrap, or salvage yards.
- (5) Outdoor display or merchandise for sale in required front yards.

- (6) Day nurseries and kindergartens as primary uses.

26-68.5 Permitted special exceptions.

- (1) Dwelling units with densities and building placements which are compatible with the character of the surrounding area.
- (2) Elementary, middle and high schools.
- (3) Temporary borrow pits for fill dirt and topsoil.

26-68.6 Minimum lot area.

All permitted or permissible uses or structures: No minimum lot area required except as needed to meet other requirements herein.

26-68.7 Minimum lot width.

All permitted or permissible uses or structures: No minimum lot width required except as needed to meet other requirements herein or state health requirements if either public water or sewer is not available.

26-68.8 Minimum yard requirements.

- (1) Front:
 - a. The required front yard shall be 25 feet.
 - b. On corner lots, the secondary front yard shall be not less than 15 feet.

(2) Side:

No side yard is required if buildings are built to the side lot line, otherwise at least 3 feet of side yard width is required.

(3) Rear:

No rear yard is required if buildings are

- b. The dwelling unit is located on the same premises with the use for which it is required.

(2) Other structures and uses which:

- a. Are customarily accessory and clearly incidental and subordinate to permitted principal uses and structures.
- b. Are located wholly on the same lot as the permitted principal use or structure, or on a contiguous lot in the same ownership.
- c. Do not involve operations not in keeping with the character of the area, or of a nature prohibited under "Prohibited Uses and Structures" for this district.

(3) Day nurseries and kindergartens.

26-69.4 *Prohibited uses and structures.*

- (1) Dwellings except as provided under "Accessory Uses and Structures" for this district.
- (2) Hospital, sanitariums, rest homes, convalescent homes, homes for the aged, homes for orphans.
- (3) Hotels and motels.
- (4) Funeral homes.
- (5) Fraternities, sororities, denominational student headquarters, provided no residential use is involved.
- (6) Rehabilitation centers.
- (7) Day nurseries and kindergartens as primary uses.

26-69.5 *Permitted special exceptions.*

- (1) Dwelling units with densities and building placements which are compatible with the character of the surrounding area.

- (2) Elementary, middle and high schools, colleges and universities.

- (3) Hazardous waste incinerators and nuclear waste disposal sites; provided, however, such incinerators and nuclear waste disposal sites shall comply with all applicable local, state and federal laws.

- (4) Mining activity.

26-69.6 *Minimum lot area.*

No minimum lot area except as needed to meet other requirements herein.

26-69.7 *Minimum lot width.*

All permitted and permissible structures and uses: No minimum lot width required except as needed to meet other requirements herein or state health requirements, if either public water or sewer is not available.

26-69.8 *Minimum yard requirements.*

(1) Front:

- a. The required front yard shall be 25 feet.
- b. On corner lots, the secondary front yard shall be not less than 15 feet.

(2) Side:

No side yard is required if buildings are built to the side lot line, otherwise at least 3 feet of side yard width is required.

(3) Rear:

No rear yard is required if buildings are built to the rear lot line, otherwise at least 3 feet of rear yard depth is required.

(4) Buildings Adjacent to Residential Districts:

The side and rear yard requirements in (2) and (3) do not apply when the building is

which is not owned by the landowner shall be excluded from the PUD-1 District.

uses such as schools, parks, community buildings, or public facilities.

26-70.4 Permitted principal uses.

Permitted principal uses vary with increasing size and are different for PUD-1R and PUD-1C districts. Such uses are permitted as per the uses enumerated for specific districts in sections 26-63 through 26-69 of the zoning ordinance. Permitted principal uses for various site sizes and types of PUD-1 districts are as follows:

Site size in acres	PUD-1R	PUD-1C
	Uses permitted as for the following districts	Uses permitted as for the following districts
15 but less than 25	RG-2, C-1, C-2	C-1, C-2, RG-2
25 but less than 50	RG-2, C-1, C-2	C-3, RG-2
50 but less than 80	RG-2, C-3	M-1, RG-2
80 or more	RG-2, M-1	M-2, RG-3

26-70.6 Permitted accessory uses and structures.

Accessory uses and structures shall be permitted as for the least restrictive districts indicated in section 26-70.4 for any specific site size.

26-70.7 Permitted special exceptions.

No special exception actions are required to establish any specific use. Uses and structures permitted in the least restrictive districts indicated in section 26-70.4 for any specific site size are permitted outright, provided however, that the planning commission shall ascertain that the effects and benefits usually derived from safeguards and conditions normally imposed upon special exceptions permissible for districts as listed in sections 26-61 through 26-68 will substantially be met by the terms of the proposed planned unit development.

26-70.5 Maximum percentage of gross land area of commercial or industrial uses in PUD-1R districts.

In PUD-1R districts in which commercial or industrial uses are permitted, the total gross land area of such commercial or industrial uses shall not exceed the percentages listed below as related to the total land area within the PUD. Land coverage of structures, parking, and related characteristics and accessory uses thereto shall be included in determining the total gross land area for commercial or industrial uses in the PUD-1R district.

Total PUD-1R Site Size in Acres	Maximum Percentage of Gross Land Area for Commercial or Industrial Uses
15 but less than 25	20
25 but less than 50	30
50 but less than 80	40
80 or more	50

These percentages shall apply to commercial and industrial uses, and not to other nonresidential

26-70.8 Prohibited uses and structures.

Uses and structures prohibited for the least restrictive districts indicated in section 26-70.4 for any specific site size shall be prohibited in the PUD.

26-70.9 Residential density permitted.

The residential density of PUD-1 district shall not exceed an average of seventeen (17) dwelling units per acre. The acreage devoted to residential use shall be used to determine density.

26-70.10 Minimum lot area.

The minimum lot area for any portion of the PUD shall conform to the requirements of the applicable zoning district standards for the density approved in the general development plan.

as may be deemed reasonably appropriate for planning commission review.

26-70.17 Changes of plans for planned unit developments.

Major changes in all or a portion of the exterior boundaries of the PUD, approved general development plan, including changes in location of land uses, increase in density, and/or change in traffic flow, shall follow the same procedures as required for approval of the PUD zoning district. Where changes affect the density or total land area devoted to each use, new calculations covering the entire planned unit development must be included. Changes other than those outlined above shall be authorized by the planning commission provided that such authority is granted to the planning commission by the approved and recorded descriptive statement concerning development of the planned unit district. It shall be the duty of the zoning administrator to determine whether any specific change is a major change, provided however that the applicant shall have the right to have any request for change processed as a major change.

(Ord. No. 1282-85, § 3, 4-2-85; Ord. No. 1430-86, §§ 1-3, 2-4-86)

Sec. 26-71. Planned unit development-2 district.

26-71.1 Intent.

The planned unit development-2 (PUD-2) district is intended to permit and encourage the effective, efficient, and economical development of large tracts of land by permitting a variety of residential accommodations and land uses in orderly relationship to one another. In furtherance of such objectives this section shall:

Encourage and allow the development of large tracts of substantially undeveloped land as planned unit development-2 districts;

Assure for planned unit development-2 districts the provision of adequate drainage, sewerage, water and other utilities;

Assure for planned unit development-2 districts the provisions of adequate streets, and of safe and convenient traffic access and circulation, both vehicular and pedestrian;

Assure for planned unit development-2 districts the provision of adequate public building sites through the dedication or reservation of land for recreational, educational, and other public purposes;

Preserve the natural amenities of the land by encouraging scenic and functional open spaces within planned unit development-2 districts; and

Provide an environment of stable character compatible with surrounding areas.

26-71.2 Minimum site size.

A PUD-2 district shall contain a total area of at least five hundred (500) contiguous acres, and it shall be initially composed of substantially undeveloped land. Lands which are divided by streets, roadways, highways, transmission pipes, lines or conduits, county boundary lines, or rights-of-way (in fee or by easement) shall be deemed to be contiguous for the purposes of this section. Any land within the exterior boundaries of such area which is not owned by the landowner shall be excluded from the PUD-2 district.

26-71.3 Permitted principal uses.

Any use which is otherwise lawful, which would not otherwise be prohibited by this ordinance is permitted.

recommend approval of the general development plan.

26-71.13 General development plan requirements.

The general development plan shall consist of two (2) parts: A generalized drawing(s) and a descriptive statement. The generalized drawing or series of drawings shall cover the entire planned unit development district and shall show the general pattern of development, including the relationship proposed between the various permitted uses. The descriptive statement shall include:

- (a) A statement of the major planning assumptions and objectives of the proposed development;
- (b) A statement of the range of percentages of the total land area intended to be devoted to residential uses, commercial uses, industrial uses, open space uses, social and community uses, and major streets and roads;
- (c) A statement of the intended overall maximum density of population of the development, expressed in terms of the average number of dwelling units per acre within the planned development district;
- (d) A legal description of the proposed development boundaries;
- (e) Total number of acres in the development area;
- (f) Tentative number of units of various types;
- (g) Description of open space and community facilities and adequacy thereof to serve anticipated demand;
- (h) An outline indicating the approximate timing of development phasing;

- (i) A detailed description of the proposed procedures of any homeowners' association or other group maintenance or group ownership features which may be included; and
- (j) Design standard, administrative procedures, and other such information or descriptions as may be deemed reasonably appropriate for planning commission review.

26-71.14 Changes of plans for planned unit developments.

Major changes in all or a portion of the exterior boundaries of the PUD, approved general development plan, including changes in location of land uses, increase in density, and/or change in traffic flow, shall follow the same procedures as required for approval of the PUD zoning district. Where changes affect the density or total land area devoted to each use, new calculations covering the entire planned unit development must be included. Changes other than those outlined above shall be authorized by the planning commission provided that such authority is granted to the planning commission by the approved and recorded descriptive statement concerning development of the planned unit district. It shall be the duty of the zoning administrator to determine whether any specific change is a major change, provided however that the applicant shall have the right to have any request for change processed as a major change.

(Ord. No. 1282-85, § 4, 4-2-85; Ord. No. 1430-86, §§ 1-3, 2-4-86)

Sec. 26-72. Planned development district.

26-72.1 Intent.

The intent of the planned development district is to better bridge the inherent difference between residential and nonresidential uses; and to better accommodate change within those areas of the county where due to economics or other factors responsible for change, potentially incompatible development could compromise property values

property lines, existing streets, buildings and other existing physical features on and immediately adjacent to the project.

- (5) The location and dimensions of proposed streets, alleys, driveways, curb cuts, entrances and exits, parking and loading areas (including number of parking spaces).
- (6) The location of proposed lots, setback lines, easements and land use.
- (7) The proposed location and approximate heights of all multifamily and nonresidential buildings and dimensions of structures drawn to scale.
- (8) The proposed location and description of all fences, walls, screens, buffers, plantings, and landscaping.
- (9) The proposed location and number of dwelling units (by bedroom type) for multifamily project.
- (10) The proposed location, character, size and height of all signs.
- (11) A location map showing the position of the proposed development in relation to the community.
- (12) A tabulation of total number of acres in the project to be devoted to public and/or private reservations.
- (13) The planning commission may establish additional requirements for site plan approval, and in special cases, may waive a particular requirement if, in its opinion, the inclusion of that requirement is not essential to a proper assessment of the project.

26-72.11 Actions by planning commissions and county council.

Actions by the planning commission and county

council shall be as provided for amendments generally. Said bodies may approve the application, may include specific modifications of the proposal or other applicable regulations, or may deny the application.

If the amendment is granted, county council shall, in its amending action, approve the application as it may have been changed during earlier procedures, or indicate required modifications; and be binding on the applicant. If modifications are required, council shall officially state its reasons for the record.

If the amendment is granted, the developer shall be required to proceed in accord with the approved planned development district, as supplemented or modified by council in the particular case, and shall conform to any time or priority limitations established by council for initiating and/or completing the development in whole, or in specified stages.

In taking action to amend the zoning map to establish the approved planned development district, council shall pass upon the adequacy of the application, in form and substance relative to any agreements, contract, sureties, or other instruments involved; and before development may proceed, such instruments shall be approved by appropriate officers and agencies.

26-72.12 Administrative action on approved planned development district.

Once a planned development district is established on the official zoning map, no zoning or building permit shall be issued therein, unless in compliance with the site plan and other documents approved by council. Except as provided below, all plans and reports approved by council shall be binding on the applicant and any successors in title so long as the planned development district zoning is applicable.

26-72.13 Changes in approved plans.

Changes in approved final plans and reports may

- Study (Dated January 19, 1994), and any revisions thereto. Other floodplain information available from local, state or federal sources can be used if the official maps do not cover that area.
- (3) *Floodway*: The channel of a watercourse and that portion of the adjoining floodplain required to provide for the passage of a 100-year flood with an insignificant increase in flood stage above that of natural conditions. For the purposes of this ordinance the floodway is considered to be that area designated by the notation "-FW" appended to the district classification. The district classification is based upon the floodway as shown on the official Flood Boundary Floodway Maps (Dated January 19, 1994), the accompanying Flood Insurance Study (Dated January 19, 1994), and any revisions thereto. Other floodway information available from local, state or federal sources can be used if the official maps do not designate a floodway.
- (4) *Flood frequency*: Frequency of flooding is expressed either in forms of "recurrence interval" or "probability." A 100-year flood is a flood that would be equaled or exceeded on an average of once in 100 years. This implies no regularity in time of occurrence. Another way of expressing the frequency would be in terms of percent of probability. A 100-year flood would have a one (1) percent chance of occurrence in any given year.
- (5) *Regulatory flood*: A flood which is representative of large floods known to have occurred generally in the area or reasonably characteristic of floods which may be expected to occur, having a specified flood frequency, and which may reasonably be expected to cause damage or hazard of damage sufficient to justify protection therefrom.
- (6) *Regulatory flood protection elevation*: The elevation of the regulatory flood at any point, which may vary from place to place depending on topography, anticipated hydraulic conveyance capacity, encroachments into areas subject to flood, and other factors.
- (7) *Substantial improvement*: Any combination of repairs, reconstruction, alteration, or improvements to a structure, taking place during the life of a structure, in which the cumulative cost equals or exceeds fifty (50) percent of the market value of the structure. The market value of the structure should be (1) the appraised value of the structure prior to the start of the initial repair or improvement, or (2) in the case of damage, the value of the structure prior to the damage occurring. For the purposes of this definition, "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure. The term does not, however, include any project for improvement of a structure required to comply with existing health, sanitary, or safety code specifications which are solely necessary to assure safe living conditions.
- (8) *Existing manufactured home park or subdivision*: A manufactured home for which the construction of facilities for servicing the lot on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, either final site grading or the pouring of concrete pads, and the construction of streets) are completed before the effective date of floodplain management regulations adopted by the county.
- (9) *Expansion to an existing manufactured home parks or subdivision*: The preparation of additional sites by the construction of facilities for servicing the lots on which the

permitted as special exceptions only if such uses are permitted outright or as special exceptions in the basic district to which the --FW designation is appended, and that buildings in connection with such uses shall be prohibited:

- a. Circuses, carnivals, and other similar transient amusement enterprises.
- b. Parking areas for drive-in theaters.
- c. New and used car sales lots.
- d. Strip mining, extraction of sand, clay, gravel, minerals, ores, and the like.
- e. Marinas, boat rentals.
- f. Railroads.

- g. Utilities transmission lines not permitted under "Permitted Uses" above.
- h. Docks, piers, wharves, bulkheads, and similar structures not connected with or in addition to uses permitted under "Permitted Uses" above.
- i. Eating, drinking, amusement, and recreational uses located in floating structures.

(5) *Other dimensional and uses regulations:*

- a. Permitted accessory structures, prohibited uses and structures, minimum lot area, minimum lot width, minimum yard requirements, maximum lot coverage, maximum height of structures, minimum off-street parking and loading, and regulation of signs shall be as provided for the basic district to which the --FW designation is appended, unless a greater requirement is placed upon such dimensions and characteristics of use by this section.
- b. The construction of any portion of a new manufactured home park, the expansion of an existing manufactured home park, or the placement of an individual manufactured home not in an existing manufactured home park is prohibited in a designated --FW district.

26-73.5 Regulation of flood plain areas.

(1) *Designation:*

Areas classified "flood plain" areas are designated by the notation "--FP" appended to a district classification on the zoning map.

(2) *Filling, Elevation on Pilings, or Floodproofing Required:* All new

construction and substantial improvement of residential and nonresidential structures hereafter erected within areas designated as flood plain areas shall be protected from flood hazards as follows:

- a. **Filling:** Acceptable protection may be accomplished by filling of building sites to an elevation of not less than two (2) feet above the regulatory flood level as established by the county engineer, with such elevation extending not less than twenty-five (25) feet outward from the base of the structure. This method of protection as described herein is referred to below as "filling" or "on fill" and such terms include the specifications given above.
- b. **Elevation on Pilings:** Acceptable protection may be accomplished by erecting structures on pilings or other structural members such that the floor level of the structure is not less than two (2) feet above the regulatory flood protection elevation as established by the county engineer, and such that service facilities such as electrical, heating, and cooling equipment is not less than two (2) feet above the regulatory flood level as established by the county engineer.
- c. **Floodproofing:** Acceptable protection may be accomplished by floodproofing all new construction and substantial improvements of nonresidential structures provided they are approved by the county flood coordinator and meet the requirements set forth in section 26-73.6(7) and (8) below.

(3) *Review by County Flood Coordinator:*

All applications for zoning permits for uses permitted within --FP areas shall be reviewed by the county flood coordinator in accordance with section 6-12.6 below

anchoring system shall be capable of carrying a force of four thousand eight hundred (4,800) pounds.

3. Adequate surface drainage and access for a hauler shall be provided.
4. In the instance of elevation on pilings for lots that are large enough to permit steps, piling foundations shall be placed in stable soil no more than ten (10) feet apart and reinforcement shall be provided for pilings more than six (6) feet above the ground elevation.

26-73.6 *Review by county engineer.*

(1) *Review Required:*

As provided above, the following require review by the county engineer and certification by the county engineer of findings to either the county flood coordinator or the board of adjustment as appropriate:

- a. Filling in -FW areas in connection with permissible uses or as a use in itself.
- b. All special exceptions within -FW areas.
- c. All uses permissible in -FP areas.
- d. All special exceptions in -FP areas.

(2) *General Considerations of Review:*

When reviewing applications for filling permits, zoning permits, and special exceptions, the county engineer should take into account the following considerations, and review the following factors:

- a. No structure, storage of materials or equipment, filling, diking or leveeing or other use should be approved

which, acting alone or in combination with existing or future uses will significantly increase the hazard of flood damage to other land or property.

- b. The danger to life and property due to increased flood heights or velocities, or erosion damage, should be considered.
- c. The danger that materials may be swept onto other lands causing injury to others should be considered.
- d. New and replaced water supply and sanitary systems and on-site systems shall be designed as follows:
 1. Water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system.
 2. Sanitary sewer system shall be designed to minimize or eliminate infiltration of flood waters into the system and discharges from the systems into flood waters.
 3. On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.
- e. The relationship of the proposed use to the flood plain management program for the area should be considered.
- f. The safety of access to the property in times of flood for ordinary and emergency vehicles should be considered.
- g. The expected heights, velocity, duration, rate of rise and sediment transport of the flood waters expected at the site should be considered.

Technical Information Service, U.S. Department of Commerce, 5285 Ft. Royal Road, Springfield, Virginia 22161).

- c. Design criteria to be considered shall include but not be limited to:
1. Construction height
 2. Character of embankment and foundation material
 3. Cross section geometry
 4. Location of ditches and borrow pits
 5. Drainage—Both of the flood control work and the protected area
 6. Antiseep protection for pipes and conduits
 7. Erosion and scour control.
- d. "Erosion and Sediment Control: Planning Guidelines and Design Aids," July 4, 1974 (USDA-SCS South Carolina) shall be used as basic guides for the preparation of plans and specifications for flood control works. (Copies of this information is available at the county public works department).
- e. Specifications and plans shall adequately set forth all operation and maintenance procedures, and shall contain a signed agreement of perpetual operation and maintenance between the constructor and the governmental entity having jurisdiction over the protected area.
- f. Adjacent upstream and downstream communities and property owners shall

be notified before any work is permitted.

(5) *Buildings:*

When reviewing applications for actions relating to the new construction of and substantial improvements to buildings, the county engineer should consider the following factors, among others:

- a. Buildings should be designed with low flood damage potential.
- b. Buildings should be constructed and placed on the building site so as to offer minimum resistance to the flow of flood waters.
- c. Structures should be firmly anchored to prevent flotation which may result in damage to other structures.
- d. Elevated buildings: New construction or substantial improvements of elevated buildings that include fully enclosed arenas formed by foundation and other exterior walls below the base flood elevation shall be designed to preclude finished living space and designed to allow for the entry and exit of floodwaters to automatically equalize hydrostatic flood forces on exterior walls.
 1. Designs for complying with this requirement must either be certified by a professional engineer or architect or meet the following minimum criteria:
 - (a) Provide a minimum of two (2) openings having a total net area of not less than one (1) square inch for every square foot of enclosed area subject to flooding;

- b. Installation of watertight doors, bulkheads, and shutters, or similar methods of construction to protect against water damage so that the structure is watertight with walls designed to be substantially impermeable to the passage of water.
 - c. Reinforcement of walls to resist water pressures.
 - d. Use of paints, membranes, or mortars to reduce seepage of water through walls.
 - e. Addition of mass or weight to structures to resist flotation.
 - f. Installation of pumps to lower water levels in structures.
 - g. Construction of water supply and waste treatment systems so as to prevent the entrance of flood waters.
 - h. Pumping facilities or comparable practices for subsurface drainage systems for buildings to relieve external foundation wall and basement flood pressures.
 - i. Construction to resist rupture or collapse caused by water pressure on floating debris.
 - j. Installation of valves of controls on sanitary and storm drains which will permit the drains to be closed to prevent back-up of sewage and storm waters into the buildings or structures. Gravity drainage of basements may be eliminated by mechanical devices.
 - k. Location of all electrical equipment, circuits and installed electrical appliances in a manner which will assure they are not subject to flooding and to provide protection from inundation by the regulatory flood.
 - l. Location of any structural storage facilities for chemicals, explosives, buoyant materials, flammable liquids or other toxic materials which could be hazardous to public health, safety, and welfare in a manner which will assure that the facilities are situated at elevations above the height associated with the regulatory protection elevation or are adequately flood-proofed to prevent flotation to storage containers, or damage to storage containers which could result in the escape of toxic materials into flood waters.
 - m. A registered professional engineer or architect shall certify that floodproofing methods are adequately designed and constructed to withstand the flood depths, pressures, velocities, impact and uplift forces and factors associated by the regulatory base flood. A record of such certification indicating the specific elevation shall be maintained by the county engineer.
- (9) *Report of the county engineer to the zoning administrator or board of adjustment:*
- a. Upon completion of review of applications for zoning permits or special exceptions, the county engineer shall certify his findings to the zoning administrator or board of adjustment as appropriate, and such certification shall be made within thirty (30) days of receipt of all required review materials. The findings of the county engineer shall be binding upon the zoning administrator unless overruled by the board of adjustment.
 - b. The determination of the applicable flood insurance premiums shall be provided by the homeowner furnishing a NFTP elevation certificate to the building inspection division. The NFTP elevation certificate must reflect that all new construction including manufactured home placements and

- b. *McEntire Air National Guard Base:* The airport elevation is 251.0 feet.
3. *Approach Surface:* A surface longitudinally centered on the extended runway centerline, extending outward and upward from the end of the primary surface and at the same slope as the approach zone height limitation slope set forth in section 26-74.4 of this ordinance.
4. *Approach Zone:*
- a. *Columbia Owens Downtown Airport:* The inner edge of the approach zone coincides with the width of the primary surface and begins 200 feet from the runway end and is 500 feet wide. The approach zone expands outward uniformly to a width of 2000 feet at a horizontal distance of 5,000 feet from the primary surface. Its centerline is the continuation of the centerline of the runway.
- b. *McEntire Air National Guard Base:* The approach zone begins 200 feet beyond each end of the primary surface at the centerline elevation of the runway end and extends for 50,000 feet. The slope of the approach clearance zone is 50 to 1 along the runway centerline extended until it reaches an elevation of 500 feet above the established airport elevation (751 mean sea level). It then continues horizontally at this elevation to a point 50,000 feet from the point of beginning. The width of this surface at the runway end is the same as the primary surface, it flares uniformly, and the width at 50,000 feet is 16,000 feet.
5. *Conical Surface/Zone:*
- a. *Columbia Owens Downtown Airport:* A surface extending outward and upward from the periphery of the horizontal surface at a slope of 20 to 1 for a horizontal distance of 4,000 feet.
- b. *McEntire Air National Guard Base:* The conical surface/zone for precision instrument runways extends from the periphery of the inner horizontal surface outward and upward at a slope of 20 to 1 for a horizontal distance of 7,000 feet to a height of 500 feet above established airfield elevation.
6. *Hazard to Navigation:* An obstruction determined to have a substantial adverse effect on the safety and efficient utilization of the navigable airspace.
7. *Height:* For the purpose of determining the height limits in all zones set forth in this ordinance and shown on the appropriate zoning map, the datum shall mean sea level elevation unless otherwise specified.
8. *Horizontal Surface for Columbia Owens Downtown Airport:* A horizontal plane 150 feet above the established airport elevation, the perimeter of which in plan coincided with the perimeter of the horizontal zone.
9. *Horizontal Zone for Columbia Owens Downtown Airport:* The horizontal zone is established by swinging arcs of 5,000 feet radii from the center of each end of the primary surface of each runway and connecting the adjacent arcs by drawing lines tangent to those

approach procedure utilizing an Instrument Landing System (ILS) or a Precision Approach Radar (PAR).

18. **Clear Zone Surface:** For McEntire Air National Guard Base, a surface located at established field elevation (251 mean sea level) at each end of the primary surface, with a length of 1,000 feet and the same width as the primary surface.
19. **Approach Clearance Surface:** For McEntire Air National Guard Base, an inclined plane, symmetrical above the runway centerline extended, beginning 200 feet beyond each end of the primary surface at the centerline elevation of the runway end and extending for 50,000 feet. The slope of the approach clearance surface is 50 to 1 along the runway centerline extending until it reaches an elevation of 500 feet above the established airport elevation. It then continues horizontally at this elevation to a point 50,000 feet from the point of beginning. The width of this surface at the runway end is the same as the primary surface, it flares uniformly, and the width at 50,000 feet is 16,000 feet.

26-74.5 Airport zone height limitations.

Except as otherwise provided in this ordinance, no structure shall be erected, altered or maintained, and no trees shall be allowed to grow in any zone created by this ordinance to a height in excess of the applicable height limitations herein established for each zone in question as follows:

1. **Primary Zone APPM:** For McEntire Air National Guard Base the primary zone is established at field elevation, 251 feet mean sea level, longitudinally centered on each runway with the same length as the runway.

The width of the primary zone is 2,000 feet.

2. Approach Zone:

- a. **APAO:** For Columbia Owens Downtown Airport, the approach zone slopes twenty (20) feet outward for each foot upward beginning at the end of and at the same elevation as the primary surface and extending to a horizontal distance of 5,000 feet along the extended runway centerline.
- b. **APAM:** For McEntire Air National Guard Base, the approach zone begins 200 feet beyond each end of the primary surface at the centerline elevation of the runway end and extends for 50,000 feet. The slope of the approach clearance zone is 50 to 1 along the runway centerline extended until it reaches an elevation of 500 feet above the established airport elevation (751 mean sea level). It then continues horizontally at this elevation to a point 50,000 feet from the point of beginning. The width of this surface at the runway end is the same as the primary surface, it flares uniformly, and the width at 50,000 feet is 16,000 feet.

3. **Clear Zone APCZ:** For McEntire Air National Guard Base, the clear zone is established at field elevation, 251 feet mean sea level, and extends outward from the primary surface to length of 1,000 feet at the same width as the primary surface.

4. Transitional Zones:

- a. **APTO:** For Columbia Owens Downtown Airport, transitional zones slope seven (7) feet outward for each foot upward beginning at the side of and at the same elevation as the primary surface and the

herein shall require any change in the construction, alteration, or intended use of any structure, the construction or alteration of which was begun prior to the effective date of this ordinance, and is diligently prosecuted.

2. *Obstruction--Marking and Lighting:* Notwithstanding the preceding provision of this section, the owner of any existing nonconforming structure or tree is hereby required to permit the installation, operation, and maintenance thereon of such markers and lights as shall be deemed necessary by the county to indicate the presence of such airport obstruction to the operators of aircraft in the vicinity of the airport. Such markers and lights shall be installed, operated and maintained at the expense of the county.

26-74.8 Permits.

The zoning administrator shall not issue a zoning permit within an APPM, APAO, APAM, APCZ, APTO, APTM, APHO, APHMI, APHMO, APCO and APCM area until it has been determined that the proposal upon which he is requested to act is in compliance with the terms of these regulations:

1. *Future Uses:* Except as specifically provided in a, b, and c hereunder, no material change shall be made in the use of land, no structure shall be erected or otherwise established, and no tree shall be planted in any zone hereby created unless a permit shall have been applied for and granted. Each application for a permit shall indicate the purpose for which the permit is desired, with sufficient detail to permit it to be determined whether the resulting use, structure, or tree would conform to the regulations herein prescribed. If such determination is in the affirmative, the permit shall be granted. No permit for a use inconsistent with the provisions of this ordinance shall be granted unless a variance has been approved in accordance with section 26-74.7(4) [26-74.8(4)].

- a. In the area lying within the limits of the horizontal zone and conical zone, no permit shall be required for any tree or structure less than seventy-five (75) feet of vertical height above the ground, except when, because of terrain, land contour, or topographic features, such tree or structure would extend above the height limits prescribed for such zones.
- b. In areas lying within the limits of the approach zones, but at a horizontal distance of not less than 4,200 feet from each end of the runway, no permit shall be required for any tree or structure less than seventy-five (75) feet of vertical height above the ground, except when, because of terrain, land contour, or topographic features, such tree or structure would extend above the height limits prescribed for such zones.
- c. In the areas lying within the limits of the transition zones, no permit shall be required for any tree or structure less than seventy-five (75) feet above the ground, except when such tree or structure, because of terrain, land contour, or topographic features, would extend above the elevation prescribed for such transition zones.

Nothing contained in any of the foregoing exceptions shall be construed as permitting or intending to permit any construction, alteration or [of] any structure, or growth of any tree in excess of any of the height limits established by this ordinance except as set forth in section 26-74.3 [26-74.5].

2. *Existing Uses:* No permit shall be granted that would allow the establishment or creation of an obstruction or permit a nonconforming use, structure, or tree to become a greater hazard to air navigation than it was on the effective date of this ordinance or any amendments thereto or than it is when the application for a permit is made. Except as indicated, all applications for such a permit shall be granted.

- b. Do not involve the conduct of trade on the premises;
- c. Are located on the same lot as the permitted principal use or structure, or on a contiguous lot in the same ownership;
- d. Are not likely to attract visitors in larger numbers than would be expected in the neighborhood; and
- e. Do not involve operations not in keeping with the character of the area or of a nature prohibited under "Prohibited Uses and Structures."

26-75.4 Permitted special exceptions.

After public notice and hearing, and subject to appropriate conditions and safeguards, the board of adjustment may permit, as special exceptions:

- (1) Parks, playgrounds, playfields;
- (2) Community service structures and uses such as community service centers, libraries, fire stations, civic, cultural or recreational uses, provided that a specific determination is made by the board that such uses or structures are in keeping with the residential character of the district;
- (3) Churches and other places of worship, including educational buildings related thereto, provided that the board of adjustment shall find that the characteristics of such places of worship and related buildings and the site design thereof will be in keeping with the residential character of the district;
- (4) Elementary and high schools, provided that the board of adjustment shall find that the characteristics of such facilities and the site design thereof will be in keeping with the residential character of the district;
- (5) Day nurseries and kindergartens, subject to the provisions of section 26-84; and adult day

care facilities, provided that prior to the granting of a special exception for the operation of an adult day care facility, the Zoning Administrator shall ensure that the applicant has applied to the South Carolina Department of Health and Environmental Control (SCDHEC) for a license to operate the facility and that all SCDHEC requirements, including, but not limited to, those dealing with the maximum number of persons to be cared for at the facility are satisfied;

- (6) Sanitariums, rest homes, convalescent homes, homes for orphans, homes for the aged, provided that no such facility shall have a lot area of less than five (5) acres, that no building in connection with such facility shall be located closer than twenty-five (25) feet to any lot line;
- (7) Utility substations, provided that the board of adjustment shall impose appropriate conditions and safeguards regarding siting or characteristics of use potentially incompatible with nearby uses;
- (8) Cemeteries;
- (9) Beauty and barber shops, as home occupations, subject to the provisions of section 26-83;
- (10) Cluster housing developments containing only single family detached dwellings or single family manufactured homes subject to the provisions of section 26-74;
- (11) Temporary borrow pits for fill dirt and topsoil;
- (12) Manufactured home parks subject to the provisions of section 26-82.
- (13) Temporary dwelling units to house family members who are in need of constant care from other relatives, subject to the provisions of section 26-95.

- b. For permitted accessory structures: 5 feet.

26-75.8 Maximum lot coverage by all buildings.

- (1) Single family detached dwellings, manufactured homes and their permitted accessory buildings: 25%.
- (2) Other permitted and permissible buildings and their accessory buildings: 25%.

26-75.9 Maximum height of structures.

Except as provided in section 26-54, no portion of any building shall exceed 35 feet in height.

26-75.10 Minimum off-street parking and loading requirements.

Off-street parking and loading requirements as set forth in section [Article] 7 must be met.

26-75.11 Signs.

Signs are permitted in the MH-1, MH-2 and MH-3 zones only in accordance with the provisions of Article 8, "Regulation of Signs."

26-75.12 Manufactured homes.

Manufactured homes on individual lots shall comply with the standards of section 26-86.

(Ord. No. 1284-85, § 6, 4-2-85; Ord. No. 054-00HR, § IV, 10-3-00; Ord. No. 055-00HR, § X, 10-3-00; Ord. No. 054-01HR, § VII, 9-4-01)

Sec. 26-76. LIRP light industrial and research park district.

26-76.1 Intent.

This district is intended to accommodate clean industrial and research facilities and related uses established in a landscaped setting.

26-76.2 Permitted principal uses and structures.

(1) Research uses to include:

- (a) Theoretical and applied research in all the sciences, product development and testing;
- (b) Engineering development; and
- (c) Marketing development.

(2) Light industrial uses to include manufacture, fabricating, processing, converting, altering and assembling, and testing of products; provided however, no use shall:

--Cause or result in dissemination of dust, smoke, gas or fumes, odor, noise, vibration, or excessive light beyond the boundaries of the lot on which the use is conducted.

--Create any menace to adjoining properties because of processes which could result in fire, explosion, radiation or other physical hazards.

--Cause harmful discharge of waste materials.

--Create unusual traffic hazards or congestion due to type or amount of vehicles required by or attached to the use.

--Be incompatible with the comfort, peace, enjoyment, health or safety of the community or the abutting areas.

--Be inconsistent with the appropriate and orderly development of the area in which it is located.

26-76.4 Regulations applicable to light industrial and research park uses.

The following regulations shall apply to uses established in a Light Industrial and Research Park District:

- (1) *Height:* No building or structure, or part thereof, shall be erected or altered to a height exceeding eighty-five (85) feet. When a structure exceeds fifty (50) feet in height, all required yards shall be increased by one (1) foot for each additional two (2) feet in height above fifty (50) feet.
- (2) *Required lot area:* Each use established shall have a minimum lot area of not less than three (3) acres and an average width of not less than two hundred (200) feet.
- (3) *Percentage of lot which may be covered:* Not more than fifty (50) percent of the total area of a lot shall be covered by buildings.
- (4) *Required yards; landscaping:*
 - (a) Yards facing existing or platted streets shall be not less than eighty-five (85) feet. The first twenty-five (25) feet from the street right-of-way shall be fully landscaped.
 - (b) Yards adjacent to interior or rear property lines shall be not less than thirty-five (35) feet. The first fifteen (15) feet from the property lines shall be fully landscaped.
 - (c) Yards adjacent to railroads: Requirements for yards adjacent to interior or rear property lines shall not be applicable to buildings or facilities erected adjacent to a railroad siding. When a railroad main line or siding abuts a street, the street right-of-way shall be increased by fifteen (15) feet above the minimum requirements on the side adjacent to such railway. This additional fifteen (15) feet shall be fully planted with evergreen shrubs and trees to provide a complete sight buffer from the ground to an height of not less than fifteen (15) feet within three (3) years of the planting.
- (d) Minimum yard requirements as set forth in this section shall be subject to modification as provided in paragraph (1) above for structure exceeding fifty (50) feet in height.
- (e) Landscaping required by this paragraph shall include, but not necessarily be limited to, the planting of grass, ground cover, flowerbeds, shrubs, hedges, or trees. All landscaping shall be maintained in a healthy growing condition, neat and orderly in appearance, and free of trash and debris. All planting shall be arranged and maintained so as not to obscure the vision of vehicle drivers or pedestrians. All landscaping plans shall be reviewed and approved by the county zoning administrator. The zoning administrator may seek advice and assistance from any other department or agency prior to approval of such plans. A copy of all approved landscaping plans shall be maintained in the office of the zoning administrator. No certificate of occupancy or final building inspection shall be approved until the landscaping plan has been fully installed.
- (5) *Storage:* Outside storage of any materials, supplies, or products shall not be permitted within any required front yard. All outside storage shall be screened from view to a height of seven (7) feet on all sides.

- b. On corner lots, the secondary front yard shall be 15 feet.
- (2) Side Yard of Interior and Corner Lots: Individual side yards shall be 10 feet.
- (3) Rear:
 - a. Permitted principal structures: 20 feet
 - b. Permitted accessory structures: 5 feet
- (4) Buildings Adjacent to Residential Districts: The side and rear yard requirements in (2) and (3) do not apply when the building is adjacent to a residential district. In this case all buildings constructed in a P-1 zone shall be at least 20 feet from the boundary of any residential district.

26-77.7 Maximum lot coverage by all buildings.

- (1) All structures: Fifty (50) percent or as needed to meet requirements herein.
- (2) Parking structures to accommodate required parking may be erected provided the total lot area covered by all structures shall not exceed eighty (80) percent.

26-77.8 Maximum height of structures.

- (1) All other buildings 40 feet in height.

- (2) Section 26-54 exempts certain structures or portions thereof from height restrictions.

26-77.9 Minimum off-street parking and loading requirements.

Off-street parking and loading requirements as set forth in Article 7 must be met.

(Ord. No. 1746-88, §§ I-IX, 6-7-88)

ARTICLE 7. SUPPLEMENTARY DISTRICT REGULATIONS

Sec. 26-78. Off-street parking requirements.

Permanent off-street parking is required in all districts. Such parking shall be provided in the amount required by this section at the time of erection, alteration, enlargement, establishment or change in use of any building or use.

26-78.1 General requirements. Off-street parking shall be required as listed below for all general uses, except for specific requirements listed in the following sections for specific uses or unless modified by the requirements of following sections:

- a. The following general uses shall provide one (1) off-street parking space for each 300 square feet of gross floor area:

- (1) Offices (excluding medical and dental offices) in all districts;
- (2) Financial institutions in all districts;
- (3) Photography studios, art galleries, art sales, interior design studios, craft studios, craft sales, antique shops, establishments for the teaching of music, dancing or other performing arts in all districts;
- (4) Retail stores, retail sales and display rooms in all districts;

- (5) Eating and drinking establishments in all districts;

- (6) Automobile service stations and automobile repair garages in all districts;

- (7) Personal service establishments in all districts.

- b. The following general uses shall provide one (1) off-street parking space for each 600 square feet of gross floor area:

- (1) Service and repair establishments, excluding automobile service stations and automobile repair garages in all districts;

- (2) Laboratories in all districts;

- (3) Private clubs and lodges in all districts;

- (4) Veterinary establishments in all districts;

- (5) Wholesaling, warehousing and distribution operations in all districts;

- (6) Industrial, manufacturing, and processing uses.

26-78.2 Special requirements. The following requirements shall apply to the following specific uses, instead of the general requirements listed above:

- (1) Dwelling units:

- a. In single family and two family structures: Two (2) spaces per dwelling unit as units are constructed.

- b. In all other types of structures housing dwelling units: Two (2) spaces per dwelling units, or one (1) space for each 500 square feet of gross floor area, whichever is less.

employment levels and characteristics of operation of such uses.

- (3) Reduction of required off-street parking for drive-in facilities other than eating and drinking establishments: The board of adjustment may, as a special exception, after notice and hearing, and subject to appropriate safeguards, and conditions, grant a reduction of not more than fifty (50) percent in the generally required off-street parking for facilities offering drive-in service to customers or patrons provided that:
 - (a) The applicant for such special exception demonstrates that the installation of drive-in facilities will reduce customer or patron parking requirements in direct ratio to the number of off-street parking spaces proposed to be eliminated.
 - (b) That adequate off-street parking will remain to accommodate employees.

26-78.4 Other regulations relating to off-street parking.

- (1) Required Improvements for Off-Street Parking Areas:

Off-street parking areas developed to meet minimum requirements of this ordinance, shall be within properly graded, marked and improved parking lots or within parking structures.

- (2) Design of Parking Area:

All off-street parking areas with the exception of parking areas for one- and two-family detached dwellings shall be so designed that vehicles will not be required to back onto a public street when leaving the premises.

- (3) Size of Required Parking Spaces and Aisle Widths:

- a. For purposes of this ordinance the minimum size of one (1) parking space shall be nine (9) feet in width and eighteen (18) feet in length. The parking length may be reduced to sixteen (16) feet if two-foot overhangs are used. A maximum of twenty-five (25) percent of the total number of parking spaces may be nine (9) feet in width and sixteen (16) feet in length if they are designated for use by compact cars.
- b. The minimum aisle width shall be as follows:
 - 1. For 90-degree parking: 25 feet.
 - 2. For 60-degree parking: 20 feet.
 - 3. For 45-degree parking: 15 feet.
- c. The minimum setback from property lines shall be as follows: Off-street parking areas must be set back ten (10) feet from front and secondary front property lines.

- (4) Remote Parking Space:

If the off-street parking space required by this ordinance cannot be reasonably provided on the same lot on which the principal use is located, such space may be provided on any commercially or industrially zoned land within four hundred (400) feet of the principal use; provided that the owner or authorized agent for the land upon which such remote parking is located shall restrict the use of such parking areas for parking only in connection with the use or structure for which such remote parking is provided. These restrictions shall be in the form of a declaration of restrictions properly filed with the Register of Mesne Conveyances of the

d. Eating and drinking establishments.

(2) Provided however, that in RG-2 districts, such "accessory commercial uses" as described above, shall meet the following requirements:

- a. They shall be designed, constructed and operated with orientation toward the interior of the structure;
- b. There shall be no external evidence of such "accessory commercial uses;"
- c. Such accessory commercial uses shall not occupy more than ten (10) percent of the gross floor area of the building exclusive of any portion of the building devoted to parking.

available generally to residential tenants but in no case shall such increase in coverage exceed an amount equal to ten (10) percent of the total lot area upon which such a high rise apartment is located.

(2) In any district in which high rise apartments are allowed, parking structures to accommodate required parking may be erected to cover not more than thirty (30) percent of the total lot area in addition to the coverages listed in 26-80.2 and 26-80.3(1) above.

26-80.2 *Minimum lot area, minimum lot width, required yards, maximum lot coverage.*

	RG-2	C-1	C-3
Minimum Lot Area	1 acre	1 acre	1 acre
Minimum Lot Width	150 ft.	150 ft.	150 ft.
Required Front Yards	25 ft.	25 ft.	25 ft.
Required Side Yards	25 ft.	25 ft.	25 ft.
Required Rear Yards	25 ft.	25 ft.	25 ft.
Maximum Lot Coverage	25%	25%	35%

26-80.3 *Increase of allowable lot coverage for high rise apartments.*

(1) Additional lot coverage may be allowed, on a foot-for-foot basis equal to the number of square feet provided on the structure above the first floor level in the form of landscaped roof gardens, solariums, recreational spaces, and the like made

26-80.4 *Maximum height of high rise structures.*

(1) In any district in which high rise structures are allowed: No portion of any high rise structure shall project through imaginary planes leaning inward over the lot from the exterior lot lines of the lot at angles representing two (2) feet in height for each one (1) foot of horizontal distance from such lot lines.

26-80.5 *Required off-street parking and loading for high rise structures.* Off-street parking requirements must be met for the district in which the high rise structure is located, as required by section 26-78 herein. Off-street loading must be met as required by section 26-79 herein. Section 26-78 contains provisions for the reduction of required parking in certain specified circumstances.

26-80.6 *Signs for high rise structures.* Signs are permitted in connection with high rise structures in accordance with the requirements of Article 8 "Regulation of Signs," for the district in which such structures are located.

26-80.7 *Issuance of a zoning permit.*

- a. Any structure containing more than four (4) dwelling units on the first floor level thereof or containing more than eight (8) dwelling units throughout, except that high rise apartments are not considered to be group housing developments.
- b. More than one (1) structure containing dwelling units erected on a single lot.

and purposes of this ordinance and shall certify such findings to the zoning administrator. In the event that the planning commission shall fail to report its findings to the zoning administrator within sixty (60) days from the time that all required materials are submitted, the zoning administrator may act upon such proposal as the planning commission had reported favorable on all aspects thereof.

26-81.2 Regulation of group commercial or industrial developments. Group commercial or industrial developments may be established in any district provided that:

- (1) They house only permitted or permissible uses for the district in which they are located.
- (2) They meet all lot, yard, and other requirements of this ordinance.
- (3) Off-street parking facilities:

Off-street parking facilities established in connection with such developments shall be reviewed by the planning commission to see that the design, location and arrangement will not interfere with the efficient flow of traffic and with the access of emergency or service vehicles.

- (4) They are reviewed by the planning commission. Before the zoning administration may [take] action on any proposal for a zoning permit for the construction or enlargement of any group commercial or industrial development, the planning commission shall review site plans, descriptions and other such materials as set forth in section VIII, group development of the county land development regulations in order to determine the requirements of this ordinance will be met by proposed development and further shall find that such development is in harmony with the intent

26-81.3 Regulation of group housing developments.

- (1) Establishment: Group housing developments may be established containing single family detached, two family detached, or multiple family dwellings, when permitted outright in RS-1, RS-1A, RS-2, RS-3, RG-1, RG-2, C-1 and Rural (RU) districts.
- (2) Lot Area Per Dwelling Unit: A group housing development shall conform to the minimum lot area per dwelling unit for the district in which it is located, provided however, that any group housing development containing more than one (1) structure shall have a lot area of at least 20,000 square feet.
- (3) Street Access: Any building established in connection with such group housing development which does not face directly on a public street shall be provided with access to a public street by a paved driveway of not less than twelve (12) feet in width for a one-way street and twenty (20) feet in width for two-way streets. These pavement widths are exclusive of parking spaces.
- (4) Setback Requirements: Unless otherwise provided by this ordinance, all buildings and structures established in connection with such development shall comply with the front-yard setbacks established for the district in which located and shall be set back not less than twenty (20) feet from any side or rear property line. Parking facilities or driveways shall not be permitted in the

proposed for the manufactured home park and that the proposed park complies with the county manufactured home park regulations.

26-82.2 Plans approval.

In order to construct, alter or expand a manufactured home park a developer must secure approval of a development plan from the county planning commission and the county health department. Said plan must be submitted at least thirty (30) days prior to the time a building permit will be requested.

The development plan shall contain the following:

- (1) Name and address of the applicant;
- (2) Name and address of the manufactured home park;
- (3) Location and legal description of the property; and
- (4) Six (6) complete copies of the plot plan prepared by a registered professional engineer or land surveyor at a scale of one (1) inch = 100 feet, showing the following:
 - (a) The total park area, including the shape and dimensions of the site and north arrow;
 - (b) All existing and/or proposed structures, facilities, and lots;
 - (c) A topographic map showing existing and proposed grades at five (5) foot contour intervals;
 - (d) Location, size and number of proposed and existing manufactured home lots and all existing and/or proposed automobile parking areas;

- (e) Location, width and surface of all existing and proposed roads, entrances, exits and walkways;
- (f) Location and site of all existing and proposed utilities; and
- (g) Such further information as may be requested by the planning commission.

Construction Plans Review: The developer or his representative shall present six (6) copies of the site development plans to the planning/development coordinator. Such plans shall be processed in accordance with the group housing standards of the land development regulations.

26-82.3 Design requirements.

- (a) Park size and density:
 - (1) The maximum number of manufactured homes per acre shall not exceed eight (8). In the rural (RU) district, the maximum number of manufactured homes per acre shall not exceed four (4) units.
 - (2) The minimum size to establish a manufactured home park shall be 20,000 square feet.
- (b) Site Requirements:
 - (1) A manufactured home park or additions to manufactured home parks shall be located on well drained site.
 - (2) All manufactured homes and all buildings or structures within a manufactured home park shall have a minimum setback of twenty-five (25) feet from the park's front property line and fifteen (15) [feet] from all rear and side property lines. The setback area must not be used for parking or for refuse receptacles.

- (5) Roadway intersections within the manufactured home park shall be at least one hundred fifty (150) feet apart and not greater than one thousand (1,000) feet apart.
- (6) All roadway intersections shall be provided with a street light.
- (7) All dead-end roadways shall terminate in a "cul-de-sac" with a minimum turning radius of forty (40) feet, exclusive of parking.

In lieu of a "cul-de-sac," other methods to achieve vehicular turn-around may be approved by the county planning commission.

(i) **Manufactured Home Lots:**

- (1) All manufactured home lots shall front upon a roadway.
- (2) All manufactured home lots shall have a minimum of three thousand six hundred (3,600) square feet and be a minimum of forty (40) feet wide. If either public water or sewer is not available to the lot, the minimum lot area will be determined by the county health department.
- (3) A manufactured home shall not cover more than twenty-five (25) percent of the lot on which it stands.

(j) **Setback Between Structures:**

- (1) There shall be a minimum distance of fifteen (15) feet between the manufactured home or any building or structure and the abutting park roadway.
- (2) Manufactured homes shall be placed at least twenty (20) feet apart.

- (3) Manufactured homes shall be at least twenty(20) feet from any common buildings.
- (4) No accessory structure shall be erected within five (5) feet of any manufactured home or within twenty (20) feet of any common building (i.e., offices or laundry facilities).

(k) **Utility Requirement:**

- (1) The structural support points of each manufactured home shall be provided with either a concrete or asphalt pad or strips at least four (4) inches in depth or of sufficient size to support the weight of the manufactured home.

- (2) Manufactured homes are required to connect to all utilities, except gas and telephone.

(Ord. No. 898-82, § XXII, 2-3-82; Ord. No. 1026-83, § 1, 4-5-83; Ord. No. 1268-85, § 1, 11-20-84; Ord. No. 054-00HR, § IV, 10-3-00)

Sec. 26-83. Home occupations.

Occupations, professions, or trades customarily carried on by occupants of dwelling units as secondary uses which are clearly incidental to use of dwelling units for residential purposes are allowed as accessory uses in districts where dwelling units are permitted or permissible, subject to the following provisions:

26-83.1 Location. Home occupations shall be conducted only within principal structures; provided, however, for rural districts, see section 26-61.3(b).

26-83.2 Area. An area equal to not more than twenty-five percent (25%) of the floor area of the principal structure may be utilized for home occupational purposes; provided, however, for rural districts, see section 26-61.3(b).

26-83.3 Employees. Only persons resident on the premises may be employed.

26-85.2 Heliports are permitted as accessory uses only by special exception in C-1 and C-3 districts.

Sec. 26-86. Manufactured homes on individual lots.

Manufactured homes placed on individual lots shall comply with the following requirements.

- a. *Manufactured home stands:* The manufactured home stand shall be improved to provide adequate support for the placement and tiedown of the manufactured home. The stand shall not heave, shift or settle unevenly under the weight of the manufactured home due to frost action, inadequate drainage, vibration, wind or other forces acting on the structure. Anchors or tie-downs, such as cast-in-place concrete "dead-men," eyelets imbedded in concrete, screw augers or arrowhead anchors shall be placed in each corner of the manufactured home stand and at intervals of at least 20 feet. Each device shall be able to sustain a minimum load of 4,800 pounds.
- b. *Skirting:* In order to receive a release for electricity, any manufactured home placed on or after January 1, 1990, shall be skirted, entirely enclosing the bottom section. Such skirting shall be fire resistant or an equal substitute.

However, any manufactured home in place prior to January 1, 1990, shall not be required to be skirted, unless such manufactured home is moved to a new location.

- c. *[Nonconforming use permits:]* Temporary nonconforming use permits, relieving the property owner from complying with this section 26-86 may be granted, pursuant to section 26-51.5, of the county Code of Ordinances, but such permits may not exceed thirty (30) days. The county administrator, however, may grant an additional extension for a period not to exceed eleven (11) months.

(Ord. No. 1967-90, § I, 4-3-90; Ord. No. 054-00HR, § IV, 10-3-00)

Sec. 26-87. Cluster housing development.

26-87.1 Intent.

It is the intent of this section of the ordinance to encourage variety and flexibility in land development and land use for residential areas, subject to the purpose of zoning and the conditions and safeguards which will promote the comprehensive plan; to provide a harmonious relationship with the surrounding development, minimizing such influences as land use incompatibilities, heavy traffic and congestion, and excessive demands on planned and existing public facilities; to provide a means of developing areas of physiographic or other physical features to enhance natural beauty and other attributes, and in so doing, to provide for the use of such lands as recreational space for the residents of such developments; to encourage the efficient use of those public facilities required in connection with new residential development; and to encourage innovative design techniques to utilize the environment as a guide to development such as but not limited to, zero lot lines, party walls site locations with regard to energy consumption, and other concepts.

26-87.2 Cluster Housing. Cluster Housing Developments Defined.

- (1) *Cluster housing:* A development design wherein conventional zoning and/or subdivision standards are relaxed to permit modifications in lot size and shape by concentrating single family dwellings in specific areas of an overall tract. Depending on the zoning district in which the development is located, cluster housing may be detached or attached if building code standards are met.
- (2) *Cluster housing development:* Detached or attached dwelling units on individual lots within an overall tract with the remaining area in common open space.

drainage easement as specified in section 26-90.12.

(Ord. No. 1146-84, § 4, 4-17-84; Ord. No. 1522-86, § 2, 9-16-86; Ord. No. 1523-86, § 2, 9-16-86; Ord. No. 1524-86, § 2, 9-16-86; Ord. No. 2331-93, §§ I-III, 6-15-93)

Sec. 26-89. Homes for rehabilitation of problem youth and young adults.

26-89.1 General requirements.

In the development and execution of this section, it is recognized that there are some uses which, because of their very nature, are recognized as having serious objectionable operational characteristics, particularly when several of them are concentrated under certain circumstances or located in certain areas thereby having a deleterious effect upon the adjacent areas. Special regulation of these uses is necessary to ensure that these adverse effects will not contribute to the blighting or downgrading of the surrounding neighborhood. The control or regulation is for the purpose of preventing a concentration of these uses in any one area and to prevent the location of these uses in certain areas.

26-89.2 [Definitions.]

For the purpose of this section, the following words and phrases shall have the following meanings:

- (a) *Homes for Rehabilitation of Problem Youth and Young Adults* means any temporary or permanent reformatories or any other type of homes for juvenile delinquents, problem youth, and young adults. Orphanages and foster homes are specifically exempt from this provision.
- (b) *Problem Youth* means a youth who is a juvenile delinquent and "Young Adults" means persons eighteen (18) years or older who have been sentenced to a term in prison.

- (c) *Residential Area* means any area of the county which is zoned residential by this ordinance. This shall include development district (D-1); single family residential districts (RS-1, RS-1A, RS-2 and RS-3), general residential districts, (RG-1 and RG-2), mobile home districts, (MH-1, MH-2, and MH-3), and rural districts (RU and RR).

26-89.3 [Location.]

No home for problem youth or similar establishment shall be located within five hundred (500') feet of any school, church, or residential area within Richland County, or within one (1) mile of any other such establishment.

26-89.4 [License.]

All such homes for problem youth erected outside of the five hundred (500') feet boundary shall be investigated, approved, and licensed by the South Carolina Department of Social Services and/or other appropriate state/local agency.

26-89.5 [Variances.]

Variances and special exceptions to this section may be granted by the zoning board of adjustment, pursuant to the procedure outlined in Article 11 of this ordinance. Variances and special exceptions shall be granted only in regards to the location of such homes and not to the licensing of such homes.

(Ord. No. 1156-84, § I, 5-15-44; Ord. No. 1191-44, § VI, 9-4-84)

Sec. 26-90. Zero lot line development.

26-90.1 Intent.

The principal purposes of the zero lot line concept are (1) to more efficient use of land, as compared to the typical single family development; (2) the design of dwellings that integrate and relate internal-external living areas

The lot proposed for common zero lot line development (semi-attached unit) must be under the same ownership at the time of initial construction or the owner of adjacent properties must record an agreement or deed restriction consenting in writing to the development of zero setback.

26-90.5 *Minimum lot sizes.*

The minimum lot size shall be as specified in the zoning district in which the property is located.

26-90.6 *Minimum yard requirement.*

- (1) *Interior side yard:* The dwelling unit shall be placed on one interior side property line with a zero (0) setback, and the dwelling unit setback on the other interior side property line shall be a minimum of twelve (12) feet. Patios, pools, garden features, and other similar elements shall be permitted within the twelve (12) foot setback area, provided, however, no structure shall be placed within easements required by section 26-90.12.
- (2) *Front setback:* All dwelling structures shall conform to the requirements of the zoning district in which the property is located.
- (3) *Rear setback:* The dwelling and accessory buildings and structures shall conform to the requirements of the zoning district in which the property is located.
- (4) *Side setback:* The dwelling setback shall be a minimum of twelve (12) feet from a side street property line, and twelve (12) feet opposite the zero lot line for an interior lot.
- (5) *[Accessory structures:]* Accessory buildings and structures shall observe the setback requirements for the principal structure of the zoning district in which the property is located.

(6) *Adjacent buildings or lots:*

- A. If a zero lot line unit is proposed for a lot adjacent to a lot that has an existing structure, the minimum setback of the existing unit must be at least 12 feet from the side property line proposed as the zero lot line.
- B. If the lot adjacent to zero lot line is undeveloped, the easement must leave adequate lot width to have a building site which meets all setback requirements for the district.

26-90.7 *Street frontage.*

Each lot shall have clear, direct frontage on a public street or private street meeting county subdivision regulation requirements.

26-90.8 *Maximum lot coverage permitted.*

The total lot coverage permitted for all buildings on the site shall conform to the requirements of the district in which the property is located.

26-90.9 *Platting requirements.*

Each dwelling shall be located on its own individual platted lot. The plat shall indicate the zero lot lines and easements appurtenant thereto.

26-90.10 *Building heights.*

The maximum building height shall conform to the requirements of the district in which the property is located.

26-90.11 *Openings prohibited on the zero lot line side.*

The wall of the dwelling located on the lot line shall have no windows, doors, air conditioning units, or any other type of openings. An atrium or court shall be permitted on the zero lot line side when the court or atrium is enclosed by two (2) walls of the dwelling unit and a solid wall of

fence on the remaining unexposed boundaries.

(Ord. No.1987-90, § II, 6-5-90)

Sec. 26-93. Hazardous waste incinerators and nuclear waste disposal sites.

Since hazardous and nuclear disposal sites are potentially incompatible with prevailing environmental conditions, and existing and planned development in the county, all such proposed uses shall:

- (1) Be accompanied by a comprehensive environmental impact statement, prepared by an independent firm qualified in such matters;
- (2) Be required to comply with any and all recommendations contained in the impact statements, together with other reasonable requirements imposed by county council to better mitigate the site location and operation of such a facility; and
- (3) Be reviewed for permitting as a special exception by county council, subject to the requirements of a public hearing, as provided by this ordinance.

(Ord. No. 1987-90, § III, 6-5-90)

Sec. 26-94. Mining Activities.

Due to consideration for public health and safety and potential pollution to the environment resulting from mining activities, any such usage proposed for the county shall, subsequent to acquisition of a valid mining permit from the South Carolina Land Resources Commission, comply with the following supplemental development standards:

1. A geotechnical engineering firm shall certify in writing that all applicable state and federal regulations to prevent contamination have been complied with;
2. A drainage and sedimentation plan shall accompany the request, showing all off-site run-off;

3. The request shall be accompanied by a comprehensive environmental impact study, prepared by an independent firm qualified in such matters;
4. The proposed mining activity must comply with any and all recommendations contained in the impact study, together with other reasonable requirements imposed by county council to better mitigate the siting and operation of such an activity to include a determination of the location of the use with regard to any surrounding residential, recreational, religious, educational, medical, or public use; and
5. The request must be reviewed for permitting as a special exception, subject to the requirements of a public hearing, as provided in the Richland County Code of Ordinances.

(Ord. No. 2062-90, § II, 12-18-90)

Sec. 26-94A. Communications towers.

Due to consideration for health, safety impact on neighboring properties and aesthetics, any such uses proposed for the county shall comply with the following supplemental requirements:

- (1) At the time of application for a special exception or zoning permit satisfactory evidence shall be submitted that alternative towers, building or other structures do not exist within the applicant's tower site search area that are structurally capable of supporting the intended antenna or meeting the applicant's necessary height criteria or provide a location free from interference of any nature, or are otherwise not available for use.
- (2) When a proposed site for a communication tower adjoins a residential zoning district, or property on which an inhabited residence is situated, the minimum setback from the

transmission building and other accessory uses, parking, access, fences and adjacent land use. Landscaping and required buffering must also be shown.

- (2) Elevation drawings must clearly show the design of the tower and materials to be used.
- (3) Photographs must show the proposed site and the immediate area.
- (4) Submittal of other detailed information, such as topography and aerial views, which support the request are encouraged at the option of the applicant.

(Ord. No. 048-95HR, § I, 9-5-95; Ord. No. 012-99HR, § III, 4-20-99)

Sec. 26-95. Temporary compassionate dwelling units.

26-95.1 Establishment.

Temporary compassionate dwelling units are permitted as special exceptions in RU, D-1, RS-1, RS-2, RS-3, RR, RS-1A, RG-1, RG-2, MH-1, MH-2, and MH-3 districts.

26-95.2 Application.

An application for a temporary compassionate dwelling unit permit shall be submitted by the property owner of record to the Zoning Administrator. In addition, such fee as may be required in the county's annual budget ordinance for the current fiscal year must be paid at the time the application is filed. The Zoning Administrator may then submit such application to the Board of Zoning Appeals once the application meets the following requirements:

- (a) An application form, as specified by the Zoning Administrator, completed and signed by the property owner.

- (b) A recorded plat of the property showing the location of all existing buildings and the proposed location of the temporary dwelling unit, so that the required setbacks and lot coverage ratios of the zoning district are met.
- (c) Evidence that the intended resident of the temporary dwelling unit is a member of the applicant's family.
- (d) A letter from the proposed resident's physician certifying that the resident requires supervised care (and the length of time needed for this care), and that this need can be met through the constant care of a relative.
- (e) Written certification from the South Carolina Department of Health and Environmental Control (DHEC), or a public or private utility, that water and sewer service can be provided to the temporary dwelling unit.
- (f) Certification from the property owner that the temporary dwelling unit will be removed at the termination of the special exception.

For the purpose of this section, the word "family" shall mean two or more persons related by blood, marriage, adoption, or guardianship.

26-95.3 Required findings.

In addition to the requirements of article 12 of this chapter, the Board of Zoning Appeals may permit a special exception for a temporary compassionate dwelling unit upon finding that:

- (a) The application for a temporary compassionate dwelling use permit submitted by the Zoning Administrator is complete and accurate.
- (b) The permitting of a special exception for a temporary compassionate dwelling unit will be in the best interests of the surrounding community.

Sec. 26-97. Signs subject to control; exceptions.

All signs visible from the public rights-of-way shall be erected, maintained and operated in accordance with this ordinance [article] and other relevant controls, unless specifically excepted. Signs not subject to the provisions of this ordinance are listed in section 26-98.

(Ord. No. 2064-90, § II, 12-27-90; Ord. No. 054-01HR; § II, 9-4-01)

Sec. 26-98. Signs not subject to control.

The following signs are not subject to the control of this ordinance:

26-98.1 Signs not exceeding one (1) square foot in area and bearing only property numbers, post office box numbers, names of occupants of premises, or other identification of premises not having commercial connotations.

26-98.2 Flags and insignia of any government except when displayed in connection with commercial promotion.

26-98.3 Legal notices, identification, informational and/or traffic directional signs erected by or as required by a governmental body.

26-98.4 Integral decorative or architectural features of buildings except letters, trademarks, moving parts or moving lights.

26-98.5 Signs not exceeding four (4) square feet in area directing and guiding traffic on private property, but bearing no commercial matter.

26-98.6 Wall identification signs and commemorative plaques not more than four (4) square feet in area, memorial cornerstones or tablets providing information on building erection or commemorating a person or event.

26-98.7 Bulletin signs incidental to churches, provided they do not exceed twelve (12) square feet in area and are no more than twelve (12) feet in height. (Ord. No. 2064-90, § II, 12-27-90; Ord. No. 054-01HR; § II, 9-4-01)

Sec. 26-99. Construction and maintenance standards.**26-99.1 Unsafe or hazardous signs.**

No sign shall be erected or allowed to remain erected that is structurally unsafe, hazardous or in the determination of the building inspector, constitutes a danger to the public safety. If, in the determination of the building inspector, any sign should become insecure or in danger of falling or otherwise unsafe, the owner thereof shall, upon written notice from the building inspector, immediately secure the sign in a manner to be approved by the building inspector in conformity with the provisions of these regulations or remove such sign at the expense of the owner.

26-99.2 Construction standards.

- a. *Compliance with building code:* All signs comply with the appropriate provisions of the Building Code.
- b. *Wiring of electric signs:* All electric signs with internal wiring or lighting equipment and all external lighting equipment used to direct light on signs shall be installed in accordance with the county electrical code [section 6-97 et seq].
- c. *Clearance from high voltage power lines:* All signs shall maintain horizontal and vertical clearance from all overhead electrical conductors in accordance with the county electrical code, provided that no sign shall be installed closer than ten (10) feet from any conductor or public utility guy wire.

26-99.4 Visibility.

The area within five (5) feet of a freestanding sign shall be kept clear of all debris, as well as weeds and grass over a height of twelve (12) inches. The area around a sign shall be properly maintained free of brush, trees and other obstacles that could interfere with ready visibility.

26-99.5 Sign illumination.

Signs, when illuminated by direct lighting, shall have such lighting shielded so as not to directly shine on abutting properties or in the line of vision of the public using the streets or sidewalks.

26-99.6 Finish or reverse sides.

Reverse sides of signs shall be properly finished with no exposed electrical wires or protrusions and shall be painted a single color.

26-99.7 Location of signs.

No signs, except those of duly constituted governing body, shall be located within any road right-of-way.

No part of freestanding sign, while permitted in required yards, shall be located closer than five (5) feet to the front property line.

(Ord. No. 2064-90, § II, 12-27-90; Ord. No. 054-01HR, § II, 9-4-01)

Sec. 26-100. Sign permit required.

A sign permit shall be obtained before any sign, except those specifically exempted from such a requirement, shall be erected or structurally altered. (Ord. No. 2064-90, § II, 12-27-90; Ord. No. 054-01HR, § II, 9-4-01)

Sec. 26-101. Prohibited signs.

The following signs are prohibited:

26-101.1 Signs imitating traffic or emergency signals.

Signs which imitate an official traffic sign or signal, or contain words or symbols displayed in a manner which might mislead or confuse drivers of vehicles, or which display intermittent lights resembling the color, size, shape or order of lights customarily used in traffic signals, on emergency vehicles or on law enforcement vehicles.

26-101.2 Signs confusing, distracting or diverting motorists.

Signs which, in any manner, may unduly confuse, distract or divert the attention of drivers of vehicles.

26-101.3 Obstructing signs.

Signs which interfere with free passage from or obstruct a fire escape, downspout, window, door, stairway, ladder or opening providing light or air intended as a means of ingress or egress.

26-101.4 Audible signs.

Signs which emit or use, in any manner, any sound capable of being detected by a person or normal hearing on a public street or adjoining property.

26-101.5 Flashing signs.

Signs which use flashing (strobe type) lights, flashing, occulting or blinking lights, or any type of pulsating or moving light, except moving message boards in accordance with the provisions of this Article.

26-101.6 Moving signs.

Signs which move or present the illusion of movement in any manner, except windblown signs in accordance with the provisions of section 8-7.2 [8-7.5].(26-102.2, 26-102.5)

signs are permitted not to exceed fifteen (15) days in any twelve (12) month period.

26-102.6 Political campaign signs.

Signs announcing candidates seeking public office or relating to any election or public referendum shall be permitted. Such signs shall be confined to placement on private property. Such signs shall be removed within seven (7) days after the election or referendum has been decided. It shall be the responsibility of the candidate to have such signs removed.

26-102.7 Produce sale signs.

A sign advertising the sale of produce out of a home garden shall be permitted on the premises where the produce is being sold. Such signs shall not exceed four (4) square feet in display area nor exceed four (4) feet in height.

(Ord. No. 2064-90, § II, 12-27-90; Ord. No. 054-01HR, § II, 9-4-01)

Sec. 26-103. Signs permitted in all districts.

The following signs shall be permitted in all zoning districts:

26-103.1 Signs listed in section 26-98.

26-103.2 Signs listed in section 26-102.

26-103.3 Home occupation signs.

One non-illuminated sign shall be permitted for each home occupation. Such signs shall not exceed two (2) square feet in area. Such signs shall be mounted flat against the wall of the principle [principal] structure in which the home occupation is conducted.

26-103.4 Subdivision and group development signs.

Permanent signs displaying no information other than the name of a subdivision, group housing development, apartment complex or manufactured home park. Such signs shall not

exceed fifty (50) square feet in display area. No more than one (1) such sign shall be permitted along each street frontage. Such signs shall not exceed a height of four (4) feet, if located within a required setback, or six (6) feet, if located elsewhere.

26-103.5 Public and institutional signs.

Signs relating to uses of a civic, charitable, fraternal, cultural, religious, educational, institutional or governmental nature shall be permitted. Such signs shall not exceed fifty (50) square feet in area. No more than one (1) such sign shall be permitted along each street frontage. Such signs shall not exceed a height of four (4) feet, if located within a required yard, or six (6) feet, if located elsewhere.

(Ord. No. 2064-90, § II, 12-27-90; Ord. No. 054-00HR, § IV, 10-3-00; Ord. No. 054-01HR, § II, 9-4-01)

Sec. 26-104. Business identification signs permitted in the RU, C-1, C-2, C-3, M-1 and M-2 districts.

The following signs are allowed in the above-referenced districts, subject to the issuance of a sign permit by the county and compliance with the applicable development standards of this section.

26-104.1 Free-standing signs, on premises.

For nonresidential uses, under the following conditions:

- a. *Allowable area.* Free-standing signs are allowed one (1) square foot of sign face per linear foot of street frontage for the first one hundred (100) feet; and one half (1/2) square foot of sign face for each linear foot of street frontage in excess of one hundred (100) feet, not to exceed the square footage limits set forth by the following table:

Zoning Districts	Number of Street Frontages		
	1	2	3
C-1, C-2, RU	100	150	200 sq. ft.
C-3	250	400	500 sq. ft.
M-1, M-2	300	450	600 sq. ft.

county and compliance with the applicable development standards of this section.

26-105.1 Number of signs.

One (1) business directory sign that identifies the name of the business or industrial park, and the names of the businesses located in a business or industrial park, is allowed along each street frontage.

26-105.2 Allowable area.

Business directory signs shall not exceed one hundred and fifty (150) square feet of area if located within the required front yard setback, nor shall they exceed three hundred (300) square feet if located behind the required front yard setback of the property. Individual businesses identified on the business directory sign shall be limited to no more than twenty percent (20%) of the total allowable square footage of signage. The above limitation on sign area applies also to secondary front yard setbacks.

26-105.3 Sign setbacks.

All business directory signs must meet the applicable sign setback requirements of the district in which they are located. They must also be located outside the required sight area at intersections.

26-105.4 Height of signs.

No business directory sign shall exceed ten (10) feet in height if located within the required front yard setback, or fifteen (15) feet in height if located behind the required front yard setback of the property.

(Ord. No. 021-01HR, § I, 4-17-01; Ord. No. 054-01HR, § II, 9-4-01)

Sec. 26-106. Reserved.

Sec. 26-107. Nonconforming signs.

26-107.1 Nonconforming signs.

If, upon the adoption or amendment of these regulations, there exist signs which were lawful before the adoption or amendment of these regulations, but which would be prohibited or regulated and restricted under the terms of these regulations, such nonconforming signs are declared to be inconsistent with the stated purpose of these regulations, and shall be governed by the following provisions.

26-107.2 General provisions.

- a. *Reconstruction:* A nonconforming sign shall not be removed and rebuilt as a nonconforming sign.
- b. *Extension or enlargement:* A nonconforming sign shall not be extended or enlarged except in conformity with these regulations.
- c. *Reconstruction after damage:* A nonconforming sign shall not be rebuilt, altered, or repaired except in conformity with these regulations after sustaining damage exceeding seventy-five (75) percent of the replacement cost of the sign at the time of the damage.
- d. *Ordinary maintenance:* Nothing in this article shall be deemed to prevent the ordinary maintenance and repair of a nonconforming sign or replacement of a broken part of a nonconforming sign.
- e. *Change of copy:* Nothing in this article shall be deemed to prevent the ordinary change of copy on an advertising sign or business changeable copy sign.

ARTICLE 8A. SEXUALLY ORIENTED BUSINESSES

Editor's note—After consultation with the county, the editor has included §§ 1–16 of Ord. No. 1609-87, effective Aug. 1, 1987, as Art. 8A of App. A. Ord. No. 1609-87 amended the zoning ordinance but did not specify the manner of the amendment.

Cross reference(s)—Licenses, Ch. 16.

Sec. 26-201. Purpose and intent.

It is the purpose of this ordinance to regulate sexually oriented businesses to promote the health, safety, morals, and general welfare of the citizens of the county, and to establish reasonable and uniform regulations to prevent the continued deleterious location and concentration of sexually oriented businesses within the county. The provisions of this ordinance have neither the purpose nor effect of imposing a limitation or restriction on the content of any communicative materials including sexually oriented materials. Similarly, it is not the intent or effect of this ordinance to restrict or deny access by adults to sexually oriented materials protected by the First Amendment, or to deny access by the distributors and exhibitors of sexually oriented entertainment to their intended market. Neither is it the intent or effect of this ordinance to condone or legitimize the distribution of obscene material. (Ord. No. 1609-87, § 1, 8-1-87)

Sec. 26-202. Definitions.

(1) *Adult arcade* means any place to which the public is permitted or invited wherein coin-operated or slug-operated or electronically, electrically, or mechanically controlled still or motion picture machines, projectors, or other image-producing devices are maintained to show images to five (5) or fewer persons per machine at any one time, and where the images so displayed are distinguished or characterized by the depicting or describing of "specified sexual activities" or "specified anatomical areas."

(2) *Adult bookstore or adult video store* means a commercial establishment which, as one of its

principal business purposes, offers for sale or rental for any form of consideration any one or more of the following:

- (a) Books, magazines, periodicals or other printed matter, or photographs, films, motion picture, video cassettes or video reproductions, slides, or other visual representations which depict or describe "specified sexual activities" or "specified anatomical areas;" or
- (b) Instruments, devices, or paraphernalia which are designed for use in connection with "specified sexual activities." A commercial establishment may have other principal business purposes that do not involve the offering for sale or rental of material depicting or describing "specified sexual activities" or "specified anatomical areas" and still be categorized as adult bookstore or adult video store. Such other business purposes will not serve to exempt such commercial establishment from being categorized as an adult bookstore or adult video store so long as one of its principal business purposes is the offering for sale or rental for consideration the specified materials which depict or describe "specified sexual activities" or "specified anatomical areas."
- (3) *Adult cabaret* means a nightclub, bar, restaurant, or similar commercial establishment which regularly features:
 - (a) Persons who appear in a state of nudity; or
 - (b) Live performances which are characterized by the exposure of "specified anatomical areas" or by "specified sexual activities;" or
 - (c) Films, motion pictures, video cassettes, slides, or other photographic reproductions which are characterized by the depiction or description of "specified sexual activities" or "specified anatomical areas."

(14) *Semi-nude* means a state of dress in which clothing covers no more than the genitals, pubic region, and areolae of the female breast, as well as portions of the body covered by supporting straps or devices.

(15) *Sexual encounter center* means a business or commercial enterprise that, as one of its primary business purposes, offers for any form of consideration:

- (a) Physical contact in the form of wrestling or tumbling between persons of the opposite sex; or
- (b) Activities between male and female persons and/or persons of the same sex when one or more of the persons is in a state of nudity or semi-nude.

(16) *Sexually oriented business* means an adult arcade, adult bookstore or adult video store, adult cabaret, adult motel, adult motion picture theater, adult theater, escort agency, nude model studio, or sexual encounter center.

(17) *Specified anatomical areas* means the male genitals in a state of sexual arousal and or the vulva or more intimate parts of the female genitals.

(18) *Specified sexual activities* means and includes any of the following:

- (a) The fondling or other erotic touching of human genitals, pubic region, buttocks, anus, or female breasts;
- (b) Sex acts, normal or perverted, actual or simulated, including intercourse, oral copulation, or sodomy;
- (c) Masturbation, actual or simulated; or
- (d) Excretory functions as part of or in connection with any of the activities set forth in (a) through (c) above.

(19) *Substantial enlargement* of a sexually oriented business means the increase in floor areas occupied by the business by more than twenty-five (25) percent, as the floor areas exist on August 1, 1987.

(20) *Transfer of ownership or control* of a sexually oriented business means and includes any of the following:

- (a) The sale, lease, or sublease of the business;
- (b) The transfer of securities which constitute a controlling interest in the business, whether by sale, exchange, or similar means; or
- (c) The establishment of a trust, gift, or other similar legal device which transfers the ownership or control of the business, except for transfer by bequest or other operation of law upon the death of the person possessing the ownership or control.

(Ord. No. 1609-87, § 2, 8-1-87; Ord. No. 027-98R, 4-16-99)

Sec. 26-203. Classification.

Sexually oriented businesses are classified as follows:

- (1) Adult arcades;
- (2) Adult bookstores or adult video stores;
- (3) Adult cabarets;
- (4) Adult motels;
- (5) Adult motion picture theaters;
- (6) Adult theaters;
- (7) Escort agencies;
- (8) Nude model studios; and
- (9) Sexual encounter centers.

(Ord. No. 1609-87, § 3, 8-1-87)

- (8) The permit and/or license, if granted, shall state on its face the name of the person or persons to whom it is granted, the expiration date, and the address of the sexually oriented business. The permit and/or license shall be posted in a conspicuous place at or near the entrance to the sexually oriented business so that it may be easily read at any time.

(Ord. No. 1609-87, § 5, 8-1-87)

Sec. 26-206. Fees.

The annual fee for a sexually oriented business permit and/or license is five hundred dollars (\$500.00).

(Ord. No. 1609-87, § 6, 8-1-87)

Sec. 26-207. Inspection.

(a) An applicant or permittee and/or licensee shall permit representatives of the sheriff's department, health department, fire department, zoning [planning management] department, or other county departments or agencies to inspect the premises of a sexually oriented business for the purpose of ensuring compliance with the law, at any time it is occupied or open for business.

(b) A person who operated a sexually oriented business or his agent or employee commits a misdemeanor if he refuses to permit such lawful inspection of the premises at any time it is occupied or open for business.

(Ord. No. 1609-87, § 7, 8-1-87)

Sec. 26-208. Expiration of permit and/or license.

(a) Each permit and/or license shall expire one year from the date of issuance and may be renewed only by making application as provided in section 26-205. Application for renewal should be made at least thirty (30) days before the expiration date, and when made less than thirty (30) days before the expiration date, the expiration of the permit and/or license will not be affected.

(b) When the county zoning administrator denies renewal of a license, the applicant shall not be issued

a permit and/or license for one (1) year from the date of denial. If, subsequent to denial, the county zoning administrator finds that the basis for denial of the renewal permit and/or license has been corrected or abated, the applicant may be granted a permit and/or license if at least ninety (90) days have elapsed since the date denial became final.

(Ord. No. 1609-87, § 8, 8-1-87)

Sec. 26-209. Suspension.

The county zoning administrator shall suspend a permit and/or license for a period not to exceed thirty (30) days if he determines that a permittee and/or licensee or an employee of a permittee and/or licensee has:

- (1) Violated or is not in compliance with any section of this ordinance;
- (2) Engaged in excessive use of alcoholic beverages while on the sexually oriented business premises;
- (3) Refused to allow an inspection of the sexually oriented business premises as authorized by this chapter;
- (4) Knowingly permitted gambling by any person on the sexually oriented business premises.

(Ord. No. 1609-87, § 9, 8-1-87)

Sec. 26-210. Revocation.

(a) The county zoning administrator shall revoke a permit and/or license if a cause of suspension in section 26-209 occurs and the permit and/or license has been suspended within the preceding twelve (12) months.

(b) The county zoning administrator shall revoke a permit and/or license if he determines that:

- (1) A permittee and or licensee gave false or misleading information in the material submitted to the zoning [planning management] department during the application process;

part of the premises where a sexually oriented business is conducted, to the nearest property line of the premises of a church or public or private elementary or secondary school, or to the nearest boundary of an affected public park, residential district, or residential lot.

(g) For purposes of subsection (d) of this section, the distance between any two (2) sexually oriented businesses shall be measured in a straight line, without regard to intervening structures or objects, from the closest exterior wall of the structure in which each business is located.

(h) Any sexually oriented business lawfully operating on August 1, 1987, that is in violation of subsection (a) through (g) of this section shall be deemed a nonconforming use. The nonconforming use will be permitted to continue for a period not to exceed two (2) years, unless sooner terminated for any reason or voluntarily discontinued for a period of thirty (30) days or more. Such nonconforming uses shall not be increased, enlarged, extended or altered except that the use may be changed to a conforming use. If two (2) or more sexually oriented businesses are within one thousand (1,000) feet of one another and otherwise in a permissible location, the sexually oriented business which was first established and continually operating at a particular location is the conforming use and the later-established business(es) is nonconforming.

(i) A sexually oriented business lawfully operating as a conforming use is not rendered a nonconforming use by the location, subsequent to the grant or renewal of the sexually oriented business permit and/or license, of a church, public or private elementary or secondary school, public park, residential district, or a residential lot within one thousand (1,000) feet of the sexually oriented business. This provision applies only to the renewal of a valid permit and/or license, and does not apply when an application for a permit and/or license is submitted after a permit and/or license has expired or has been revoked.

(Ord. No. 1609-87, § 12, 8-1-87; Ord. No. 1671-87, § 1, 9-1-87)

Sec. 26-213. Additional regulations for adult motels.

(a) Evidence that a sleeping room in a hotel, motel, or a similar commercial establishment has been rented and vacated two (2) or more times in a period of time that is less than ten (10) hours creates a rebuttable presumption that the establishment is an adult motel as that term is defined in this chapter.

(b) A person commits a misdemeanor if, as the person in control of a sleeping room in a hotel, motel, or similar commercial establishment that does not have a sexually oriented permit and/or license, he rents or subrents a sleeping room to a person and, within ten (10) hours from the time the room is rented, he rents or subrents the same sleeping room again.

(c) For purposes of subsection (b) of this section, the terms "rent" or "subrent" mean the act of permitting a room to be occupied for any form of consideration.

(Ord. No. 1609-87, § 13, 8-1-87)

Sec. 26-214. Regulations pertaining to exhibition of sexually explicit films or videos.

(a) A person who operates or causes to be operated a sexually oriented business, other than an adult motel, which exhibits on the premises in a viewing room of less than one hundred fifty (150) square feet of floor space, a film, video cassette, or other video reproduction which depicts specified sexual activities or specified anatomical areas, shall comply with the following requirements:

- (1) Upon application for a sexually oriented permit and/or license, the application shall be accompanied by a diagram of the premises showing a plan thereof specifying the location of one or more manager's stations and the location of all overhead lighting fixtures and designating any portion of the premises in which patrons will not be permitted. A manager's station may not exceed thirty-two (32) square feet of floor area. The diagram shall also designate the

college, or university supported entirely or partly by taxation;

- (2) By a private college or university which maintains and operates educational programs in which credits are transferable to a college, junior college, or university supported entirely or partly by taxation; or
- (3) In a structure:
- (a) Which has no sign visible from the exterior of the structure and no other advertising that indicates a nude person is available for viewing; and
- (b) Where, in order to participate in a class a student must enroll at least three (3) days in advance of the class; and
- (c) Where no more than one (1) nude model is on the premises at any one (1) time.

(Ord. No. 1609-87, § 15, 8-1-87)

Sec. 26-216. Reserved.

Editor's note--Section I of Ord. No. 028-01HR, adopted April 17, 2001, repealed § 26-216, concerning injunctions.

**ARTICLE 9. LOCATIONAL STANDARDS
FOR ASSISTED HOUSING**

Sec. 26-301. Purpose.

These standards are being adopted in order to comply with those portions of the community development acts relating to the general locations for new construction of assisted housing and, more specifically, the locational standards for assisted housing, and to provide for further development and implementation of housing programs for lower income persons.

(Ord. No. 031-96HR, § I, 6-4-96)

Sec. 26-302. Ineligible areas.

Areas within a three-quarters (3/4) mile radius (property line to property line) of assisted housing units totaling two hundred (200) units or more (excluding elderly and/or handicapped units). Proposed assisted housing developments of any size may not be contiguous to another assisted housing development (excluding elderly and/or handicapped units) inclusive of road right-of-way: except as an additional phase to an existing development, provided that each development shall have only one (1) additional phase which does not exceed seventy-five (75) units and is approved by a majority vote of county council.

(Ord. No. 031-96HR, § II, 6-4-96)

Sec. 26-303. Ineligible census tracts.

Census tracts where fifty (50) percent or more of the households earn less than eighty (80) percent of the metro median income.

(Ord. No. 031-96HR, § III, 6-4-96)

Sec. 26-304. Census tracts extending beyond county boundaries.

Where a census tract extends outside of the boundaries of the unincorporated area of county, the census tract will be considered as either eligible or ineligible, based upon the entire census tract and not just the portion in the unincorporated area of the county.

(Ord. No. 031-96HR, § IV, 6-4-96)

Sec. 26-305. Maximum units.

In eligible census tracts, the initial exclusively low-income assisted developments shall be limited to no more than one hundred twenty (120) units per site or three hundred (300) bedrooms. In all census tracts, twenty (20) percent of a mixed-income development may be low-income assisted units.

(Ord. No. 031-96HR, § V, 6-4-96)

the purposes of this ordinance and the comprehensive plan.

Sec. 26-403. Planning commission recommendation to county council.

Within thirty (30) days from the date that any proposed zoning amendment is referred to it (unless a longer period shall have been established by mutual agreement between the county council and the planning commission in the particular case) the planning commission shall submit its report and recommendation to county council. The recommendation of the planning commission shall be advisory only, and shall not be binding on county council. If the planning commission does not submit its report within the prescribed time, the county council may proceed to act on the amendment without further awaiting the recommendations of the planning commission.

Sec. 26-404. Public hearing to be held.

Fifteen (15) days in advance of the first reading on any proposed amendment, notice of time and place of public hearing shall be published in a newspaper of general circulation in the county and such hearing shall be held before the final council action is taken. Such notice shall conform to the requirements of section 2-4002 [now 2-29] of the county Code.

Public hearings on zoning map amendments and zoning text amendments [shall] be held contemporaneously and said public hearings shall be held during the regularly scheduled zoning public hearing each month. Provided, however, that public hearings for zoning map amendments shall be held prior to first reading and public hearings for zoning text amendments shall be held prior to first or second reading. In no event shall a public hearing on a specific question be held contemporaneously with third reading of said question.
(Ord. No. 1250-84, § I, 12-4-84)

Editor's note—The requirements promulgated by § I of Ord. No. 1250-84, which amended § 26-404, have been included as the second paragraph of the section.

Sec. 26-405. Notice of public hearings.

When a proposed amendment affects the district classification of a particular piece of property, the zoning administrator shall cause to be conspicuously located on or adjacent to the property affected, hearing notices which shall be posted as follows:

- (1) Hearing notices shall indicate the nature of the change proposed, identification of the property affected, and the time, date and place of the hearing. Whenever practical, hearing notices shall identify the general location where property lines intersect the frontage street.
- (2) Hearing notices shall be posted at least 15 days prior to the hearing.
- (3) Location of notices:
 - a. For lots or parcels of land with street frontage of 100 feet or less, 1 hearing notice shall be placed on each lot or parcel.
 - b. For lots or parcels with street frontage greater than 100 feet but less than 500 feet, 1 hearing notice shall be placed for every 100 feet of street frontage or portion thereof.
 - c. For lots or parcels of land with street frontage of at least 500 feet but less than 1,000 feet, 1 hearing notice shall be placed for each 200 feet of street frontage or portion thereof.
 - d. For lots or parcels of land with street frontage of 1,000 feet or more, 1 hearing notice shall be placed for every 300 feet of street frontage or portion thereof.

Sec. 26-406. Reconsideration of proposed amendments.

Action shall not be initiated for a zoning

ordinance relating to applications for zoning amendments, the presentation of same to the planning commission and county council, and giving notice of hearings on such amendment requests as specified herein;

- e. The receipt of complaints from persons who allege that violations of this ordinance have occurred, to properly investigate or cause to be investigated such complaints, and to initiate or cause to be initiated action to prevent, enjoin, abate, or remove such violations;
- f. The maintenance of the official copy of the zoning map and other such records and official materials as may relate to the adoption, amendment, enforcement or administration of this ordinance;
- g. The zoning administrator may, for good cause shown, administratively continue any matter before the planning commission, the board of zoning appeals, or any matter scheduled to be heard by county council at a zoning public hearing. Notice of the administrative continuance shall be made in writing to the chair of the planning commission, the board of zoning appeals, or county council, with a copy thereof served upon the parties of record. Matters continued pursuant to this subsection shall be rescheduled for hearing as soon as practical, consistent with the basis for the continuance.
- h. Other such duties as may properly relate to the accomplishment of the spirit and intent of this ordinance.

(Ord. No. 075-00HR, § I, 11-21-00)

Sec. 26-503. Zoning permits.

26-503.1 Zoning permits required. No building or other structure shall be erected, moved, added to or structurally altered without a zoning permit therefore issued by the zoning administrator. A zoning permit shall not be issued by the zoning

administrator except in conformity with the provisions of this ordinance, unless he receives a written order from the board of adjustment in the form of an interpretation involving error or a special exception or variance as provided in section 11. If the permit is denied, reasons shall be stated for the denial.

26-503.2 Applications for zoning permits. All applications for zoning permits shall be accompanied by plans drawn to scale, showing the actual dimensions and shape of the lot to be built upon; the exact sizes and locations on the lot of all buildings already existing, if any; and the location and dimensions of the proposed building or alteration. The application or plans shall include such other information as lawfully may be required by the zoning administrator, including existing or proposed uses of the building and land; the number of families, housekeeping units, or rental units the building is designed to accommodate; conditions existing on the lot and on nearby lots; and such other matters as may be necessary to determine conformance with and provide for the enforcement of this ordinance. One (1) copy of the plans shall be returned to the applicant by the administrative official, after he shall have marked such copy either as approved or disapproved and attested to same by his signature on such copy.

26-503.3 Zoning permits to be posted. The zoning permit shall be posted in a conspicuous place upon the premises to which the permit applies within five (5) days of the date of issuance of the permit, and shall remain posted until completion of the action for which the permit was issued.

26-503.4 Expiration of zoning permit. If the work described in any zoning permit has not begun within six (6) months from the date of issuance thereof, or in the case of a special exception, within the time limit established therefore, the permit shall expire and be cancelled by the zoning administrator. Written notice thereof shall be given to the persons affected. If the work described in any zoning permit has not been substantially completed within one year of the

26-506.2 When a special exception, administrative review or variance is requested, the applicant or his or her representative shall pay such fees as may be required in the county's annual budget ordinance for the current fiscal year. These fees shall be paid at the time application is filed to cover administrative and advertising expenses.

26-506.3 When a transcript of a public hearing held by the board of zoning appeals or county council is requested, the actual cost of producing the transcript shall be charged.

(Ord. No. 053-01HR, § I, 9-4-01)

Sec. 26-507. Violation.

If the zoning administrator shall find that any of the provisions of this ordinance are being violated, he shall in writing notify the owner or tenant of the property, indicating the nature of the violations and ordering the action necessary to correct it. He shall order discontinuance of illegal use of land, buildings or structures; removal of illegal buildings or structures or of additions, alterations, or structural change thereto; discontinuance of any illegal work being done; or shall take any other action authorized by this ordinance to insure compliance with, or to prevent violation of, its provisions.

Sec. 26-508. Complaints regarding violations.

Wherever a violation of this ordinance occurs, or is alleged to have occurred, any person may file a written complaint. Such complaint shall state fully the causes and basis thereof, and shall be filed with the zoning administrator. He shall record the complaint properly, investigate promptly, and take action thereon as provided by this ordinance.

Sec. 26-509. Remedies.

In case any building or structure is erected, constructed, reconstructed, altered, maintained or used in violation of this ordinance, the county council, county attorney, zoning administrator, or any person aggrieved may, in addition to other remedies provided by law, institute injunction, abatement, or any other

appropriate action or proceeding to prevent, enjoin, abate or remove such unlawful erection, construction, reconstruction, alteration, maintenance or use.

Sec. 26-510. Penalties.

In case any building or structure is erected, constructed, reconstructed, altered, repaired, converted or maintained; or any structure or land is used in violation of this ordinance; or there is violation of any condition or requirement in connection with special exceptions, variances, or rezonings under the terms of this ordinance, such violation shall constitute a misdemeanor. Violation of this ordinance or failure to comply with any of the requirements hereof shall be a misdemeanor. Each day such violation continues after due notice to discontinue such violation shall be considered a separate offense. The owner or tenant of any building, structure, premises, or part thereof, and any architect, surveyor, builder, engineer, contractor, agent, or other person who commits, participates in, assists in, or maintains such violation may each be found guilty of a separate offense and suffer the penalties herein provided. Nothing herein contained shall prevent the county from taking such other lawful action as is necessary to prevent or remedy any violation.

ARTICLE 12. BOARD OF ADJUSTMENT

26-601. Procedures of the board of adjustment.

26-601.1 *Establishment and membership.* A board of adjustment is hereby established which shall consist of seven (7) members appointed by County Council. The term of office of the members of the board shall be for three (3) years, until their respective successors are appointed and qualified. Members may be removed for cause by County Council upon written charges and after a public hearing. Vacancies shall be filled for the unexpired term of any member whose term becomes vacant. The board shall elect one (1) of its members chairman for a one-year term.

- b. Procedures in consideration of special exception applications:
- (1) A written application for a special exception shall be submitted indicating the section of this ordinance under which the special exception is sought and stating the grounds on which it is requested;
 - (2) Notice of public hearing shall be posted on the property for which special exception is sought and shall be published at least fifteen (15) days prior to the public hearing in a newspaper of general circulation in the county;
 - (3) The public hearing shall be held. Any party may appear in person, or by agent or attorney;
 - (4) The board of adjustment shall make a finding that it is empowered under the section of this ordinance described in the application to grant the special exception, and that the granting of the special exception will not adversely affect the public interest;
 - (5) The regulations of this ordinance setting forth specific standards to be met prior to the establishment of any special exception shall be binding upon the board of adjustment and no variance to such requirements shall be granted;
 - (6) Reserved;
 - (7) The board of adjustment may prescribe a time limit within which the action for which the special exception is required shall be begun or completed, or both.
- c. Criteria for special exceptions: In addition to definitive standards in this ordinance, the board of adjustment shall consider the following:
- (1) Traffic impact;
 - (2) Vehicle and pedestrian safety;
 - (3) Potential impact of noise, lights, fumes or obstruction of air flow on adjoining property;
 - (4) Adverse impact of the proposed use on the aesthetic character of the environs, to include possible need for screening from view; and
 - (5) Orientation and spacing of improvement or buildings.
- d. Effect of failure to meet conditions:
- (1) Violation of conditions and safeguards prescribed in conformity with this ordinance, when made a part of the terms under which the special exception is granted shall be deemed a violation of this ordinance, punishable under penalties established herein;
 - (2) Failure to begin or complete, or begin and complete, an action for which a special exception is required, within the time limit specified when such time limit is made a part of the terms under which the special exception is granted shall void the special exception.

26-602.3 Variances.

a. Duties of the board:

- (1) The board of adjustment shall have the power to authorize upon appeal in specific cases such variance from the terms of this ordinance as will not be contrary to the public interest where,

- (3) The hearing shall be held. Any party may appear in person, or by agent or by attorney;
 - (4) The board of adjustment shall make findings that the requirements of section 26-602.3b(1) above have been met by the applicant for a variance;
 - (5) The board of adjustment shall further make a finding that the reasons set forth in the application justify the granting of the variance, and that the variance is the minimum variance that will make possible the reasonable use of the land, building, or structure;
 - (6) The board of adjustment shall further make a finding that the granting of the variance will be in harmony with the general purpose and intent of this ordinance, and will not be injurious to the neighborhood, or otherwise detriment to the public welfare;
 - (7) The board of adjustment may prescribe a time limit within which the action for which the variance is requested shall be begun or completed, or both.
- c. Effect of failure to meet conditions:
- (1) Violation of conditions and safeguards prescribed in conformity with this ordinance when made a part of the terms under which the variance is granted shall be deemed a violation of this ordinance, punishable under penalties established herein.
 - (2) Failure to begin or complete, or begin and complete, an action to which a variance is granted, within the time limit specified, when such time limit is

made a part of the terms under which the variance is granted shall void the variance.

(Ord. No. 1286-85, § 1, 4-2-85; Ord. No. 1707-88, § 2, 1-5-88; Ord. No. 1786-88, §§ I, II, 7-28-88)

Sec. 26-603. Actions of the board in favor of applicant.

26-603.1 Reversal of decision of zoning administrator.

In exercising the powers set forth in sections 26-602.1 and 26-602.3 above, the board may, in conformity with the provisions of this ordinance, reverse or affirm, wholly or partly, or may modify the order, requirement, decision or determination appealed from and may make such order, requirement, decision or determination as ought to be made, and to that end shall have the powers of the zoning administrator from whom the appeal is taken.

26-603.2 Majority vote required. A simple majority vote of those board members present and voting shall be required to reverse any order, requirement, decision, or determination of the Zoning Administrator or to decide in favor of an applicant in any matter brought before the board pursuant to Sections 26-602.2 or 26-602.3. If the matter under consideration following a motion to deny or reverse a decision of the Zoning Administrator results in a tie vote, the board must also entertain a motion to approve or affirm a decision of the Zoning Administrator; and if the matter under consideration following a motion to approve or affirm a decision of the Zoning Administrator results in a tie vote, the Board must also entertain a motion to deny or reverse a decision of the Zoning Administrator. If the results of both votes are a tie, the matter shall be deferred to the next regularly scheduled meeting of the board.

(Ord. No. 1707-88, § 3, 1-5-88; Ord. No. 026-98HR, 6-10-98; Ord. No. 073-00HR, § II, 11-14-00)

