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CHAPTER 26:
LAND DEVELOPMENT

ARTICLE I. GENERAL PROVISIONS

Sec. 26-1. Title.

This chapter shall be known and may be cited as the Land Development Code of Richland County, South Carolina.

Sec. 26-2. Purpose and scope.

- (a) *Purpose.* The regulations contained in this chapter have been adopted in accordance with the comprehensive plan for Richland County, South Carolina, and for the general purposes of guiding development in accordance with existing and future needs and promoting the public health, safety, morals, convenience, order, appearance, prosperity, and general welfare. Furthermore, this chapter has been adopted with reasonable consideration of the following purposes:
- (1) To provide for adequate light, air, and open space;
 - (2) To prevent the overcrowding of land, to avoid undue concentration of population and to lessen congestion in the roads;
 - (3) To facilitate the creation of a convenient, attractive, and harmonious community;
 - (4) To protect and preserve scenic, historic, cultural, or ecologically sensitive areas;
 - (5) To regulate the density and distribution of populations and the 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 other purposes;
 - (6) To facilitate the adequate provision or availability of transportation, police and fire protection, water, sewage, schools, parks and other recreational facilities, affordable housing, disaster evacuation, and other public services and requirements as are set forth in this chapter;
 - (7) To secure safety from fire, flood, and other dangers;
 - (8) To encourage the development of an economically sound and stable county;

- (9) To assure the timely provision of required roads, utilities, and other facilities and service to new land developments;
 - (10) To assure the adequate provision of safe and convenient traffic access and circulation, both vehicular and pedestrian, in and through new land developments;
 - (11) 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, and/or transportation purposes;
 - (12) To assure, in general, the wise and timely development of new areas, and redevelopment of previously developed areas in harmony with the comprehensive plans of Richland County and its municipalities;
 - (13) To assure compatibility between neighboring properties and adjacent zoning districts; and
 - (14) To further the public welfare in any other regard specified by the Richland County Council.
- (b) *Scope.* The regulations set forth herein shall apply to all land and improvements thereon in the unincorporated portion of Richland County, South Carolina.

Sec. 26-3. Statutory authority.

This chapter has been adopted pursuant to the authority conferred by the South Carolina Code of Laws, as amended. Specifically, authorization comes in Title 6, Chapter 29, of the South Carolina Code of Laws (South Carolina Local Government Comprehensive Planning Enabling Act of 1994). The Land Development Code of Richland County, South Carolina also uses powers granted in other sections of the South Carolina Code of Laws relating to particular types of development or particular development issues.

Sec. 26-4. Comprehensive plan.

Pursuant to Title 6, Chapter 29, of the South Carolina Code of Laws, this chapter is intended to implement the goals, objectives and purposes of the comprehensive plan for Richland County. Any amendments to or actions pursuant to this chapter shall be consistent with the comprehensive plan. The comprehensive plan may be amended and the Land Development Code for Richland County shall reflect and incorporate those amendments.

Secs. 26-5 – 26-20. Reserved.

ARTICLE II. RULES OF CONSTRUCTION; DEFINITIONS

Sec. 26-21. Rules of construction.

- (a) *Interpretation of zoning map.* The following rules of interpretation shall be applicable to the zoning map for Richland County.
- (1) *District designation.* A district name on the zoning map indicates that the regulations pertaining to the district designated by that name, or abbreviation of the same, extend throughout the whole area bounded by the district boundary lines within which such name or abbreviation is shown, except as otherwise provided in this chapter.
 - (2) *District boundary determination.* Where uncertainty exists as to the boundaries of any zoning district, the zoning administrator shall interpret the location of the zoning district boundaries. An appeal from an interpretation or finding of the zoning administrator may be taken to the board of zoning appeals as specified in Section 26-58 of this chapter.
 - a. District boundaries indicated as approximately following centerlines of roads, highways, or alleys shall be construed to follow such centerlines.
 - b. District boundaries indicated as approximately following platted lot lines shall be construed as following such lines.
 - c. District boundaries indicated as approximately following city or county limit lines shall be construed as following such city or county limits.
 - d. District boundaries indicated as approximately following railroad lines shall be construed to be the midway between the main tracks.
 - e. District boundaries indicated as approximately following centerlines of streambeds or other bodies of water shall be construed to follow such centerlines.
 - f. District boundaries indicated as approximately parallel to or extensions of features indicated in subsections a. through e. 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 such map.
 - g. Where the zoning map shows a district boundary dividing a lot, each part of the lot shall conform with the standards established by this

chapter for the zoning use or overlay district in which that part is located.

(b) *General rules of construction.*

- (1) *Words to have customary meanings.* The words and phrases in this chapter shall have their customary meanings or shall be as defined in a standard dictionary, except for the specific words and phrases as defined in this chapter.
- (2) *Tense.* Words used in the present tense include the future tense.
- (3) *Number.* The singular number includes the plural number, and the plural number includes the singular number.
- (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.
- (5) *Shall and may.* The words “shall” “must” and “will” are mandatory in nature. The word “may” is permissive in nature.
- (6) *Used or occupied.* The words “used” and “occupied” include the words “intended, designed, or arranged to be used or occupied.”
- (7) *Lot.* The word “lot” includes the words “plot” and/or “parcel.”
- (8) *Structure.* The word “structure” includes the word “building.”
- (9) *Contiguous.* The word “contiguous”, as applied to lots or districts, shall be interpreted as meaning: (Ord. 064-13HR; 11-19-13)
 - a. Touching along a common boundary for at least 15 feet.
 - b. The contiguity of land areas shall not be affected by existence between them of a road or alley; a public or private right-of-way; a public or private transportation or utility right-of-way; a river, creek, stream, or other natural or artificial waterway; provided, however, the contiguity of land areas shall be assumed to be disrupted by the existence of a thoroughfare road or a principal arterial road, as they are defined under Section 26-22.
- (10) *On the premises of.* The phrase “on the premises of,” as applied to accessory uses or structures, shall be interpreted to mean “on the same lot.”

- (11) *Administrative personnel.* The listing of any specific administrative official (i.e., building inspector, zoning administrator) in this chapter shall be interpreted to include an authorized designee of said official.
 - (12) *Fractional requirements.* When any requirement of this chapter results in a fraction of a unit, a fraction of one-half or more will be considered a whole unit and a fraction of less than one half will be disregarded.
- (c) *Types of districts or zones.* Types of districts or zones, when used as a descriptive term for purposes of identifying certain circumstances in which particular regulations are applied (as, for example...”when such parking lot is contiguous to a residential district...”) are defined as follows:
- (1) *Residential districts include:*
 - a. RR Rural Residential District
 - b. RS-E Residential, Single-Family, Estate District.
 - c. RS-LD Residential, Single-Family, Low Density District
 - d. RS-MD Residential, Single-Family, Medium Density District
 - e. RS-HD Residential, Single-Family, High Density District
 - f. MH Manufactured Home Residential District
 - g. RM-MD Residential, Multi-Family, Medium Density District
 - h. RM-HD Residential, Multi-Family, High Density District
 - (2) *Commercial districts include:*
 - a. OI Office and Institutional District
 - b. NC Neighborhood Commercial District
 - c. RC Rural Commercial District
 - d. GC General Commercial District
 - (3) *Industrial districts include:*
 - a. M-1 Light Industrial District
 - b. LI Light Industrial District
 - c. HI Heavy Industrial District

- (4) *Other districts.* The RU Rural District, the PDD Planned Development District, the TC Town and Country District, and any other district not enumerated in this subsection shall be interpreted by the zoning administrator as being residential, commercial, or industrial, in any particular instance. The interpretation of the zoning administrator shall be in keeping with the protective intent and purposes of Section 26-2 of this chapter whenever an interpretation is necessary in a specific instance.
- (d) *Application of regulations; conflict or inconsistency with other laws, covenants or deed restrictions.*
- (1) *Application of regulations.*
 - a. Within each district, the regulations set forth by this chapter shall apply uniformly to each class or kind of building, structure or land.
 - b. Agencies, departments, and subdivisions of South Carolina that use real property, as owner or tenant, are subject to these regulations. However, no provision of this chapter shall require a state agency, department or subdivision to move from facilities occupied on September 7, 1977, regardless of whether or not the location is in violation of this chapter.
 - c. A municipality or agency, department, or subdivision of it that uses any real property, as owner or tenant, is subject to these regulations.
 - (2) *Regulations regarded as minimum.* In the interpretation and application of the provisions of this chapter, the provisions of this chapter shall be held to be minimum requirements, adopted for the promotion of the purposes set forth in Section 26-2 of this chapter.
 - (3) *Conflict or inconsistency with other laws, covenants, or deed restrictions.*
 - a. *Relation of this chapter to other regulations.* This chapter is not intended to abrogate any other law, ordinance, or regulation. However, whenever the requirements of this chapter are at variance with the requirements of any other lawfully adopted rules, regulations, or ordinances, the most restrictive or that imposing the higher standards shall govern.
 - b. *Conflicting provisions of this chapter.* In the event of any conflict between the limitations, requirements, or standards contained in different provisions of this chapter in applying them to an individual use or structure, the more restrictive provision shall apply. However, the regulations for overlay districts set forth in Article V., unless

otherwise specified, shall control in the event of any conflict between those regulations and regulations which are set forth in Article V. of this chapter for the underlying district. In the event of a conflict or inconsistency between the text of this chapter and any caption, figure, illustration, or map contained herein, the text shall control.

- c. *Conflicts with covenants, deed restrictions, etc.* This chapter is not intended to abrogate any easement, covenant, or other private agreement. However, where the regulations of this chapter are more restrictive or impose higher standards or requirements than such easement, covenant, or other private agreement, then the requirements of this chapter shall govern. Unless deed restrictions, covenants, or other contracts directly involve Richland County government as a party in interest, the county shall have no administrative responsibility for enforcing such deed restrictions or covenants.

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Sec. 26-22. Definitions.

Access and Roadside Management Standards (ARMS). A document promulgated by SCDOT to establish uniformity for encroachment into the South Carolina State Highway System facilities. (Ord. 038-09HR; 7-21-09)

Access management. A process of providing and managing pedestrian and vehicular access from adjacent properties onto roadways, thus preserving safe and efficient traffic flow on the roadway. It includes, but is not limited to, limiting points of access, installation of medians and/or installation of traffic signals. It specifically recognizes that all properties are entitled to access, but not necessarily direct access, to adjacent public roads. (Ord. 038-09HR; 7-21-09)

Access point. An intersection, driveway, or any entry point on the right hand side of a road. An entry point on the opposite side of a road or a median opening may be considered an access point, if it is expected to influence traffic flow in the direction of interest. (Ord. 038-09HR; 7-21-09)

Accessory use/structure (building). A structure or use that is clearly incidental to and customarily found in connection with a principal building or use, is subordinate to and serves that principal building or use, and is subordinate in area, extent and purpose to the principal building or principal use served. An accessory structure must be on the lot on which the principal use is located.

Accidental discharge. A discharge prohibited by this section into the Richland County Stormwater System or receiving waters, which occurs by chance and without planning or consideration prior to occurrence. Accidental discharges do not include any discharges associated with other regulatory program elements, such as sanitary sewer overflows (SSOs) or other activities covered under National Pollutant Discharge Elimination System (NPDES) permits or sanitary sewer pre-treatment requirements. (Ord. 006-10HR; 1-19-10)

Accidental damage. Damage to any portion of the Richland County Stormwater Systems, which occurs by chance and without planning or consideration prior to occurrence. (Ord. 006-10HR; 1-19-10)

Activity area. For determining parking standards, the activity area is the area of a recreational facility where the recreation or amusement operation is actually conducted. This shall include all areas open to the public and used by employees of the facility. This term shall not include open areas that are not available to the public or storage areas.

Activity center. A relatively compact area that provides a variety of land uses and interconnectivity, allowing users to accomplish multiple tasks in one location often providing the ability to walk or use multi-modal transportation to access various site uses. (Ord. 018-10HR; 4-20-10)

Addition (to an existing building). An extension or increase in the floor area or height of a building or structure. Unless otherwise specified in this chapter, additions to existing buildings shall comply with the standards for new construction whether or not the addition is a substantial improvement.

AE and AI-30 Zones. Risk zones within an area of special flood hazard that are subject to the 100-year flood. On the Flood Insurance Rate Maps (FIRMs) such areas are indicated and mandatory flood insurance applies.

Agricultural land. Land categorized by the Richland County Assessor as agricultural real property. (Ord. 006-10HR; 1-19-10)

Agricultural use. The keeping, grazing, or feeding of livestock; croplands; aquaculture; horticulture; silviculture; and/or apiaries. Provided, however, this definition does not include processing or distribution plants for agricultural products and supplies. (Ord. 027-11HR; 5-17-11)

Airport. Jim Hamilton-L.B. Owens Airport and McEntire Air National Guard Base. (Ord. 029-09HR; 5-19-09)

Airport elevation. The highest point of an airport's usable landing area measured in feet above mean sea level.

- (a) For Jim Hamilton-L.B. Owens Airport the airport elevation is 194.0 feet. (Ord. 029-09HR; 5-19-09)
- (b) For McEntire Air National Guard Base the airport elevation is 251.0 feet.

Alley. A private road primarily designed to serve as a secondary access to the side or rear of those properties whose principal frontage is on another road, either public or private, meeting minimum county requirements.

AM Peak Hour (AMPH). The estimated average hourly traffic volume on a given roadway segment between 7:00 AM and 9:00 AM. (Ord. 038-09HR; 7-21-09)

Americans with Disabilities Act (ADA). A federal law enacted in 1990 to protect the civil rights of individuals with physical or mental disabilities from intentional or unintentional discrimination in housing, employment, education, access to public services and telecommunications and to ensure that persons with disabilities have equal access to same. (Ord. 033-11HR; 6-21-11)

Animal unit. A unit of measurement to compare various animal types based upon equivalent waste generation. One animal unit equals the following: 1.0 cow (except dairy cows); 0.5 horse; 0.7 dairy cow; 2.5 swine weighing over fifty-five (55) pounds; fifteen (15) swine under fifty-five (55) pounds; ten (10) sheep; thirty (30) laying hens; fifty-five (55) turkeys; one hundred (100) chickens; or an equivalent animal unit.

Annual Average Daily Trips (AADTs). The average twenty-four (24) hour traffic volume on a given roadway segment over a three hundred sixty-five (365) day period. (Ord. 038-09HR; 7-21-09)

Antenna. Any device for radiating or receiving electromagnetic radiation. This definition shall specifically include, but is not limited to all radio, television, telephone, telecommunications, microwave and satellite dish antennas.

AP approach zone (Jim Hamilton-L.B. Owens Airport). The inner edge of the approach zone coincides with the width of the primary surface and begins two hundred (200) feet from the runway end and is five hundred (500) feet wide. The approach zone expands outward uniformly to a width of two thousand (2,000) feet at a horizontal distance of five thousand (5,000) feet from the primary surface. Its centerline is the continuation of the centerline of the runway. (Ord. 029-09HR; 5-19-09)

AP approach zone (McEntire Air National Guard Base). The approach zone begins two hundred (200) feet beyond each end of the primary surface at the centerline elevation of the runway end and extends for fifty thousand (50,000) feet. The slope of the approach clearance zone is fifty (50) to one (1) along the runway centerline extended until it reaches an elevation of five hundred (500) feet above the established airport elevation (251 mean sea level). It then continues horizontally at this elevation to a point fifty thousand (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 fifty thousand (50,000) feet is sixteen thousand (16, 000) feet.

AP conical zone (Jim Hamilton-L.B. Owens Airport). A surface extending outward and upward from the periphery of the horizontal surface at a slope of twenty (20) to one (1) for a horizontal distance of four thousand (4,000) feet. (Ord. 029-09HR; 5-19-09)

AP conical zone (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 twenty (20) to one (1) for a horizontal distance of seven thousand (7,000) feet to a height of five hundred (500) feet above established airfield elevation.

AP horizontal zone (Jim Hamilton-L.B. Owens Airport). The zone established horizontally by swinging arcs of five thousand (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 arcs. The horizontal zone does not include the approach and transitional zones. (Ord. 029-09HR; 5-19-09)

AP horizontal zone (McEntire Air National Guard Base). There are two horizontal zones for McEntire Air Base as follows:

- (a) *Inner horizontal zone.* The horizontal zone, oval in shape, at a height of one hundred and fifty (150) feet above the established field elevation. The plane is constructed by scribing an arc with a radius of seven thousand five hundred (7,500) feet about the centerline at each end of each runway and interconnecting these arcs with tangents.
- (b) *Outer horizontal zone.* A plane, located five hundred (500) feet above the established air field elevation, extending outward from the outer periphery of the conical zone for a horizontal distance of thirty thousand (30,000) feet.

AP transitional surface (Jim Hamilton-L.B. Owens Airport). These surfaces extend outward at right angles (90-degree angles) to the runway centerline at a slope of seven (7) feet horizontally for each foot vertically from the sides of the primary and approach surfaces to where they intersect the horizontal surfaces. (Ord. 028-09HR; 5-19-09)

AP transitional surface (McEntire Air National Guard Base). At military airports these surfaces connect the primary surfaces, the first two hundred (200) feet of the clear zone surfaces, and the approach clearance surfaces to the inner horizontal surface, conical surface, outer horizontal surface or other transitional surfaces. The slope of the transitional surface is seven (7) to one (1).

AP transitional zone. The areas beneath the AP transitional surfaces.

APA. The symbol for “airport approach zone.”

APAM. The symbol for “airport approach zone for McEntire Air National Guard Base.”

APAO. The symbol for “airport approach zone for Jim Hamilton-L.B. Owens Airport.” (Ord. 029-09HR; 5-19-09)

APC. The symbol for “airport conical zone.”

APCM. The symbol for “airport conical zone for McEntire Air National Guard Base.”

APCO. The symbol for “airport conical zone for Jim Hamilton-L.B. Owens Airport.” (Ord. 029-09HR; 5-19-09)

APCZ. The symbol for “airport clear zone.”

APCZM. The symbol for “airport clear zone for McEntire Air National Guard Base.”

APCZO. The symbol for “airport clear zone for Jim Hamilton-L.B. Owens Airport.” (Ord. 029-09HR; 5-19-09)

APH. The symbol for “airport horizontal zone.”

APHM. The symbol for “airport horizontal zone for McEntire Air National Guard Base.”

APHO. The symbol for “airport horizontal zone for Jim Hamilton-L.B. Owens Airport.” (Ord. 029-09HR; 5-19-09)

APP. The symbol for “airport primary zone.”

Appeal. A request for a review of a decision or interpretation made by an administrator or reviewing body in the administration of the Richland County Land Development Code.

Applicant. Any person acting on his/her own behalf as a property owner, or as an agent for a property owner, who makes application for some type of action (plan approval, map amendment, etc.) in accordance with this chapter.

APPM. The symbol for “airport primary zone for McEntire Air National Guard Base.”

APPO. The symbol for “airport primary zone for Jim Hamilton-L.B. Owens Airport.” (Ord. 029-09HR; 5-19-09)

Approach clearance surface. For McEntire Air National Guard Base, an inclined plane, symmetrical above the runway centerline and, beginning two hundred (200) feet beyond each end of the primary surface at the centerline elevation of the runway end and extending for fifty thousand (50,000) feet. The slope of the approach clearance surface is fifty (50) to one (1) along the runway centerline extending until it reaches an elevation of five hundred (500) feet above the established airport elevation. It then continues horizontally at this elevation to a point fifty thousand (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 fifty thousand (50,000) feet is sixteen thousand (16,000) feet.

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 this chapter.

APT. The symbol for “airport transitional zone.”

APTM. The symbol for “airport transitional zone for McEntire Air National Guard Base.”

APTO. The symbol for “airport transitional zone for Jim Hamilton-L.B. Owens Airport.” (Ord. 029-09HR; 5-19-09)

Area of shallow flooding. A designated AO Zone on the county’s Flood Insurance Rate Map (FIRM) with base flood depths of one (1) to three (3) feet where a clearly defined channel does not exist, where the path of flooding is unpredictable and indeterminate, and where velocity flow may be evident.

Area of special flood hazard. The land in the floodplain subject to a one percent (1%) or greater chance of flooding in any given year. This term also includes all wetlands within a community. For purposes of these regulations, the term “area of special flood hazard” is synonymous in meaning with the phrase “special flood hazard area.”

Arterial road - minor. A SCDOT designated roadway, as depicted on their “Functional Classification Map for the Columbia Urbanized Area”, that carries a mix of local and through traffic and which links collector roads, and sometimes local streets, with principal arterials. (Ord. 038-09HR; 7-21-09)

Arterial road - principal. A SCDOT designated roadway, as depicted on their “Functional Classification Map for the Columbia Urbanized Area”, that is primarily intended to provide traffic service between urban areas. (Ord. 038-09HR; 7-21-09)

Authorized agent. Any person with valid authority provided by the owner, as evidenced by a document either notarized or witnessed by at least two (2) independent third parties authorizing the

agent to represent the owner, and acting on behalf of the owner of land seeking an amendment or some type of approval as set forth in this chapter.

Base flood or regulatory flood. The flood having a one percent (1%) chance of being equaled or exceeded in any given year.

Basement. Any enclosed area of a building that is below grade on all sides.

Bed and breakfast home or inn. A transient lodging establishment, generally operated in a single-family dwelling, primarily engaged in providing overnight or otherwise temporary lodging for the general public.

Best Management Practices (Stormwater Management). A structural or nonstructural management-based practice used singularly or in combination to reduce nonpoint source inputs to receiving waters in order to achieve water quality and quantity protection goals.

Block. A unit of land bounded by roads or by a combination of roads and public land, railroad rights-of-way, waterways, or any other barrier to the continuity of development.

BMPs. Best Management Practices (stormwater management); an acronym used to describe a structural or nonstructural management-based practice used singularly or in combination to reduce nonpoint source inputs to receiving waters in order to achieve water quality and quantity protection goals. (Ord. 006-10HR; 1-19-10)

BMPs Design Manual (stormwater management). The manual of design, performance and review standards for stormwater management BMPs to be used in Richland County. The requirements established by the BMPs Design Manual are mandatory. (Ord. 006-10HR; 1-19-10)

Board of zoning appeals. The Board of Zoning Appeals for Richland County, South Carolina.

Boardinghouse. See “roominghouse and boardinghouse.”

Boat, small. Recreational boats (such as motorboats, canoes, and small sailboats) that are eighteen (18) feet or less in length.

Borrow pits. An excavated area where naturally occurring earthen materials are to be removed for use as ordinary fill at another location.

Buffer transition yard. A linear strip of land combined with a vertical element such as natural or planted vegetation, fences or walls, berms, etc. which physically separates and screens incompatible uses.

Building. Any structure built for support, shelter or enclosure for any occupancy or storage, including storage tanks.

Building, enclosed. A structure, the inner portion of which is fully enveloped with walls (including doorways and windows) and roofing and which has no open sides.

Building footprint. The outline of the total area covered by a building's perimeter at the ground level.

Building, height. See "structure, height."

Building, high-rise. Any building that exceeds three (3) stories and thirty-five (35) feet in height.

Building line. The inner edge of any required yard or required setback, and the corresponding outer edge of the buildable area. Except as specifically provided by this chapter, no portion of any building or structure may be extended to occupy any portion of a lot outside its building lines.

Building permit. An authorization to construct a structure as issued by the Richland County Office Of Building Inspections which acknowledges that such building complies with the provisions of the county code related to building construction and related construction (electrical, plumbing, etc.).

Bus bench. A seating area at a designated bus stop designed for the convenience of bus passengers. (Ord. 053-09HR; 11-3-09)

Bus shelter. A small roofed structure, having three (3) transparent walls, located at designated bus stops for the protection and convenience of passengers of public transportation systems. (Ord. 053-09HR; 11-3-09)

Campus, primary. A contiguous area of land constituting and making up the grounds of a college or university containing the main buildings, including libraries, lecture halls, residence halls, and administrative offices; provided, however, that for the purpose of this definition the contiguity of any land area involved shall not be deemed to be destroyed by the presence of public rights-of-way. (Ord. 057-10HR; 9-21-10)

Canopy (building). A permanent attached structure which projects from and is supported by a building, which serves as a cover providing shelter or decoration and which extends beyond the building.

Canopy (service station). A permanent structure, attached to or projecting from a service station or convenience store, which serves as a cover for those customers purchasing gasoline, etc.

Capital Improvement Plan (CIP). A general description of all existing public facilities and their existing deficiencies within the service area or areas of the governmental entity, a reasonable estimate of all costs, and a plan to develop the funding resources including existing sources of revenues related to curing the existing deficiencies including, but not limited to, the upgrading, updating, improving, expanding, or replacing of these facilities to meet existing needs and usage; and otherwise complies with the requirements of Section 6-1-960 (B) of the S.C. Code of Laws. (Ord. 038-09HR; 7-21-09)

Central Midlands Council of Governments (CMCOG). An association of local governments in Fairfield, Newberry, Lexington, Richland and portions of Kershaw and Calhoun counties to address multi-jurisdictional problems and opportunities. (Ord. 038-09HR; 7-21-09)

Certificate of zoning compliance. A document issued by Richland County upon final inspection of a new use or structure indicating compliance with the requirements of this chapter.

Change in (of) use. Substitution of one use of land or a building for another.

Cigar bars: An establishment that offers a meaningful selection of cigars and tobacco for pipes for smoking on the premises, as well as, retail purposes and which may be licensed for the on-premise consumption of beer, wine, or alcoholic beverages, or some combination of those, as well as, limited food service. The term does not include any establishment which is primarily a bar or restaurant. No bar can be considered a cigar bar unless at least fifty-one (51) percent of its gross revenue can be demonstrated to come from the sale of cigars, pipe tobacco, and other tobacco related products.

Civic/institutional buildings. Churches or places of worship; public or private schools; gymnasiums, assembly halls, community meeting rooms, and community service centers; post offices, fire stations, libraries, and museums; and other government or public service buildings and facilities except for those requiring outdoor storage or maintenance yards. (Ord.018-10HR; 4-20-10)

Clean Water Act. The Federal Water Pollution Control Act, as amended, codified at 33 U.S.C. §§ 1252 et seq. (Ord. 006-10HR; 1-19-10)

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 one thousand (1,000) feet and the same width as the primary surface.

Clubs or Lodges. Establishments primarily engaged in promoting the civic and social interests of their members. Such establishments must be incorporated and operating as not-for-profit organizations.

Collector road. A roadway which provides connection between the arterial road system and local roads as well as traffic circulation within residential, commercial and industrial areas. (Ord. 038-09HR; 7-21-09)

Collocate. The act of using a single support structure and/or site by more than one (1) communication (i.e., wireless) provider.

Columbia Area Transportation System (COATS). The transportation planning process for the Columbia metropolitan area administered by the MPO. (Ord. 038-09HR; 7-21-09)

Commercial and service uses. An occupation, place of employment, or enterprise that is carried on for profit by the owner, lessee, or licensee including but not limited to business, professional, and personal services and retail trade and food services. (Ord. 018-10HR; 4-20-10)

Common area. Land within 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.

Common area recreation and service facilities. Recreational (swimming pools, etc.) and service (laundry, etc.) facilities built to serve housing developments.

Compatible. Design of structures and landscapes that are consistent with structures and landscapes in the district of which they are a part, based on an objective comparison of identified physical elements such as architectural form, building mass, height, scale, land uses, and landscape architecture, as determined by the Planning Department. (Ord. 018-10HR; 4-20-10)

Comprehensive plan. A plan for the development of Richland County, adopted by the Richland County Council, pursuant to Title 6, Chapter 29, of the South Carolina Code of Laws (South Carolina Local Government Comprehensive Planning Enabling Act of 1994). The comprehensive plan includes the following planning elements: a population element; an economic development element; a natural resources element; a cultural resources element; a community facilities element; a housing element; and, a land use element.

Conservation Area. Any parcel or area of undeveloped land conserved in its natural state for perpetuity through deeds or other legal measures. (Ord. 035-08HR; 6-17-08)

Conservation subdivision. A subdivision that concentrates buildings in specific areas on site and maximizes open space, preservation of environmentally sensitive areas. (Ord. 035-08HR; 6-17-08)

Controlled access zone. The area of an intersection that requires controlled traffic movement to preserve the safety of pedestrians, drivers, and other intersection users. (Ord. 018-10HR; 4-20-10)

Coordinated design. The design of a development so as to incorporate unifying features, such as building height, articulation of building elements, rhythm of design, massing, bulk, architectural features, etc.

County. Richland County, South Carolina.

County administrator. The Richland County Administrator.

County council. Richland County Council.

County engineer. The Richland County Engineer.

Critical facilities. Structures or facilities that produce, use or store highly volatile, flammable, explosive, toxic and/or water-reactive materials; hospitals, nursing homes and housing likely to

contain occupants who may not be sufficiently mobile to avoid death or injury during a flood; police stations, fire stations, vehicles and equipment storage facilities, and emergency operations centers that are needed for flood response activities before, during, and after a flood; and public and private utility facilities that are vital to maintaining or restoring normal services to flooded areas before, during and after a flood.

Critical root zone. An area on the ground and adjacent to a protected tree that encompasses a distance of one (1) foot of space for every one (1) inch of the tree DBH measured outward from the center of the tree in all directions. (Ord. 055-12HR; 10-16-12)

Cross-access easement. An easement wherein a grantor conveys to a grantee, his/her/its heirs, successors in interest, and/or assigns, a perpetual nonexclusive easement that may include such matters as: vehicular and pedestrian access, ingress, egress; the location and amount of parking of vehicles; and/or landscaped areas; and/or any shared maintenance responsibilities. (Ord. 014-10HR; 3-16-10)

Cul-de-sac. A road having one end open to traffic and the other end terminated by a vehicular turnaround; a dead-end street.

Days. Unless otherwise specified, days shall mean calendar days.

Density. The number of dwelling units per gross acre of land.

Design capacity. The volume of annual average daily trips (AADTs) of a given roadway segment at which traffic flows with minimal delay. The design capacity is based on the geometry of the roadway segment and its functional classification. (Ord. 038-09HR; 7-21-09)

Designated water resource. A perennial surface water body that normally flows or contains water throughout the year, except during extreme droughts. These water bodies typically have a defined channel or shoreline and support a diverse population of aquatic insects, including some with life cycles that require permanent water. Those water bodies with channels are able to sort and move channel materials.

Developer. Any person acting on his own behalf as a property owner, or as an agent for a property owner, who makes application for development plan approval as set forth in this chapter.

Development. Any of the following actions undertaken by a public or private individual or entity: (a) any land altering activities associated with the division of a lot, tract, or parcel of land into two (2) or more lots, plots, sites, tracts, parcels, or other divisions by plan or deed; or (b) any human-made change to improved or unimproved real estate, including, but not limited to, buildings or other structures, clearing, mining, dredging, filling, grading, paving, berming, diking, excavation or drilling operations, or storage of equipment or materials.

Development with open space design. A development pattern that arranges the layout of buildings in a compact area of the site which reserves a portion of a site for open space preservation and is protected in perpetuity. (Ord. 045-13HR; 9-10-13)

DHEC. The South Carolina Department of Health and Environmental Control.

Diameter at breast height (DBH). The standard measure of tree diameter for trees existing on a site by measuring a tree trunk at a height of four and one-half (4½) feet above the ground and by measuring a tree split into multiple trunks below four and one-half (4½) feet at its most narrow point beneath the split. (Ord. 055-12HR; 10-16-12)

Dormitory. A building or part of a building operated by an academic institution containing rooms forming one (1) or more habitable units that are used or intended to be used by enrollees or employees of the institution for living and sleeping, but are not fully self-contained residential facilities. (Ord. 057-10HR; 9-21-10)

Drag strips. A roadway designed for a race between cars to determine which can accelerate faster from a standstill. A drag strip may include seating, concession areas, parking facilities and any accessory offices or other buildings.

Drainage. A general term applied to the outflow of water or other fluid from a given area, whether by natural means (surface water runoff) or artificial means (drains, grading, etc.).

Drainage channel. Any natural or man-made conveyance for surface water, including open channels, enclosed storm sewers, streams, rivers, lakes, ponds, or marshes.

Drainage system. The surface and subsurface system for removal of water from the land, including both the natural elements of streams, marshes, swales, and ponds, whether of an intermittent or continuous nature; and the manmade elements such as improved open channels, culverts, retention facilities, and enclosed storm sewers.

Drive-in. A term used to describe an establishment designed or operated to serve a patron who is seated in an automobile. This term shall include the term “drive-thru”.

Drive-thru. See “drive-in”.

Driveway. Any paved or unpaved way that provides access to property and is intended for vehicular access from a highway, street, or road. (Ord. 038-09HR; 7-21-09)

Duets. A structure used for residential purposes and consisting of two living units sharing a common wall. (Ord. 005-09HR; 2-17-09)

Dwelling. Any building designed, occupied, or intended for human occupancy; provided, however, dwelling shall not include a hotel, motel, rooming house, hospital, or other accommodation used more or less for transient occupancy.

Dwelling, accessory. A secondary dwelling unit established in conjunction with and clearly subordinate to a principal dwelling unit, whether a part of the same structure as the principal dwelling unit or a detached dwelling unit on the same lot.

Dwelling, manufactured home on individual lots. A manufactured home designed for occupancy by a single family and which is placed on a lot with no other principal structure or building.

Dwelling, multi-family. Any building or buildings containing more than two (2) dwelling units on a single lot including apartments, condominiums, etc.

Dwelling, principal. The main dwelling unit on a lot.

Dwelling, single-family. A structure designed for occupancy by one (1) family.

Dwelling, single-family, detached. A single-family dwelling unit that is not attached to any other dwelling unit by any means and is surrounded by yards.

Dwelling, single-family, zero lot line, common. A single-family development (attached and semi-detached units) where the units are connected on one (1) side by means of a common dividing structural or load-bearing 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 an alternate side lot line.

Dwelling, single-family, zero lot line, parallel. A detached single-family development where the units are placed on parallel side lot lines and each dwelling is located on its own individual lot.

Dwelling, two-family. A building on a single lot containing two (2) dwelling units, each of which is totally separated from the other by an unpierced wall extending from ground to roof or an unpierced ceiling and floor extending from exterior wall to exterior wall, except for a common stairwell exterior to both dwelling units.

E9-1-1 address number. The number assigned to any building or property in a sequential manner. (Ord. 022-10HR; 5-18-10)

E9-1-1 property address. The unique E9-1-1 address number and roadway name that is used in combination with one another to effectively locate a building for use with the E9-1-1 System. (Ord. 022-10HR; 5-18-10)

Easement. A grant or reservation by the owner of land for the use of such land by others for a specific purpose or purposes.

Erodible soils. Soils that can erode at excessive rates, such as Hydrologic Groups B and C. (Ord. 045-13HR; 9-10-13)

Effective lot area. The gross horizontal area of a lot minus any portion of the lot encumbered by a recorded driveway or roadway easement. (Ord. 005-09HR; 2-17-09)

Elevated building. A non-basement building having the lowest floor elevated above the ground level by means of fill, solid foundation perimeter walls, piling, columns, piers or shear walls parallel to the flow of water.

Eligible projects. Residential projects within residential infill incentive districts established on or after August 1, 2008 that have been officially submitted to the Richland County Planning and Development Services for review. (Ord. 005-09HR; 2-17-09)

Enclosed building. See “building, enclosed.”

Encroachment (floodplain overlay district standards). The advance or progression of uses, fill, excavation, buildings, structures, or developments into a floodplain or floodway.

Encroachment permit. A permit issued by the County on county maintained roadways or by SCDOT on state maintained roadways to use a public right-of-way for any purpose. (Ord. 038-09HR; 7-21-09)

Engineer. A person practicing engineering and licensed in the State of South Carolina pursuant to the requirements of Section 40-22-10, et seq., of the South Carolina Code of Laws, as amended.

Entitled Property. Any property that, prior to January 19, 2010 has been subject to either “Permitted Development Activity” or a “Valid Government Approval.” If a Permitted Development Activity or Valid Governmental Approval has occurred with respect to any tract and such tract was subsequently subdivided, or in the future is subdivided, by an approved subdivision plat, then all subdivided parcels that were part of the original tract shall be considered Entitled Property. (Ord. 006-10HR; 1-19-10)

Entrance, main. The principal doorway into a building or structure through which the majority of public entry is obtained.

Ephemeral stream. A stream or reach of a stream that flows briefly only in direct response to precipitation in the immediate locality and whose channel is at all times higher than the water table. (Ord. 006-10HR; 1-19-10)

Erosion. The general process by which soil and rock fragments are detached and moved by the action of wind, water, ice and gravity, either naturally or induced.

Erosion and sediment control plan. A plan which adequately describes necessary land management practices and control measures, including a timetable or schedule for their installation, which will effectively minimize soil erosion and sedimentation; prepared and approved as provided herein for application to a particular land area. This plan shall be incorporated into the Stormwater Pollution Prevention Plan (SWPPP). (Ord. 006-10HR; 1-19-10)

Existing manufactured home park or manufactured home subdivision (floodplain overlay district standards). A manufactured home park or manufactured home subdivision for which the construction of facilities for servicing the lots on such manufactured homes are to be affixed

(including, at a minimum, the installation of utilities, the construction of roads, and either final site grading or the pouring of concrete pads) is completed before February 3, 1982, which is the initial effective date of floodplain management regulations adopted by Richland County.

Expansion to an existing manufactured home park or manufactured home subdivision. The preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of roads, and either final site grading or the pouring of concrete slabs).

Family, immediate. A spouse, parents and grandparents, children and grand children, brothers and sisters, mother-in-law and father-in-law, brothers-in-law and sisters-in-law, daughters-in-law and sons-in-law. Adopted, half, and step members are also included in this definition. (Ord. 064-11HR; 11-15-11)

Federal Highway Administration (FWHA). The agency that administers federal surface transportation regulations and provides funding for federal roads and MPO activities. (Ord. 038-09HR; 7-21-09)

FEMA. The Federal Emergency Management Agency.

Fill. The placement of fill material at a specified location to bring the ground surface up to a desired elevation.

Fill material. Natural sands, dirt, soil and rock. For the purposes of floodplain management, fill material may include concrete, cement, soil cement, brick or similar material as approved on a case-by-case basis.

FIRM. See “Flood Insurance Rate Map.”

Flood or flooding. A general and temporary condition of partial or complete inundation of normally dry land areas, caused by the overflow of a watercourse or the unusual and rapid accumulation or runoff of surface waters from any source.

Flood Insurance Rate Map (FIRM). An official map of a community on which the FEMA has delineated both the areas of special flood hazard and the risk premium zones applicable to the community.

Flood Insurance Study. An official report provided by FEMA. The report contains flood profiles, as well as the Flood Boundary Floodway Map and the water surface elevation of the base flood. A Flood Insurance Study may include a study using detailed hydrologic and hydraulic analyses to model the base flood, determine base flood elevations, and designate floodways and risk zones (Zones AE, A1-30, AH and AO).

Floodplain. The areas adjoining a river, stream, watercourse, lake, or other body of standing water that have been or may be covered by floodwater.

Floodplain development permit. A document issued by the county authorizing the applicant to undertake development and related activity in a regulated floodplain.

Flood prone area. The area of land susceptible to being inundated by a flood (see definition of “flood”).

Floodproofing. Design and construction of nonresidential structures and attendant utility and sanitary facilities that are watertight to at least two (2) feet above the base flood elevation. Walls are substantially impermeable to the passage of water and have structural components capable of resisting hydrostatic and hydrodynamic loads and the effects of buoyancy.

Flood resistant materials. Any building material capable of withstanding direct and prolonged contact with flood waters without sustaining significant damage. The term “prolonged contact” means at least seventy-two (72) hours, and the term “significant damage” means any damage requiring more than low-cost cosmetic repair (such as painting).

Floodway. The channel of a river or other watercourse and the adjacent land areas which must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one (1) foot. .

Foot candle. A unit for measuring illumination equal to the amount of direct light thrown by a source of one candela on a square foot of surface every part of which is one foot away from the source and facing directly toward the source.

Footprint, building. See “building footprint.”

Forest land. Land on which an ecosystem or assemblage of ecosystems is dominated by trees and other woody vegetation and consist of trees with overlapping crowns forming 60% to 100% cover; the living parts of a forest land include trees, shrubs, vines, grasses and other herbaceous (non-woody) plants, mosses, algae, fungi, insects, mammals, birds, reptiles, amphibians, and microorganisms living on the plants and animals and in the soil. (Ord. 006-10HR; 1-19-10)

Forestry activity. Activity that involves timbering, including, but not limited to, harvesting, site preparation, controlled burning, tree planting, applications of fertilizers, herbicides, and pesticides, weed control, animal damage control, fire control, insect and disease control, forest road construction, and any other generally accepted forestry practices. (Ord. 055-12HR; 10-16-12)

Frontage. The frontage of a parcel of land is that distance where a property line is common with a road right-of-way line or an edge of traveled way.

Full-cutoff. With respect to lighting, a light fixture which cuts off all upward transmission of light, with zero light above 90° horizontal. (Ord. No. 088-08HR; 12-16-08)

Functional classification. An FHWA process, adopted by SCDOT and the MPO, by which roads are grouped into classes, or systems, according to the character of the service they are

intended to provide. The MPO classifies roads as interstate, principal arterial, minor arterial or collector. (Ord. 038-09HR; 7-21-09)

Functionally dependant facility. A facility that cannot be used for its intended purpose unless it is located or carried out in close proximity to water, such as a docking or port facility or rowing facility necessary for the loading and unloading of cargo or passengers, shipbuilding, ship repair, or seafood processing facilities. The term does not include long-term storage, manufacture, sales, or service facilities.

GFA. See “gross floor area.”

Glare. Discomfort experienced by an observer with a direct line of sight to a light source, resulting in visual impairment. (Ord. 088-08HR; 12-16-08)

Grading. Any displacement of soil by stripping, excavating, filling, stockpiling, or any combination thereof, and shall include the land in its excavated or filled state.

Grand tree. Any structurally sound tree, twenty-four (24) inches or greater in diameter at breast height. Trees documented as structurally unsound by an ISA Certified Arborist or a Registered Forester are not considered grand trees for the purpose of this definition. (Ord. 055-12HR; 10-16-12)

Gross floor area (GFA). 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.

Group home. A residential home, provided by an agency, organization or individual, for mentally or physically handicapped persons and which is licensed by the State of South Carolina to provide such a service.

Groupings of grand trees. Three or more grand trees with overlapping critical root zones. The area of protection includes each individual grand tree’s entire critical root zone. (Ord. 045-13HR; 9-10-13)

Guidelines for Road Naming and Addressing in Richland County. The manual establishing a uniform system for road naming and addressing property and buildings on all roads, streets, and public and private roadways in the unincorporated area of Richland County. (Ord. 022-10HR; 5-18-10)

Habitable floor. Any floor useable for living purposes, which include working, sleeping, eating, cooking and recreation, or any combination thereof. Floor elevation is to be measured as follows:

- (a) For slab-on-grade type buildings or buildings with basements, the top surface of the slab or basement floor constitutes the lowest floor.
- (b) For footing, foundation wall, or pile type buildings having crawl spaces under the building with no basements, the top surface of the finished flooring above the horizontal joist, beam, or other supporting member constitutes the lowest floor.

Hazardous material. Any substance that, because of its quantity, concentration, or physical or chemical characteristics, poses a significant present or potential hazard to human health and safety or to the environment if released into the workplace or the environment.

Height, structure (or building). See “structure, height.”

Heir. A person who by law received wealth, property, etc. when the owner died. (Ord. 001-11HR; 1-4-11)

High rise structure (or building). Any building which exceeds three (3) stories and thirty-five (35) feet in height.

Highest adjacent grade. The highest natural elevation of the ground surface, existing prior to construction, next to the proposed walls of the structure.

Home occupation. An accessory use of a dwelling unit for limited non-residential purposes which is clearly incidental and subordinate to the use of the dwelling unit as a residence.

Hotel. A commercial establishment offering transient lodging in ten (10) or more rooms, in which sleeping accommodations are offered to the public, with access through an inside lobby or the office, and in which there is a public dining room for the convenience of the guests. (Ord. 057-10HR; 9-21-10)

Hunt club. A private sporting club organized and operated for the purpose of lawfully hunting game and/or wildlife, with or without dogs, and whether on horseback, a motorized vehicle, or on foot. A hunt club may include primary and accessory structures, such as a clubhouse, kennels, stables, and storage facilities.

Illegal discharge. Any activity that results in a discharge to a stormwater system or receiving waters that is not composed entirely of stormwater; provided, however, this does not include: (a) discharge pursuant to an NPDES permit (other than the NPDES permit issued for the Richland County stormwater system and its co-permittees), (b) discharges resulting from fire-fighting activities, and (c) any activity specifically addressed in this Code of Ordinances or by Richland County as not being significant sources of pollution. (Ord. 006-10HR; 1-19-10)

Illegal dumping. The disposal of waste in an unpermitted area or the pouring of liquid wastes or trash into stormwater drains. (Ord. 006-10HR; 1-19-10)

Illicit connection. A connection to a stormwater system that results in a discharge that is not composed entirely of stormwater run-off; provided, however, this does not include discharges pursuant to an NPDES permit (other than the NPDES permit issued for the Richland County stormwater system and its co-permittees). (Ord. 006-10HR; 1-19-10)

Illicit Discharge Detection and Elimination (IDDE) Program. The third Minimum Control Measure of the Stormwater Phase II Rule; it is a program, employing a plan that should include procedures for locating priority areas likely to have illicit discharges, procedures for tracing the

source of an illicit discharge, procedures for removing the source of the discharge, and procedures for program evaluation and assessment. (Ord. 006-10HR; 1-19-10)

Improper disposal. Any disposal other than through an illicit connection that results in an illegal discharge, including, but not limited to, the disposal of used oil, toxic materials or other hazardous liquids or substances resulting from the improper management of these materials. (Ord. 006-10HR; 1-19-10)

Impede the free flow of water. Any change to water elevation or velocity due to obstructions, diversions, or retardation, including changes to the flow characteristics of the waters of the regulatory flood as they pass both the upstream and the downstream boundaries of the property.

Impervious surface. Any hard-surfaced, man-made area that does not readily absorb or retain water, including, but not limited to, building roofs, parking and driveway areas, graveled areas, sidewalks and paved recreation areas.

Impervious surface ratio. The ratio between the surface area of a lot that is covered by impervious surfaces compared to the total surface area of a lot. (Ord. 018-10HR; 4-20-10)

Improvements. Pavements, curbs, gutters, sidewalks, paths, bikeways, sedimentation control facilities, re-vegetation, water mains, sanitary and storm sewers, drainways, gas lines, electrical and telephone lines and appurtenances, street signs, trees and lights, and any other similar items required for compliance with the regulations of this chapter or the conditions of approval.

Industrial road. A road for which the intended use is somewhat less than that of an arterial road and somewhat greater than that of a collector road. Such roads will generally be located in industrial/commercial areas or be used to provide access for heavy vehicles or heavy vehicular volumes to such areas.

Infill parcel. A parcel of land that is located within the infill target areas and is suitable for residential development of four (4) dwelling units or less. (Ord. 005-09HR; 2-17-09)

Inflow and infiltration. Groundwater or stormwater entering into a sanitary sewer system as a result of damaged collection lines or manholes or from direct stormwater connections, such as from catch basins or roof drains. (Ord. 006-10HR; 1-19-10)

Infrastructure. Facilities and services that are needed to sustain industry, residential, commercial, and all other land use activities, including water and sewer lines and other utilities, streets and roads, communications and public facilities, such as fire stations, parks, etc. (Ord No. 061-08HR; 10-21-08)

Irrigation. A permanent, underground watering system equipped with surface, subsurface or overhead emitters and which provides one hundred percent (100%) water coverage.

Jurisdictional line. A line identified or approved by the United States Army Corp of Engineers (USACE) describing areas to be protected under the Federal Clean Water Act. (Ord. 006-10HR; 1-19-10)

Land. Any ground, soil, or earth including marshes, swamps, drainage-ways and areas not permanently covered by water.

Land development permit. A document signed by an authorized county official, as required in this chapter, as a condition precedent to the commencement of a use or the erection, construction, reconstruction, restoration, alteration, conversion or installation of a structure or building, which document acknowledges that such use, structure, or building complies with the provisions of this chapter or an authorized variance therefrom.

Land development review, major. The review of projects, exclusive of residential and commercial subdivisions, involving one (1) or more of the following: one hundred thousand (100,000) or more square feet of nonresidential floor space; one hundred and fifty (150) or more multi-family residential units, lots or manufactured home spaces in a manufactured home district; and/or the dedication of new public road segments or the dedication to the county of land for open space or other public purposes.

Land development review, minor. The review of projects, exclusive of residential and commercial subdivisions, which do not meet the standards for applicability for “land development compliance review” or “major land development review.”

Land disturbance. Any activity involving the clearing, grading, transporting, filling, and/or any other activity which causes the land to be exposed to the dangers of erosion.

Land Disturbance Permit. A certificate issued by Richland County to perform work pursuant to an approved SWPPP prepared under the provisions of this chapter. It is issued after DHEC issues coverage under an NPDES General Permit for Large and Small Construction Activities. (Ord. 006-10HR; 1-19-10)

Land surveyor. A person currently licensed pursuant to the requirements of Section 40-22-10, et. seq., of the South Carolina Code of Laws, as amended.

Landscape architect. A person practicing landscape architecture and licensed in the State of South Carolina pursuant to the requirements of Section 40-28-10, et. seq., of the South Carolina Code of Laws, as amended.

LED (Light Emitting Diode). A semiconductor diode that emits light when an electric current is applied in the forward direction of the device. (Ord. No. 088-08HR; 12-16-08)

Levee. A man-made structure, usually an earthen embankment, designed and constructed in accordance with sound engineering practices to contain, control, or divert the flow of water so as to provide protection from temporary flooding.

Level of Service (LOS). A qualitative term describing how the traffic flow on a given road segment is perceived by its users, i.e. good conditions = A or B; tolerable conditions = C or D; and intolerable conditions = E or F. This relationship is measured by its current traffic volume to its engineering designed traffic volume ratio (v/c): (Ord. 038-09HR; 7-21-09)

LOS A = a v/c ratio of 0.00 to 0.49	LOS B = a v/c ratio of 0.50 to 0.74
LOS C = a v/c ratio of 0.75 to 1.00	LOS D = a v/c ratio of 1.01 to 1.15
LOS E = a v/c ratio of 1.16 to 1.34	LOS F = a v/c ratio of 1.35 plus

Lighting, internal. With respect to signage, artificial lighting provided either through lighting on the sign face or through lighting within a sign made of transparent or translucent material.

Light trespass. Light projected onto a property from a fixture not located on that property. (Ord. No. 088-08HR; 12-16-08)

Limited storage. An area used for storage and intended to be limited to incidental items that can withstand exposure to the elements and have low flood damage potential. Such an area must be of flood resistant or breakaway material, void of utilities (except for essential lighting), and cannot be temperature controlled.

Live-work unit. A hybrid dwelling unit that incorporates a ground level studio, workshop, or office that opens directly to the street, with a residential unit in the same structure that is upstairs. (Ord. 018-10HR; 4-20-10)

Local commercial road. A road in a commercial area used primarily for access to abutting properties and to feed traffic to collector roads. This classification includes roads located parallel and adjacent to limited access roads or highways that provide access to abutting commercial properties and protection from through traffic.

Local residential road. A road in a residential area used primarily for access to abutting properties and to feed traffic to collector roads. This classification includes roads located parallel and adjacent to limited access roads or highways that provide access to abutting residential properties and protection from through traffic. Average daily traffic is less than two thousand (2,000) vehicles.

Loft dwelling. A dwelling unit established in an existing nonresidential building; the floor placed between the roof and the floor of the uppermost story within a single-family detached dwelling, the floor area of which is not more than one-third of the floor area of the story or room in which it is placed. (Ord. 018-10HR; 4-20-10)

Loop lane. A roadway that arches away from a road and re-intersects the same road at some distance away from the “first” intersection. (Ord. 055-12HR; 10-16-12)

Lot. A parcel of land clearly defined by plat or by metes and bounds description and held, or intended to be held, in separate lease or ownership.

Lot, adjacent. A lot that is contiguous to another lot.

Lot area. The horizontal area within the exterior lines of a lot.

Lot coverage. A measure of intensity of land use that represents the portion of a site that is impervious (i.e., does not absorb water). This portion includes, but is not limited to, all areas covered by buildings, parked structures, driveways, roads, sidewalks, and any area of concrete asphalt.

Lot frontage. That part of a lot (a lot line) abutting on a road.

Lot width. The distance between straight lines connecting front and rear lot lines at each side of a lot, measured at the required front setback, provided that the width between side lot lines at their foremost points (where they intersect with the road line) shall not be less than eighty percent (80%) of the required lot width. In the case of lots fronting on a curve or cul-de-sac, the lot width may be measured up to a distance fifty percent (50%) greater than the required front yard as defined within each zoning district classification, provided the lot width at the minimum required front yard setback is eighty percent (80%) of the minimum required yard width. The measurement shall be taken tangent to the midpoint at the setback line. Where lots are contiguous to a natural or man-made body of water, the lot width may be measured at the building site line provided all required setbacks can be met and the lot has a minimum of twenty-five (25) linear feet of public road frontage. Where lots are one (1) acre or larger, the lot width may be measured at the building site line provided all required setbacks can be met and the lot has a minimum of fifty (50) linear feet of public road frontage.

Lowest floor. The lowest floor of the lowest enclosed area. Any unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access, or limited storage in an area other than a basement area, is not considered a building's lowest floor provided that such an enclosure is not built so as to render the structure in violation of other provisions of this chapter.

Low Impact Development (LID). An ecologically friendly approach to site development and storm water management that aims to mitigate development impacts to land, water, and air. The approach emphasizes the integration of site design and planning techniques that conserve natural systems and hydrologic functions on a site. (Ord. 019-08; 3-18-08)

Lumen/photopic lumen. The measure of brightness of the illumination exiting a bulb, provided by a manufacturer. (Ord. No. 088-08HR; 12-16-08)

Luminaire. The complete lighting unit, including the lamp, fixture, pole, and/or other parts. (Ord. No. 088-08HR; 12-16-08)

Manufactured home. A factory-built, single-family structure that is manufactured under the authority of 42 U.S.C. Sec. 5401, the National Manufactured Home Construction and Safety Standards Act, is transportable in one or more sections, is built on a permanent chassis and is used as a place of human habitation. The term "manufactured home" shall not include prefabricated

modular dwellings placed on permanent foundations, nor shall it include travel trailers, campers or similar units designed for recreation or other short term uses.

Manufactured home park. A lot used, designed or intended to be used for the purpose of supplying a parking space for two (2) or more occupied manufactured homes for rent or sale, and which includes buildings, structures, vehicles, or enclosures used or intended to be used as part of that manufactured home park. Sales or storage lots for unoccupied manufactured homes are not considered to be manufactured home parks. (Ord. 060-10; 9-28-10)

Manufactured home subdivision. A parcel or contiguous parcels of land subdivided into two (2) or more lots configured for development of manufactured housing for rent or sale. (Ord. 060-10; 9-28-10)

Marginal access road. A service road that runs parallel to a higher order road, which for purposes of safe ingress and egress, provides access to abutting properties and separation of through traffic. This term shall include the term “frontage road”.

Market showroom. A building or structure used principally for the display of merchandise.

Mean sea level. The average height of the sea for all stages of the tide. It is used as a reference for establishing various elevations within the floodplain. For purposes of this chapter, the term is synonymous with National Geodetic Vertical Datum (NGVD).

Metropolitan Planning Organization (MPO). The transportation policy-making body consisting of representatives of the local governments in urbanized area of the midlands as designated by the U.S. Census Department. It includes most of Richland and Lexington Counties and a small portion of Kershaw and Calhoun Counties. The CMCOG is the MPO for this metropolitan area. (Ord. 038-09HR; 7-21-09)

Minor residential road. A loop road which serves not more than forty (40) dwelling units or a cul-de-sac road that serves not more than twenty (20) dwelling units, either of which carries no through traffic and is used for access to abutting residential lots.

Motel. A commercial establishment offering transient lodging in ten (10) or more rooms, in which sleeping accommodations are offered to the public, and which has individual entrances from outside the building to serve the separate units, and which further provides a location for the parking of guests' automobiles. (Ord. 057-10HR; 9-21-10)

More intense use. A use of greater intensity as determined by the Land Use Impact Table set forth at Section 26-176(f)(3) of this chapter.

MS4. Municipal Separate Storm Sewer System; an acronym used in the NDPEs Stormwater Permit that is synonymous with stormwater system for the purposes of this chapter. (Ord. 006-10HR; 1-19-10)

Multi-use trail. A path physically separated from motor vehicle traffic by an open space or barrier and either within a highway right-of-way or within an independent right-of-way. A multi-

use path is used by bicyclists, pedestrians, joggers, skaters, and other non-motorized travelers. (Ord. 018-10HR; 4-20-10)

NAICS. The North American Industrial Classification System of 2002.

National Geodetic Vertical Datum (NGVD). As corrected in 1929, elevation reference points set by National Geodetic Survey based on mean sea level.

Native plant material. Any plant material indigenous to South Carolina and which is naturally grown or commercially propagated or cultivated for the nursery or landscaping industry.

Natural landscaping. An area consisting of uncultivated native plant growth or plantings that are indigenous to the geographical area where the parcel is located. (Ord. 005-09HR; 2-17-09)

Natural plant. A plant, once established, that survives on rainfall without irrigation.

Neighborhood Green. An open space available for unstructured recreation, its landscaping consists of grassy areas, trees and surrounded by structures/dwellings within the boundaries of the development. (Ord. 035-08HR; 6-17-08) (Ord. 045-13HR; 9-10-13)

New construction. For purposes of floodplain management in this chapter, this term shall mean a structure for which the start of construction commenced on or after November 4, 1981. The term also includes any subsequent improvements to such structure.

New manufactured home park or new manufactured home subdivision. As referenced in the flood regulations, this term shall mean a manufactured home park or manufactured home subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of roads, and either final site grading or the pouring of concrete slabs) is completed on or after February 3, 1982.

Nonconforming occupied lot. A lot that does not meet the minimum requirements for the zoning district in which it is located and which contains a structure.

Nonconforming open uses of land. An open use on a lot when the only structures are incidental or accessory to the principal open use, but which would not be permitted by this chapter in the zoning district in which it is located.

Nonconforming structures occupying conforming lots. A structure that does not meet the minimum requirements for the zoning district in which it is located, but which is located on a lot that does conform to the district requirements.

Nonconforming uses of structures. A structure, the use of which would not be permitted by this chapter in the zoning district in which it is located.

Nonconforming vacant lot. A lot that is not occupied by a building, structure, or use and that does not meet the dimensional or area requirements for the zoning district in which it is located.

Nonconformity. A legal use, structure, and/or development which existed prior to the adoption of this chapter or any amendment thereto, that does not presently conform to this chapter or its amendments.

Non-linear projects. All construction activities and projects other than utility line installation, pipeline construction, and other examples of long, narrow, linear construction activities. (Ord. 006-10HR; 1-19-10)

Non-stormwater discharge. Any discharge to the stormwater system that is not comprised entirely of stormwater. (Ord. 006-10HR; 1-19-10)

North American Industry Classification System (NAICS). A system, published by the federal government for census and business tracking purposes, which lists and classifies various industries.

NPDES. National Pollutant Discharge Elimination System; an acronym used to describe the national program for issuing, modifying, revoking and reissuing, terminating, monitoring and enforcing permits, and imposing and enforcing pretreatment requirements, under §§ 307, 402, 318, and 405 of the federal Clean Water Act. (Ord. 006-10HR; 1-19-10)

NPDES Stormwater Permit. The permit issued by DHEC under the primacy authority from the U.S. Environmental Protection Agency (EPA) that authorizes the discharge of pollutants, in this case stormwater, to waters of the United States, whether the permit is applicable on an individual, group, or general area-wide basis. (Ord. 006-10HR; 1-19-10)

Obstruction, airport. Any structure, growth or other object, including a mobile object, which exceeds a limited height as set forth in this chapter for airport protection overlay zones.

One hundred year rainfall. A rainfall of an intensity expected to be equaled or exceeded, on the average, once in one-hundred (100) years.

On-site stormwater management. The design and construction of a stormwater management facility within and for a single development.

Open space. Land areas that are not occupied by buildings, structures, impermeable areas, streets, alleys or required buffer transition and street protective yards. (Ord. 045-13HR; 9-10-13)

Open Space Credit. The weighted amount of open space, determined by applying a multiplier to the actual area. (Ord. 045-13HR; 9-10-13)

Open stormwater conveyance. A permanent, designed waterway, shaped, sized and lined with appropriate vegetation or structural material used to safely convey stormwater runoff within or away from developing areas. (Ord. 006-10HR; 1-19-10)

Open use of land. The use of a lot where the only structures on the lot are incidental or accessory to the principal use of the land (e.g., golf course driving ranges).

Outdoor display. The placement of goods for sale or for advertisement, outside of a building or structure.

Outdoor retail. Commercial sales of large items, traditionally occurring outside (e.g., auto dealerships, lumber yards). (Ord. No. 088-08HR; 12-16-08)

Outdoor room. A commercial area of a property that is not enclosed by traditional walls and a roof but provides a space that shall be used to provide services such as dining or other closely related activity and provides a linkage between public (building) and private sphere (sidewalk). (Ord. 018-10HR; 4-20-10)

Outside storage. The storage of any material for a period greater than forty-eight (48) hours including items for sale, lease, processing, and repair (including vehicles) not in an enclosed building.

Overlay district. A zoning district, established by this chapter, to prescribe special regulations to be applied to a site in combination with the base or underlying district.

Owner. Any person, agent, firm, or corporation having a legal or equitable interest in the property.

Owner/operator. For the purpose of this chapter and in the context of stormwater associated with construction activity, means any party associated with a construction project that meets either of the following two criteria: (Ord. 006-10HR; 1-19-10)

- (a) The party has operational control over construction plans and specifications. Note: A party has “operational control over construction plans and specifications” if they have the authority to prepare or modify SWPPPs; or (Ord. 006-10HR; 1-19-10)
- (b) The party has “operational control over day-to-day activities” at a Project that are necessary to ensure compliance with a SWPPP for the Site or other permit conditions (e.g., they are authorized to direct workers at a Site to carry out activities required by the SWPPP or comply with other permit conditions). This definition is provided to inform permittees of the EPA’s interpretation of how the regulatory definitions of “Owner or Operator” and “facility or activity” are applied to discharges of storm water associated with construction activity. (Ord. 006-10HR; 1-19-10)

Park. An area or facility intended to be used for recreation, exercise, sports or similar activities, or an area intended to enhance the enjoyment of natural features or natural beauty, but specifically excluding commercially operated amusement parks.

Parks, public. A park owned or operated by a government agency(ies) for public recreational use.

Parking lot. An off-road, open, authorized area where motor vehicles are stored for the purpose of temporary, daily, or overnight parking.

Parking lot, primary. The parking lot that contains the majority of the required parking spaces for a business, institution, or other type of use.

Parking, off-road. Space occupied by automobiles for parking on premises other than roads.

Parking, overflow. Parking areas designed to handle parking that is unusual for a particular use and happens only on rare occasions such as special events.

Parking, remote. Land within four hundred (400) feet of a use (measured from the property line of the use to the land to be used for parking) utilized to fulfill the parking requirements set forth in this chapter.

Parking, shared. A parking area used jointly by two (2) or more uses.

Pedestrian walkway. A marked path for pedestrian traffic.

Pedestrian zone. An area where cars are prohibited, such as sidewalks, bikeways, trails, lawns and landscaped areas. (Ord. 088-08HR; 12-16-08)

Performance bond. A document issued by a surety, in return for a fee or premium, guaranteeing the performance of the terms and conditions of development approval.

Permitted Development Activity. The property owner has commenced construction of a building or of any portion of a potable water distribution or transportation system, a sanitary sewer distribution or transportation system, a storm drainage system or a public road; or the property owner has commenced grading or other land disturbance activities in conformance with valid permits issued by Richland County. (Ord. 006-10HR; 1-19-10)

Permitted uses with special requirements. Uses permitted by right, provided that the specific standards set forth in Article VI. are met.

Person. Any individual or group of individuals, partnership, association, corporation, company, firm, joint venture, trust, estate, commission, board, public or private institution, utility, cooperative, interstate body, any governmental or quasi-governmental entity, or other legal entity.

Place of worship. A structure (or structures) and the parcel on which it is located, in/on which persons regularly assemble for religious worship. The term “place of worship” shall not include accessory uses such as day cares, schools, thrift shops and other facilities designed for ministries incidental to the use as a place of worship. Family life centers, church offices, regular worship (“Sunday School”) classrooms and fellowship halls are considered accessory uses and part of a “place of worship” as defined herein.

Planning commission. The Richland County Planning Commission.

Planning department. The Richland County Planning and Development Services Department.

Planting strip. A strip of land intended to be planted with trees, shrubs, or other vegetation to separate a sidewalk from adjacent curbs or the edge of interior street pavement. (Ord. 033-11HR; 6-21-11)

Plat. A map, or delineated representation of the subdivision of lands, prepared by a surveyor licensed in South Carolina, being a complete and exact representation of the subdivision or parcel and including other information, which is in compliance with all the relevant requirements of this chapter and other county statutes, laws and regulations.

Plat, final. A set of drawings, and other documentation, prepared in compliance with the requirements of this chapter and that are presented for final approval and recordation by the county.

PM Peak Hour (PMPH). The estimated average hourly traffic volume on a given roadway segment between 4:00 PM and 6:00 PM. (Ord. 038-09HR; 7-21-09)

Pollutant. Dredged spoil; solid waste; incinerator residue; sewage; garbage; sewage sludge; munitions; medical waste; chemical wastes; biological materials; radioactive materials; heat; wrecked or discarded equipment; rock; sand; cellar dirt; municipal, agricultural and industrial waste; and certain characteristics of wastewater [e.g. the measure of acidity or basicity of a solution (pH), temperature, Total Suspended Solids (TSS), turbidity, color, Biological Oxygen Demand (BOD), Chemical Oxygen Demand (COD), toxicity, or odor]. A foreign substance, that if permitted to get into the public water system, will degrade its quality so as to constitute a moderate hazard, or impair the usefulness or quality of the water to a degree which does not create an actual hazard to the public health but which does adversely and unreasonably affect such water for domestic use. (Ord. 006-10HR; 1-19-10)

Portable sign. See “Sign, portable.”

Post-development. Land surface conditions as changed due to development.

Pre-development. Natural or existing land surface conditions prior to proposed development.

Preserve. Land set aside for protection and propagation. (Ord. 045-13HR; 9-10-13)

Primary drainage channel. A drainage channel, stream, or creek draining an area of three hundred (300) acres or more.

Primary surface. A surface longitudinally centered on a runway.

Primary surface (Jim Hamilton-L.B. Owens Airport). The primary surface extends two hundred (200) feet beyond each end of the runway. The elevation of any point on the primary surface is the

same as the elevation of the nearest point on the runway centerline. The width of the primary surface is five hundred (500) feet. (Ord. 029-09HR; 5-19-09)

Primary surface (McEntire Air National Guard Base). The primary surface for military airports is located on the ground or water longitudinally centered on each runway with the same length as the runway. The width of the primary surface for runways is two thousand (2,000) feet.

Private roadway. An area of land that is privately owned, provides vehicular access to residential lots, and has not been dedicated; or a private right-of-way created by recorded easement, or other instrument, where no recording has taken place, or no right of interest has accrued to the public and has not been designated as part of the county road maintenance system. (Ord. 022-10HR; 5-18-10)

Produce stand. An open-air stand or place for the selling of agricultural produce.

Public nuisance (stormwater management facilities). The following conditions constitute a public nuisance with respect to stormwater management facilities: (a) Any condition that constitutes a breeding ground or harbor for rats, mosquitoes, harmful insects or other pests; (b) An open place containing a concentration of combustible items such as mattresses, boxes, paper, automobile tires and tubes, garbage, trash, refuse, brush, old clothes, rags, or any other combustible materials or objects of a like nature; (c) Any open place containing a collection of garbage, food waste, animal waste, or any other rotten or putrescible matter of any kind; (d) Any open place containing furniture, appliances, or metal products of any kind or nature which have jagged edges of metal or glass or areas of confinement; (e) Any condition which blocks, hinders or obstructs in any way the natural flow of streams, creeks, surface water, ditches, or drains, to the extent that the blockage or hindrance or obstruction creates standing or stagnant water.

Public recreation facilities. Facilities, other than parks, owned or controlled by a public entity for the purpose of providing recreational pursuits. Public recreation shall include such facilities as swimming pools, gymnasiums and indoor tracks.

Public works department. The Richland County Public Works Department.

Racetrack. A facility containing a roadway that is used primarily for automobile, animal, and/or motorcycle racing. A racetrack may include seating, concession areas, and parking facilities along with accessory offices.

Radio, television, and other similar transmitting towers. A mast, pole, monopole, guyed or freestanding framework, or other vertical elements that act as an antenna or to which an antenna is affixed or attached.

Recreational vehicle. A vehicular-type unit primarily designed as temporary living quarters for recreational, camping, or travel use, which either has its own motive power or is mounted on or drawn by another vehicle.

Regulatory floodway. The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation by more than one (1) foot, as identified on an official Flood Insurance Rate Map or other available information.

Repair and maintenance services, automobile, major. An establishment engaged in the significant repair and replacement of parts and motor services to automobiles, including, but not limited to, such services as: engine rebuilding, reconditioning of automobiles, the removal from any vehicle of a major portion (i.e., the differential, transmission, head, engine block, or oil pan) thereof for replacement or repair, the repair of damaged motor vehicles or trailers (including body, frame, or fender straightening or repair), and/or the painting of vehicles.

Repair and maintenance services, automobile, minor. An establishment engaged in the sale of automotive fuels or oils, and the incidental repair and replacement of parts and motor services to automobiles, including oil change, tire sales, and alignment, but not including any operation specified under “repair and maintenance services, automobile, major.”

Repetitive loss. Flood-related damages sustained by a structure on two (2) separate occasions during a ten (10) year period for which the cost of repairs at the time of each such flood event, on the average, equals or exceeds twenty-five percent (25%) of the market value of the structure before the damage occurred.

Residential footprint (lot coverage). This includes all the areas of a parcel (lot) covered by buildings and other structures with surfaces greater than thirty-six (36) inches above the finished and natural grade with the exception of covered front porches, pergolas, porticos, balconies, overhangs, and similar architectural features placed on the front (facing the street) elevation of a building. (Ord. 005-09HR; 2-17-09)

Retention structure. A permanent structure whose primary purpose is to permanently store a given volume of stormwater runoff.

Road. An open way designed for the operation of vehicles, including, but not limited to, streets, avenues, boulevards, highways, freeways, lanes, and/or courts. This definition shall not include driveways or ingress/egress easements.

Road frontage. The distance for which a lot line of a lot adjoins a public road, from one lot line intersecting said road to the furthest distance lot line intersecting the same road.

Road, half. A street or road that is intended to be developed by constructing one-half (½) of a required width of a road with the remainder to be provided at some future date.

Road, main. The main entrance(s) to a Conservation subdivision, which collects traffic from internal park roads, connecting to arterial roads external to the subdivision. (Ord. 035-08HR; 6-17-08)

Road, minor rural. A road serving twenty (20) or fewer lots in low density, primarily rural areas, and which does not provide connectivity to properties other than those served. (Ord. 055-12HR; 10-16-12)

Road, park. A one-way road within a residential subdivision. (Ord. 055-12HR; 10-16-12)

Road, rural. A road serving development in low density, primarily rural areas, and which would not be classified as a collector or an arterial road. (Ord. 055-12HR; 10-16-12)

Road, T. A road that ends in a T shape; also known as a hammer head road. (Ord. 055-12HR; 10-16-12)

Roominghouse or boardinghouse. An establishment, other than a hotel, motel, or bed and breakfast, in which more than three (3) persons who are not members of the owner's immediate 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.

Runoff. The portion of the precipitation on the land that reaches the drainage system.

Runway. A defined area at an airport prepared for landing and takeoff of aircraft along its length.

Safe access. The minimum number of access points, direct, or indirect, necessary to provide safe ingress and egress to the state and local road system in consideration of the existing, and projected, traffic volume and the type and density/intensity of adjacent land uses. (Ord. 038-09HR; 7-21-09)

Sanitary sewer pre-treatment. The reduction of the amount of pollutants, the elimination of pollutants, or the alteration of the nature of pollutant properties in wastewater to a less harmful state prior to or in lieu of discharging or otherwise introducing such pollutants into a sanitary sewer system. The reduction or alteration may be obtained by physical, chemical, or biological processes, process changes or by other means, except as prohibited by the Clean Water Act. (Ord. 006-10HR; 1-19-10)

Screen. To visually shield or obscure one abutting or nearby structure, use or parking area from another by using fencing, walls, berms, or densely planted vegetation.

Sedimentation. The process which operates at or near the surfaces of the ground, to deposit soil, debris and other materials either on other ground surfaces or in water channels.

Seepage. Percolation of underground water through the banks and into a stream or other body of water, or into or out of a sewer. (Ord. 006-10HR; 1-19-10)

Septage. The liquid and solid material pumped from a septic tank, cesspool, or similar domestic sewage treatment system or a holding tank when the system is cleaned or maintained. (Ord. 006-10HR; 1-19-10)

Setback. The minimum distance by which any building or structure must be separated from the lot lines of the lot on which it is located.

Setback, front. A setback extending across the full width of a lot between the front lot line and the foremost point of any structure on the lot.

Setback, rear. A setback extending across the full width of a lot between the rear lot line and the rearmost point of any structure on the lot.

Setback, side. A setback between a side lot line and the nearest point of the nearest structure, extending from the required front setback to the required rear setback.

Sexually oriented business. An adult arcade, adult bookstore, adult video store, adult cabaret, adult motel, adult motion picture theater, sexual device shop, or sexual encounter center. As used in this chapter, the following definitions shall apply to such businesses: (Ord. 045-08HR; 7-15-08)

- (a) *Adult arcade.* Any place where 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.
- (b) *Adult bookstore or adult video store.* A commercial establishment which, as one of its principal business purposes, offers for sale or rental (for any form of consideration) adult media.
 - (1) As used in this definition, “*principal business purpose or purposes*” means the commercial establishment has a substantial portion of its displayed merchandise which consists of said items; or has a substantial portion of the wholesale value of its displayed merchandise which consists of said items; has a substantial portion of the retail value of its displayed merchandise which consists of said items; or derives a substantial portion of its revenues from the sale or rental, for any form of consideration, of said items; or maintains a substantial section of its interior business space for the sale or rental of said items. (Ord. 045-08HR; 7-15-08)
 - (2) As used in this definition, “*substantial*” means twenty-five percent (25%) or more. (Ord. 045-08HR; 7-15-08)

- (c) *Adult Cabaret.* A nightclub, bar, restaurant, or similar commercial establishment, which regularly features, regardless of whether alcoholic beverages are served, persons who appear in a state of nudity or semi-nudity. (Ord. 045-08HR; 7-15-08)
- (d) *Adult Media.* Books, magazines, periodicals, or other printed matter, or photographs, films, motion pictures, videocassettes or compact discs, digital video discs, video reproductions, slides, or other visual representations, which are characterized by their emphasis upon the display of specified sexual activities or specified anatomical areas. (Ord. 045-08HR; 7-15-08)
- (e) *Adult motel.* A hotel, motel, or similar commercial establishment that:
 - (1) Offers accommodations to the public for any form of consideration; provides patrons with closed-circuit television transmissions, films, motion pictures, videocassettes, slides, compact discs, digital video discs, video reproductions, or similar photographic reproductions that are characterized by the depiction or description of specified sexual activities or specified anatomical areas; and advertises the availability of such material by means of any on or off-premises advertising, including, but not limited to, newspapers, magazines, pamphlets or leaflets, radio, or television; or (Ord. 045-08HR; 7-15-08)
 - (2) Offers a sleeping room for rent for a period of time that is less than ten (10) hours; or
 - (3) Allows a tenant or occupant of a sleeping room to sub-rent the room for a period of time that is less than ten (10) hours.
- (f) *Adult Motion Picture Theater.* A commercial establishment that, for any form of consideration, exhibits or shows films, motion pictures, videocassettes, slides, compact discs, digital video discs, video reproductions, or similar photographic reproductions that are characterized by their emphasis upon the display of specified sexual activities or specified anatomical areas. (Ord. 045-08HR; 7-15-08)
- (g) *Characterized By.* To describe the essential character or quality of an item, activity, or thing. As applied in this ordinance, no business shall be classified as a sexually oriented business by virtue of showing, selling or renting materials rated NC-17 or R by the Motion Picture Association of America. (Ord. 045-08HR; 7-15-08)
- (h) *Child Care Facility.* A facility as defined in S.C. Code Ann. § 20-7-2700(b). (Ord. 045-08HR; 7-15-08)
- (i) *Establishment of a sexually oriented business.* Any of the following:
 - (1) The opening or commencement of any sexually oriented business as a new business;

- (2) The conversion of an existing business, whether or not a sexually oriented business, to any sexually oriented business;
 - (3) The addition of another type(s) of sexually oriented business to any other existing sexually oriented business, such as the addition of an adult video store to an existing sexual device shop; or (Ord. 045-08HR; 7-15-08)
 - (4) The relocation of any sexually oriented business.
- (j) *Nude or a state of nudity.* The showing of the human male or female genitals, pubic area, vulva, anus, anal cleft or cleavage, or the showing of bare female breasts. This definition shall not include the act of a female breast-feeding a child in a public place; nor to infants or toddlers in a public place, nor to exposure of the human female breasts above a horizontal line across the top of the areola exhibited by a dress, blouse, shirt or other similar wearing apparel; nor to exposure of cleavage of the human female breasts exhibited by a dress, blouse, shirt, or similar wearing apparel. (Ord. 045-08HR; 7-15-08)
- (k) *Person.* An individual, proprietorship, partnership, corporation, association, or other legal entity. (Ord. 045-08HR; 7-15-08)
- (l) *Premises.* The real property upon which the sexually oriented business is located, and all appurtenances thereto and buildings thereon, including, but not limited to, the sexually oriented business structure, the grounds, private walkways, and parking areas under the ownership, control, or supervision of the sexually oriented business. (Ord. 045-08HR; 7-15-08)
- (m) *Regularly.* The consistent and repeated doing of the act so described. (Ord. 045-08HR; 7-15-08)
- (n) *Semi-nude.* A state of dress in which the human male or female genitals, pubic area, vulva, anus, and anal cleft or cleavage are covered by fully opaque cloth or other material. (Ord. 045-08HR; 7-15-08)
- (o) *Sexual Device Shop.* A commercial establishment that offers for sale: (Ord. 045-08HR; 7-15-08)
- (1) Any two of the following categories: 1) adult media, 2) lingerie; or 3) sexual devices; and combination thereof constitutes more than ten percent (10%) of its stock in trade or occupies more than ten percent (10%) of its interior business space.
 - (2) More than five percent (5%) of its stock in trade consists of sexual devices; or

- (3) More than five percent (5%) of its interior business space is used for the display of sexual devices.
- (4) Nothing in this definition shall be construed to include any pharmacy, drug store, medical clinic, or any establishment primarily dedicated to providing medical or healthcare products or services.
- (p) *Sexual Device.* Any three (3) dimensional object designed and marketed for stimulation of the male or female human genital organ or anus, or for sadomasochistic use or abuse of oneself or others, and shall include devices such as dildos, vibrators, penis pumps, and physical representations of the human genital organs. Nothing in this definition shall be construed to include devices primarily intended for protection against sexually transmitted diseases or preventing pregnancy. (Ord. 045-08HR; 7-15-08)
- (q) *Sexual Encounter Center.* A business or commercial enterprise that regularly offers, for any form of consideration, physical contact in the form of wrestling or tumbling between persons when one or more of the persons is semi-nude or nude. (Ord. 045-08HR; 7-15-08)
- (r) *Specified Anatomical Areas.* The human genitals, pubic region, buttocks; the female breast below a point immediately above the top of the areola; or human male genitals in a discernibly turgid state, even if completely and opaquely covered. (Ord. 045-08HR; 7-15-08)
- (s) *Specified sexual activities.* Any of the following:
 - (1) The fondling or other erotic touching of human genitals, pubic region, buttocks, anus, or female breasts;
 - (2) Actual or simulated intercourse, oral copulation, masturbation or sodomy; or (Ord. 045-08HR; 7-15-08)
 - (3) Excretory functions as part of or in connection with any of the activities set forth in subsection (1) through (2) of this definition.
- (t) *Viewing Room.* A room, booth, or other enclosed or partially enclosed area where a patron or patrons of a sexually oriented business would ordinarily be positioned while watching adult media or live entertainment. (Ord. 045-08HR; 7-15-08)

Shade tree. Any tree listed as a “shade tree” in the development design manual of the county with respect to landscaping.

Shipping container. A structure originally, specifically or formally designed for or used in the packing, shipping, movement or transportation of freight, articles, goods or commodities, designed for or capable of being mounted or moved on a rail car and/or designed for or capable of being

mounted on a chassis or bogie for movement by truck or trailer or loaded on a ship. (Ord. 025-14HR; 5-20-14)

Side lot line. Any boundary of a lot that is not a front lot line, a road lot line or a rear lot line.

Sight visibility triangle. See “vision clearance.”

Sign. Any device (including, but not limited to, letters, numbers, words, figures, emblems, pictures, or any part or combination) used for visual communication intended to attract the attention of the public and visible to the public right-of-way and other properties.

Sign, attached. Any sign attached to, applied on, or supported by any part of a building, including, but not limited to, a wall, window or projecting sign, or a sign on a canopy, awning or marquee.

Sign, bulletin or notice board. An on-premises sign on which message copy is changed manually through attachment of letters, numbers, symbols, and other similar characters or changeable pictorial panels. Such signs display information related to activities or services conducted or offered on the premises.

Sign, canopy. A sign attached to or applied to the exterior surface of an awning or canopy. (Ord. 018-10HR; 4-20-10)

Sign, combined development. A sign listing the businesses located within a combined development. A combined development is two (2) or more establishments or businesses occupying a common building or adjoining buildings which are designed and developed in a coordinated manner and which share parking, driveways and other common facilities.

Sign, directional. Any on-premises sign that includes information assisting in the flow of pedestrian or vehicular traffic, such as enter, exit and one-way.

Sign face. The part of the sign that is or can be used to identify, advertise or communicate information, or that attracts the attention of the public for any purpose. The frame or structural members may be considered as part of the sign face if it is so designed with lighting or other ornamentation that is incorporated for the sign design.

Sign, freestanding. A sign that is attached to, erected on, or supported by some structure (such as a pole, mast, frame or other structure) that is not itself an integral part of or attached to a building or other structure whose principal function is something other than the support of a sign.

Sign, ground-mounted. A freestanding sign, other than a pole sign, that is located near the ground and attached to and supported by a masonry wall or pilasters. (Ord. 018-10HR; 4-20-10)

Sign, hanging canopy. A sign suspended below and supported from a canopy or awning and designed to be read by pedestrians passing below the canopy or awning. The lowest point of a

hanging canopy sign shall be no less than seven (7) feet above the top elevation of the floor or pavement that is beneath it. (Ord. 018-10HR; 4-20-10)

Sign, height. The vertical distance from the highest point of a sign or its support, whichever is greater, to the base of a sign at grade.

Sign, incidental. Signs containing information necessary or convenient to persons coming onto a premises. Incidental signs include, but are not limited to, the following: signs containing information on hours of operation and credit cards honored, signs identifying restrooms, public telephones and other business facilities. Information signs shall not include fuel price signs or traffic directional signs.

Sign, marquee. A sign that is fabricated as a permanent roof-like structure at the entry to a building, which projects beyond the building or extends along and projects beyond the wall of the building, and which generally contains a commercial message. (Ord. 018-10HR; 4-20-10)

Sign, monument. Any monolithic sign in which the bottom of the sign is flush with the ground. (Ord. 019-08HR; 3-18-08)

Sign, off-premises. A sign that directs attention to a business, commodity, service or entertainment not exclusively related to the premises where such sign is located or to which it is affixed.

Sign, on-premises. A sign relating in its subject matter to the premises on which it is located, or to products, accommodations, services or activities on the premises.

Sign, off-premises weekend directional. An off-premise sign not greater than twenty-four (24) inches by twenty-four (24) inches in total size and placed only on the weekend, the purpose of which is limited exclusively to the identification of a use or occupancy located elsewhere and which tells the location of or route to such use or occupancy. (Ord. 039-09HR; 7-21-09 & 033-11HR; 6-21-11)

Sign, portable. A sign designed or intended to be moved easily that is not permanently embedded in the ground or affixed to a building or other structure, including any sign that rests upon the ground, a frame, a building or other structure. "Portable sign" shall include, but not be limited to, the following types of signs: trailer signs (with or without wheels), menu and sandwich boards, hot air or gas-filled balloons used for advertising, sidewalk or curb signs, and A-frame signs.

Sign, projecting. A sign attached to a building or other structure and extending in whole or in part more than fourteen (14) inches beyond the building.

Sign, road or street. A sign placed at a roadway intersection that indicates the road name and block number. (Ord. 022-10HR; 5-18-10)

Sign, roof. A sign that is mounted on the roof of a building or that is wholly dependent upon a building for support and projects above the highest point of a building with a flat roof, the eave line of a building with a gambrel, gable or hip roof, or the deck line of a building with a mansard roof.

Sign, temporary. A sign not intended or designed for permanent display.

Sign, wall. A permanent sign mounted flat against and projecting less than fourteen (14) inches from, or painted on the wall of, a building or structure with the exposed face of the sign in a plane parallel to the face of the wall. This term shall include permanent window signage.

Sign, window. Any sign painted, drawn, or otherwise affixed to the inside of an exterior window or glass door of a commercial or office building. (Ord. 018-10HR; 4-20-10)

Sketch plan. A sketch preliminary plat or site plan to enable the developer/subdivider to save time and expense in reaching a general agreement with authorized officials of Richland County as to the form of the plat or plan and the objectives of this chapter.

Sludge. Any solid, semi-solid, or liquid waste generated from a municipal, commercial, or industrial wastewater treatment plant, water supply treatment plant, or air pollution control facility exclusive of the treated effluent from a wastewater treatment plant. (Ord. 071-14HR; 12-9-14)

Small maturing tree. Any tree listed as a “small maturing tree” in the development design manual of the county with respect to landscaping.

Smart growth. A concept whose principals invest time, attention, and resources in restoring a sense of community and activity to city centers and older neighborhoods. (Ord. 005-09HR; 2-17-09)

South Carolina Department of Transportation (SCDOT). The State agency responsible for maintaining state and federal roads and administering distribution of the state and federal gas tax funds. (Ord. 038-09HR; 7-21-09)

Special congregate facilities. Congregate facilities characterized by a clientele composed of persons who generally do not possess personal automobiles to assist them in their daily transportation throughout the area and its vicinity. Such facilities may include indigent care facilities, shelter facilities, hostels, and similar facilities.

Special exception. Uses that are generally compatible with land uses permitted in a zoning district, but that because of their unique characteristics or potential impacts on the surrounding neighborhood and or the county as a whole, require individual consideration of their location, design, configuration and/or operation at the particular location proposed.

SSOs. Sanitary Sewer Overflows; an acronym used in referring to discharges of untreated sewage from municipal sanitary sewer systems, without first passing through a wastewater treatment plant, as a result of broken pipes, equipment failure, or system overload. An SSO is a public health hazard and a violation of federal, state and local discharge regulations. (Ord. 006-10HR; 1-19-10)

Start of construction. The date the building permit was issued; provided, however, the actual start of construction, repair and reconstruction, rehabilitation, addition, or substantial improvement was within one hundred and eighty (180) days of the permit date. The actual start means the first placement of permanent construction of a structure (including a manufactured home) on a site, such as the pouring of slabs or footings, installation of piles, construction of columns, or any work beyond the stage of excavation or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading, and filling; nor does it include the installation of roads and/or walkways; nor does it include excavation for footings, piers or foundations, or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of the building, whether or not that alteration affects the external dimensions of the building. (Ord. 060-10; 9-28-10)

Stormwater. Any surface flow, runoff and drainage consisting entirely of water from any form of natural precipitation and resulting from such precipitation. (Ord. 006-10HR; 1-19-10)

Stormwater Design Manual. The manual of design, performance and review standards for stormwater management, prepared under the direction of the county engineer, with input from stakeholders. The requirements established by the “Stormwater Design Manual” are mandatory, and shall be updated as often as necessary. (Ord. 006-10HR; 1-19-10)

Stormwater management. The collection, conveyance, storage, treatment and disposal of stormwater runoff in a manner to minimize channel erosion, flood damage, and or degradation of water quality and in a manner to enhance and insure the public health, safety, and general welfare.

Stormwater management facilities. Structures and man-made features designed for the collection, conveyance, storage, treatment and disposal of stormwater runoff into and through the drainage system. Stormwater management facilities include vegetative and/or structural measures, to control the increased volume and rate of stormwater runoff caused by manmade changes to the land.

Stormwater outfall. The point at which a stormwater system discharges to the receiving waters. (Ord. 006-10HR; 1-19-10)

Stormwater runoff. The direct response of a watershed to precipitation, including surface and subsurface flows resulting from precipitation.

Stormwater system. The publicly-owned facilities by which stormwater is collected and/or conveyed, including, but not limited to roads with drainage systems, streets, gutters, curbs, inlets, piped storm drains, pumping facilities, basins, drainage channels or other drainage structures. (Ord. 006-10HR; 1-19-10)

Story. That portion of a building included between the upper surface of a floor and the upper surface of the floor or roof next above. It is measured as the vertical distance from top to top of two (2) successive tiers of beams of finished floor surfaces and, for the topmost story, from the top of

the floor finish to the top of the ceiling joists or, where there is not a ceiling, to the top of the roof rafters. (Ord. 018-10HR; 4-20-10)

Street. See “road.”

Street protective yard. A required open yard area in which trees are planted abutting roads.

Structural fill. Landfilling for future beneficial use utilizing land-clearing debris, hardened concrete, hardened/cured asphalt, bricks, blocks, and other materials specified by DHEC by regulation, compacted and landfilled in a manner acceptable to DHEC, consistent with applicable engineering and construction standards and carried out as a part of normal activities associated with construction, demolition, and land-clearing operations; however, the materials utilized must not have been contaminated by hazardous constituents, petroleum products, or painted with lead-based paint. Structural fill may not provide a sound structural base for building purposes. (Ord. 071-14HR; 12-9-14)

Structure. Anything constructed or erected which requires location on or in the ground or is attached to something having a location on the ground or anything as defined by the building code as a structure. Structures do not include ditches and their appurtenances, poles, lines, cables or transmission or distribution facilities of public utilities, freestanding mailboxes, on-grade slabs, walks, driveways, landscaping materials, fences, or golf course tee boxes, fairways, sand traps or greens. This term includes both permanent and temporary structures. (043-07HR; 5-1-07)

Structure, height. The average finished ground elevation at the base of a 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 roof level and not intended for human occupancy shall not be subject to height limitations.

Structure, principal. A structure where the principal use of the lot on which it is located is conducted.

Structure size standards. Unless otherwise defined, this term means standards regulating the building footprint of a structure relative to the area of the lot on which the structure sits.

Subdivision. All divisions 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, lease or building development. The definition of subdivision includes: (Ord. No. 034-15HR; 7-21-15)

- (a) All division of land.
- (b) Re-subdivision involving a further division or relocation of lot lines of any lot or lots within a subdivision previously made and approved or recorded according to law.
- (c) The alteration of any roads or the establishment of any new roads within any subdivision previously made and approved or recorded according to law.

(d) Combinations of recorded lots.

Subdivision, administrative. The combination or recombination of portions of previously platted and recorded lots where the total number of lots is not increased and the resultant lots are equal to the applicable site development standards set forth in this chapter; the division of land into parcels of five (5) acres or more where it does not result in the creation of a new roadway or the widening of an existing roadway; the combination or recombination of entire lots of record where no new road or change in existing roads is involved; or the division of a parcel into two (2) lots which do not result in the construction of a new road or the improvement (including, but not limited to, paving and/or widening) of an existing road; or the construction of new water facilities, other than private on-site wells; or the construction of new sewerage facilities, other than on-site septic tanks; or the construction of new storm drainage facilities, other than roadside swales and culverts; and is not in conflict with any provision or portion of the comprehensive plan, official map, or this chapter. (Ord. 034-15; 7-21-15)

Subdivision, major. Any subdivision that does not meet the criteria for an administrative subdivision or a minor subdivision. (Ord. No. 074-05HR; 10-18-05) (Ord. 034-15; 7-21-15)

Subdivision, minor. Those divisions of land that do not qualify for administrative subdivision review, but which consist of less than fifty (50) lots. Additionally, a minor subdivision shall not involve the dedication of land to the county for open space or other public purposes. (Ord. No. 074-05HR; 10-18-05) and (Ord. No. 031-06; 4-18-06)

Substantial damage. Damage of any origin sustained by a structure whereby the cost of restoring the structure to its pre-damage condition would equal or exceed fifty percent (50%) of the market value of the structure before the damage occurred. Substantial damage also means flood-related damage sustained by a structure on two (2) separate occasions during a ten (10) year period for which the cost of repairs at the time of each such flood event, on the average, exceeds twenty-five percent (25%) of the market value of the structure before the damage occurred.

Substantial improvement. Any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds fifty percent (50%) of the market value of the structure before the “start of construction” of the improvement. This term includes structures that have incurred “repetitive loss” or “substantial damage,” regardless of the actual repair work performed.

Swine farms. A tract of land devoted to raising fifty (50) or more animals of the porcine species.

SWPPP. Stormwater Pollution Prevention Plan; an acronym used for a document that describes the BMPs and activities to be implemented by a person or business to identify sources of pollution or contamination at a site and the actions to eliminate or reduce pollutant discharges to stormwater, stormwater conveyance systems, and/or receiving waters to the maximum extent practicable. (Ord. 006-10HR; 1-19-10)

Technical representative. South Carolina Registered Professional Civil Engineer, Registered Landscape Architect, or Tier B. Land Surveyor responsible for sealing stormwater management plans.

Tee Box. The area in a driving range where players stand to hit golf balls (i.e., tee shots). (Ord. No. 088-08HR; 12-16-08)

Temporary use. A land use (or structure) that is needed or is in place for a limited duration.

Ten-year frequency rainfall. A rainfall of an intensity expected to be equaled or exceeded, on the average, once in ten (10) years.

Thoroughfare road. Interstates, other freeways, expressways or major roads that provide for the expeditious movement of high volumes of traffic within the county.

TMDL. Total Maximum Daily Load; an acronym used to describe the sum of the individual wasteload allocations (WLAs) for point sources and load allocations (LAs) for nonpoint sources and natural background. If a receiving water has only one point source discharger, the TMDL is the sum of that point source WLA plus the LAs for any nonpoint sources of pollution and natural background sources, tributaries, or adjacent segments. TMDLs can be expressed in terms of either mass per time, toxicity, or other appropriate measure. (Ord. No. 006-10HR; 1-19-10)

Top of bank. The elevation of the uppermost point on the rise of land which borders of a water resource such as a river, creek or lake.

Total Site Area. The entire area within the boundary of the parcel inclusive of all interior future open space areas and road/utility rights of way. (Ord. No. 045-13HR; 9-10-13)

Townhouse: A single-family dwelling unit attached by fireproof common walls to other similar type units, each unit having an open space for light, air, and access in the front and rear. There shall be not less than three (3) or more than seven (7) such units connected together. (Ord.No. 036-15HR; 7-28-15)

Townhouse dwelling unit. A one-family dwelling unit, with a private entrance, which is part of a structure whose dwelling units are attached horizontally in a linear arrangement, having a totally exposed front and rear wall to be used for access, light and ventilation. (Ord. No. 018-10HR; 4-20-10)

Traditional Neighborhood Design. A planning concept that calls for residential neighborhoods to be designed in the format of a small, village-type atmosphere within neighborhoods. These are characterized by homes and buildings on smaller lots, narrow front yards with front porches and gardens, detached garages in the backyard, walkable streets (sidewalks), public parks and green spaces. (Ord. 005-09HR; 2-17-09)

Traffic Impact Assessment (TIA). A document which analyzes the transportation impacts of proposed land development projects on the adjacent roadways, nearby intersections and affected

property owners and provides recommended mitigation measures to address the identified impacts. (Ord. 038-09HR; 7-21-09)

Traffic mitigation agreement. A written agreement among Richland County, SCDOT and the applicant to allow the LOS mitigation measures identified in the TIA to be provided in a timely manner. At a minimum, the agreement shall include: (Ord. 038-09HR; 7-21-09)

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

Transformer station. A utility substation where the voltage of electrical energy is changed.

Transient lodging. Lodging by any person who, either at his/her own expense or at the expense of another, obtains lodging or the use of any lodging space in any hotel or motel for any period of less than thirty (30) consecutive days. (Ord. 057-10HR; 9-21-10)

Transit route. The established route for public transportation services.

Transportation Improvement Plan (TIP). A schedule of transportation capital improvement projects prepared by the MPO which are programmed for completion within the next six years. (Ord. 038-09HR; 7-21-09)

Tree. A usually tall, woody plant, distinguished from a shrub by having comparatively greater size and longevity, and characteristically defined as: (Ord. 055-12HR; 10-16-12)

Large maturing tree – Single trunk whose canopy dimensions have the potential to reach at least forty-five (45) feet tall and twenty-five (25) feet wide at maturity. (Ord. 055-12HR; 10-16-12)

Medium maturing tree – Single trunk whose canopy dimensions have the potential to reach at least twenty-five (25) feet tall and twenty (20) feet wide at maturity. (Ord. 055-12HR; 10-16-12)

Small maturing tree – Single trunk or multi-stem whose canopy dimensions have the potential to reach at least fifteen (15) feet tall and fifteen (15) feet wide at maturity. (Ord. 055-12HR; 10-16-12)

Tree, mature. Any tree that has obtained the maximum capability of growth, flowering, and reproduction. (Ord. 055-12HR; 10-16-12)

Tree Protection Plan. A plan that identifies the critical root zone where trees are to be protected and preserved, and replacement trees planted on a property to meet minimum requirements, as well as methods of tree protection to be undertaken on the site. (Ord. 055-12HR; 10-16-12)

Tree, replacement. A new tree planted on a site after development. (Ord. 055-12HR; 10-16-12)

Twenty-five year frequency rainfall. A rainfall of an intensity expected to be equaled or exceeded, on the average, once in twenty-five (25) years.

USACE. The United States Army Corp of Engineers. (Ord. 006-10HR; 1-19-10)

Use, principal. The primary use of any lot.

Utilities. Electricity, gas, steam, communications, transportation, wastewater, or water that is furnished to the public under state or county regulations by a person, firm, corporation, municipal department or board. (Ord. 061-08HR; 10-21-08)

Utility lines and related appurtenances. All lines and supporting apparatus or equipment related to the distribution, transmission or disposal of water, storm and sanitary sewage, natural gas, power, telephone and telecommunication cable.

Utility service area. An area within a development where equipment used for operations related to the provision, distribution, collection, transmission, or disposal of water, storm and sanitary sewage, oil, natural gas, power, information, telecommunication, telephone, and cable services is located.

Utility service facilities. Facilities principally used for servicing operations related to the provision, distribution, collection, transmission, or disposal of water, storm and sanitary sewage, oil, natural gas, power, information, telecommunication, telephone, and cable services.

Utility substation. A structure or facility for transforming or transmitting a service provided by a utility company. Such utility substation, may include private utility systems such as telephone, electric, etc., but shall not include telecommunication towers or other telecommunication devices.

Valid Governmental Approval. The issuance by Richland County of a permit to commence a Permitted Development Activity; or approval by Richland County of subdivision of the property, of planned development district zoning for the property, or of a sketch plan for development of the property. (Ord. 006-10HR; 1-19-10)

Variance. A device that grants a property owner relief from the provisions of this chapter.

Vehicular display area. An area designed and used for the display and storage of vehicles for sale or lease.

Vehicular surface area. The unenclosed area within a development designed and used for the movement and storage (parking) of motor vehicles. This definition shall not include driveways used for ingress and egress to a development.

Vegetation. All plant growth, including trees, shrubs, grasses, and mosses.

Vending machine operator. A person that operates a vending machine.

Vision clearance. An area of unobstructed vision at road intersections or intersections between roads and driveways.

Volume-to-Capacity Ratio (V/C). The volume of traffic on a roadway segment (determined by traffic counts) divided by the engineering design capacity (volume) of the roadway, expressed as a ratio. The v/c ratio is a critical component of long range traffic forecast models and prioritizing road improvement projects for inclusion in the TIP and the County's CIP. (Ord. 038-09HR; 7-21-09)

Wastewater. Any water or other liquid, other than uncontaminated stormwater, discharged from a facility. (Ord. 006-10HR; 1-19-10)

Water quality. Those characteristics of stormwater runoff that relate to the physical, chemical, biological and radiological integrity of water.

Water quality protection areas. The areas that come under the current DHEC 303 (d) list, are TMDL sites, or are EP Environmental Protection Districts identified by Richland County Council, and any other areas that are identified by DHEC or Richland County Council. (Ord. 006-10HR; 1-19-10)

Water resource yard. A setback running approximately parallel to the tops of the banks of designated water resources to be protected for, and defined by, the location of critical riparian vegetation and habitat.

Waters. For the purpose of identifying NPDES stormwater permit "point discharges", waters means surface water, within Richland County's jurisdictional boundaries as identified on USGS 1:24,000 scale quadrangle sheets.

Waters of the state. Refer to the State of South Carolina Department of Health and Environmental Control, Regulation R.61-9.122, Part A, Section 122.2 "Definitions."

Watershed. The drainage area contributing stormwater runoff to a single point.

Wetlands. Those areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs, and similar areas.

Xeriscape. Quality landscapes that conserve water, protect the environment, are adaptable to local conditions, and which are drought tolerant. The principles of xeriscape include planning and design, appropriate choice of plants, soil analysis (which may include the use of solid waste

compost), efficient irrigation, practical use of turf, appropriate use of mulches, and proper maintenance.

Yard. An open space between a building and the adjoining lot lines, unoccupied and unobstructed from the ground to the sky, except as otherwise provided herein, on the lot on which a building is located.

Yard sale. The sale or offering for sale to the general public of over five (5) items of personal property on any portion of a lot containing a residential use, whether within or outside any building.

Zero lot line, common, single-family dwelling. See “Dwelling, single-family, zero lot line, common.”

Zero lot line, parallel, single-family dwelling. See “Dwelling, single-family, zero lot line, parallel.”

Zoning administrator. The zoning administrator of Richland County.

Zoning district. Any zone shown on the Richland County zoning map for which there are uniform regulations governing the use of buildings and premises or the placement, size, spacing, etc. of such buildings or uses.

Zoning map. The series of maps adopted as an ordinance by the Richland County Council that delineates the extent of each zoning district established in the Richland County Land Development Code.

Secs. 26-23 - 26-30. Reserved.

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ARTICLE III. ADMINISTRATION

Sec. 26-31. **Richland County Council.**

- (a) *Powers and duties pursuant to this chapter.* Without limiting any authority granted to the Richland County Council by law or regulations, the Richland County Council shall have the following powers and duties with respect to this chapter, to be carried out in accordance with the terms of this chapter:
- (1) To adopt new text for and amendments to the text of this chapter;
 - (2) To adopt new zoning maps and amendments to the zoning maps;
 - (3) To establish fees for permits and approvals related to the administration of this chapter; and
 - (4) Such additional powers and duties as may be set forth elsewhere in this chapter and in other related laws and regulations.
- (b) *Reserved.*

Sec. 26-32. **Richland County Planning Commission.**

See Section 2-326 of this Code of Ordinances.

Sec. 26-33. **Board of Zoning Appeals of Richland County.**

- (a) *Established; duties.* The Board of Zoning Appeals of Richland County is hereby established, which shall have the powers and duties as provided in Sections 6-29-780 through 6-29-860 of the South Carolina Code of Laws. In general, such powers and duties shall include the following:
- (1) *Administrative review.* The board of zoning appeals shall hear and decide appeals when it is alleged that there is error in any order, requirement, decision, or determination made by the zoning administrator or other authorized staff of the planning department in the enforcement of this chapter. Such appeals must be taken within thirty (30) days after the order, requirement, decision, or determination that is alleged to be in error is made, and must be made in accordance with the procedures and standards set forth in Section 26-58 of this chapter.
 - (2) *Variances.* The board of zoning appeals shall have the power to authorize upon appeal in specific cases such variance from the terms of this chapter as will not be contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions of this chapter would result in an

unnecessary hardship. Such appeals shall be made in accordance with the procedures and standards set forth in Section 26-57 of this chapter.

- (3) *Special exceptions.* The board of zoning appeals shall hear and decide applications for special exceptions as the board is specifically authorized to pass upon by the terms of this chapter. Such appeals shall be made in accordance with the procedures and standards set forth in Section 26-56 of this chapter.
 - (4) *Remand.* The board of zoning appeals may remand a matter to an administrative official, upon motion by a party or the board's own motion, if the board determines that the record is insufficient for review. A party's motion for remand may be denied if the board determines that the record is sufficient for review.
- (b) *Membership; terms; vacancies.*
- (1) The board of zoning appeals shall consist of seven (7) members appointed by the Richland County Council, a majority of which shall constitute a quorum. Any person who is appointed to the board of zoning appeals after September 1, 2006 must reside in Richland County. In appointing members to the board of zoning appeals, council shall give due consideration as to whether applicants live in an incorporated or unincorporated area of the County. None of the members of the board of zoning appeals shall hold any other public office or position with the county. (Ord. No. 084-06HR; 9-12-06)
 - (2) Members shall be appointed for staggered terms of three (3) years and until their respective successors are appointed and qualified. Members may be removed for cause by the Richland County Council.
 - (3) Vacancies shall be filled by the Richland County Council for the unexpired term of any member whose term becomes vacant.
- (c) *Organization; officers; rules; meetings; notice; records.*
- (1) The board of zoning appeals shall elect a chairperson, a vice-chairperson, and a secretary from its members who shall each serve for a one (1) year term or until re-elected or a successor is elected and qualified. The staff of the Richland County Planning and Development Services Department shall support the board in fulfilling its responsibilities by facilitating matters to be brought before the board.
 - (2) The board shall adopt rules of procedure necessary to the conduct of its affairs in accordance with the provisions of this chapter.

- (3) Meetings of the board shall be held at the call of the chairperson and at other times as the board may determine. Public notice of all meetings of the board of zoning appeals shall be provided by publication in a newspaper of general circulation within the county. The chairperson, or in his/her absence, the acting chairperson, may administer oaths and compel the attendance of witnesses.
- (4) All meetings shall be open to the public. The board shall keep minutes of its proceedings, showing the vote of each member upon each question, or if absent or failing to vote, indicating such fact. The board shall keep records of its examinations and other official actions, all of which shall immediately be filed in the office of the zoning administrator, and shall be a public record.

Sec. 26-34. Development Review Team

- (a) *Established; duties.* A development review team is hereby established, which shall have the following duties: (Ord. No. 077-08HR; 12-2-08)
 - (1) *Land development review.* The development review team shall review and comment on all major land development applications and minor land development applications as needed. Such review shall be made in accordance with the procedures set forth in Section 26-53 of this chapter.
 - (2) *Subdivision review.* The development review team shall review and comment on all major subdivision plat applications and shall comment on minor subdivision plats as needed. Such review shall be made in accordance with the procedures set forth in Section 26-54 of this chapter.
 - (3) *Assistance to the planning department.* The development review team shall review and comment on other plans or applications as requested by the planning department and shall assist the staff of the planning department with any studies or other land development matters as necessary.
 - (4) *Other.* The development review team shall perform such additional powers and duties as may be set forth for the development review team of Richland County elsewhere in this chapter and other laws and regulations of the county.
- (b) *Membership; operating procedures.* The development review team shall be appointed by the planning director. It shall consist of representatives of various departments within the county. The membership and operating procedures shall be as determined by the planning director. The planning director shall be a member of and shall serve as chair of the development review team.

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Sec. 26-35. Richland County Planning and Development Services Department.

- (a) *General powers and duties pursuant to this chapter.* The Richland County Planning and Development Services Department, under the direction of the Richland County Planning Director, shall have the following powers and duties, to be carried out in accordance with the terms of this chapter:
- (1) To review all applications for land development, subdivision, and planned development approval for compliance with the terms of this chapter and to facilitate any necessary formal review of such applications;
 - (2) To review all applications for permitted uses with special requirements, special exceptions and variances for compliance with the terms of this chapter and to facilitate any necessary formal review of such applications;
 - (3) To review all applications for certificates of zoning compliance in accordance with the terms of this chapter;
 - (4) To provide the Richland County Council, the Richland County Planning Commission, and the Richland County Board of Zoning Appeals with reports and recommendations regarding matters before these bodies, either as required by this chapter, other laws and regulations, or upon the request of the body;
 - (5) To enforce compliance with the terms of this chapter in accordance with Article XII., unless such enforcement is specifically assigned to another county official; and
 - (6) Such additional powers and duties as may be set forth for the Richland County Planning and Development Services Department elsewhere in this Code of Ordinances and other laws and regulations of the county.
- (b) *Specific powers and duties of certain planning department officers:*
- (1) *Planning director.* The Richland County Planning Director, in addition to having such additional powers and duties as may be assigned or as are set forth elsewhere in this Code of Ordinances, shall serve on and coordinate the activities of the Richland County Development Review Team as established in Section 26-34 of this chapter.
 - (2) *Zoning administrator.* The Richland County Zoning Administrator, in addition to having such additional powers and duties as may be assigned or as are set forth elsewhere in this Code of Ordinances, shall interpret the terms and provisions of this chapter unless such interpretation is specifically assigned to another county official. In addition, 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 prior to publication of the respective agenda. 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 that are administratively continued shall be rescheduled for hearing as soon as practical, consistent with the basis for the continuance.

- (3) *Land development administrator.* The Richland County Land Development Administrator, in addition to having such additional powers and duties as may be assigned or as are set forth elsewhere in this chapter, shall be responsible for final approval and signing of all subdivision plats to be recorded in the jurisdiction of Richland County.

Sec. 26-36. Richland County Public Works.
(Ord. 006-10HR; 1-19-10) (Ord. 060-10HR; 9-28-10)

- (a) *Powers and duties pursuant to this chapter.*
- (1) *Engineering Division/Stormwater Management Division.* The Richland County Engineering Division and the Stormwater Management Division, under the direction of the Richland County Engineer, shall have the following powers and duties in administering and implementing Article VIII. of this chapter and other relevant laws and regulations pertaining to stormwater management and erosion and sediment control in Richland County: (Ord. 006-10HR; 1-19-10) (Ord. 060-10HR; 9-28-10)
- a. To review and approve/deny all plans for stormwater management to assure that all applicable requirements of this chapter have been satisfied. (Ord. 060-10HR; 9-28-10)
 - b. To enforce all provisions of the stormwater management and erosion and sediment control provisions of this chapter and other relevant laws and regulations relating to stormwater management. (See Sections 26-64, 26-202 and 26-203 of this chapter). (Ord. 006-10HR; 1-19-10) (Ord. 060-10HR; 9-28-10)
 - c. To review and approve/deny all applications for land disturbance permits to assure that all applicable requirements of this chapter have been satisfied. (Ord. 006-10HR; 1-19-10) (Ord. 060-10HR; 9-28-10)
 - d. To interpret the terms and provisions of Section 26-64 and Article VIII. of this chapter. (Ord. 006-10HR; 1-19-10) (Ord. 060-10HR; 9-28-10)
- (2) *Flood coordinator.* The Richland County Flood Coordinator, under the direction of the Richland County Engineer, shall have the following powers and duties in administering and implementing Section 26-106 of this chapter and other relevant laws and regulations pertaining to floodplain management in Richland County: (043-07HR; 5-1-07) (Ord. 060-10HR; 9-28-10)
- a. To review all applications for zoning and land disturbance permits within the FP Floodplain Overlay District to assure that all applicable requirements of this chapter have been satisfied. (Ord. 006-10HR; 1-19-10) (Ord. 060-10HR; 9-28-10)
 - b. To advise any applicant for a zoning and/or land disturbance permit within the FP Floodplain Overlay District that additional federal or state permits may be required and require that copies of any permits or permit applications for activities on the proposed site be provided

- and maintained on file with the flood coordinator. (Ord. 006-10HR; 1-19-10)
- c. To notify adjacent communities and the State Coordinator for the National Flood Insurance Program of the South Carolina Department of Natural Resources, Land, Water and Conservation Division, prior to any alteration or relocation of a watercourse, and to submit evidence of such notification to FEMA. (Ord. 060-10HR; 9-28-10)
 - d. To prevent encroachments within floodways unless the certification and flood hazard reduction provisions of Section 26-106 of this chapter are met. (043-07HR; 5-1-07) (Ord. 060-10HR; 9-28-10)
 - e. Where interpretation is needed as to the exact location of the boundaries of special flood hazard areas (for example, where there appears to be a conflict between a mapped boundary and actual field conditions), to make the necessary interpretation.
 - f. When base flood elevation data of floodway data have not been provided in accordance with Section 26-106 of this chapter, to obtain, review, and reasonably utilize the best available base flood elevation data and floodway data available from a federal, state or other source at his/her discretion, in order to administer the provisions of Section 26-106 of this chapter and other relevant laws and regulations pertaining to floodplain management in Richland County. (043-07HR; 5-1-07) (Ord. 060-10HR; 9-28-10)
 - g. When a regulatory floodway has not been designated, the flood coordinator must require that no encroachments, including fill, new construction, substantial improvements, or other development shall be permitted within Zones AE and A1-30 on the community's FIRM, unless it is demonstrated by an engineer registered with the state, that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood at any point within the community more than one (1) foot.
 - h. Mail annually a notice, including a copy of the application of a development permit, to owners or occupants of structures within or touched by the regulatory floodplain areas, to provide information as to the status of the flood hazard for each property. This notice shall require that owners provide this notice and a copy of the development permit to subsequent purchasers of the property.
 - i. To serve notices of violation, issue stop work orders, revoke or suspend permits and take corrective actions for violations of Section

26-106 of this chapter and other relevant laws and regulations pertaining to floodplain management in Richland County. (043-07HR; 5-1-07) (Ord. 060-10HR; 9-28-10)

(b) *Reserved.*

Secs. 26-37 – 26-50. Reserved.

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ARTICLE IV. AMENDMENTS AND PROCEDURES

Sec. 26-51. General.

This article contains the detailed procedures relevant to carrying out the purposes set forth throughout this chapter. The processes for revising this chapter and the official zoning map for the county are contained herein. Additionally, all review and permitting procedures required by this chapter are also outlined in this article.

- (a) *Permits/approval types.* Any development within the jurisdiction of Richland County may require one or more of the permits and approvals detailed in this article to ensure that the development is consistent with the goals and purposes of this chapter and with the public health, safety and general welfare. Permits and approvals include, but are not necessarily limited to, the following:

Land Development Permits (Land Development Compliance Review, Minor Land Development Review and Major Land Development Review). (Section 26-53).

Subdivision Review and Approval. (Section 26-54).

Permitted Uses with Special Requirements. (Section 26-55).

Special Exceptions. (Section 26-56).

Variances. (Section 26-57).

Appeals of Administrative Decisions. (Section 26-58).

Planned Development Review and Approval. (Section 26-59).

Certificates of Zoning Compliance. (Section 26-60).

Review in the FP Floodplain Overlay District. (Section 26-61).

Sign Permits. (Section 26-62).

Temporary Use Permits. (Section 26-63).

Land Disturbance Permits with approved SWPPPs. (Section 26-64). (Ord. 006-10HR; 1-19-10)

Applications for all permits or approvals, unless otherwise specified, shall be made at the Richland County Planning and Development Services Department. The review procedures described in this article are those required by Richland County. Other agencies and/or departments may have separate procedures that must be followed in order to obtain plan approval. Those agencies must be contacted to

obtain information regarding the proper procedure for approval of plans and construction. (Ord. 006-10HR; 1-19-10)

- (b) *Simultaneous processing of applications.* This article intends to accommodate, where possible, the simultaneous processing of applications for different permits and approvals that may be required for the same project in order to make the review process as short as possible. However, some forms of approval depend upon the applicant having previously received another form of approval. The applicant should note that each of the permits and approvals set forth in this section has its own review sequence, and this should be taken into consideration when planning the development.

- (c) *Application and review fees.* Requests for review of various permit and approval applications required by this article are subject to the payment of various fees in order to defray the county's administrative costs. The fees for different types of permits and approvals are kept on file in the Richland County Planning and Development Services Department and the Richland County Public Works Department. These fees are determined by the Richland County Council and are periodically revised by the council.

Sec. 26-52. Amendments.

- (a) *General.* The Richland County Council may from time to time amend any part of the text of this chapter or amend the zoning map of the county. Such amendments shall be made in accordance with the county's comprehensive plan.
- (b) *Initiation of proposals.*
 - (1) *Text amendments.* Amendments to the text of this chapter may be initiated by:
 - a. Adoption of a motion by the Richland County Planning Commission.
 - b. Adoption of a motion by the Richland County Council.
 - c. Initiation by the Richland County Planning Director or the Richland County Administrator.
 - (2) *Zoning map amendments.*
 - a. *Initiation.* Amendments to the zoning map of the county may be initiated by:
 - 1. Adoption of a motion by the Richland County Planning Commission.
 - 2. Adoption of a motion by the Richland County Council.
 - 3. Initiation by the Richland County Planning Director or the Richland County Administrator.
 - 4. The filing of an application by the property owner(s) or their authorized agent.
 - b. *Minimum area for zoning map amendment application.* No request for a change in zoning classification shall be considered that involves an area of less than two (2) acres, except changes that involve one of the following: (Ord. 038-09HR; 7-21-09)
 - 1. An extension of the same existing zoning district boundary. (Ord. 038-09HR; 7-21-09)
 - 2. An addition or extension of RM-MD zoning contiguous to an existing RM-HD or RS-HD zoning district. (Ord. 038-09HR; 7-21-09)

3. An addition of OI zoning contiguous to an existing commercial or residential zoning district. (Ord. 038-09HR; 7-21-09)
4. An addition of NC zoning contiguous to an existing commercial or residential zoning district. (Ord. 038-09HR; 7-21-09)
5. An addition of GC zoning contiguous to an existing industrial zoning district.
6. An addition of LI zoning contiguous to an existing industrial zoning district. (Ord. 028-13HR; 6-18-13)
7. A zoning change where property is contiguous to a compatible zoning district lying within another county or jurisdiction.
8. A zoning change for a nonconforming use created by this chapter that is contiguous to compatible land uses.
9. A zoning change for a parcel located within an adopted neighborhood master plan area and which has a compatible adopted neighborhood zoning district. (Ord. 038-09HR; 7-21-09)

(c) *Petition submittal by property owners (map amendments only).*

- (1) *Application.* A petition for an amendment to the zoning map shall be filed on a form provided by the Richland County Planning and Development Services Department. Such application shall contain all the information required on the form. The filing of a petition is not needed for a proposal for a text amendment. In addition to the application, a digital plat representing the proposed change shall be submitted in a format specified by the county, if deemed necessary by the zoning administrator. (Ord. No. 065-05HR; 9-20-05)
- (2) *Conference.* Every applicant for a zoning map amendment is required to meet with the planning director, in a pre-application conference, prior to or at the time of, the submittal of the petition for amendment. The purpose of this conference is to provide additional information regarding the review process and to provide assistance in the preparation of the application.
- (3) *Fees.* An application fee, established by the Richland County Council shall be submitted with the petition.

- (d) *Staff review.* The planning department shall review any petition for a zoning map amendment and determine if it is complete within ten (10) days of its submittal. If the application is complete, the planning department shall schedule the matter for consideration at the next available meeting of the Richland County Planning Commission. For text amendments, the department shall schedule the matter for consideration by the planning commission when the staff review of the proposal is complete. For all amendments, the planning department shall prepare a staff evaluation and recommendation. Only complete application packages received prior to the first day of the month shall be scheduled for the following month's planning commission meeting. The schedule for meetings of the planning commission shall be kept and maintained in the office of the Richland County Planning and Development Services Department. (Ord. 064-08HR; 10-21-08)
- (e) *Planning commission review and action.*
- (1) *Review.* All proposed amendments shall be submitted to the planning commission for study and recommendation. The planning commission shall study each proposal to determine:
- a. The need and justification for the change.
 - b. When pertaining to a change in the district classification of the property, the effect of the change, if any, on the property and any surrounding properties.
 - c. When pertaining to a change in the district classification of the property, the amount of land in the general area having the same district classification as that being requested.
 - d. The relationship of the proposed amendment to the purposes of the general planning program, with appropriate consideration as to whether the proposed change will further the purposes of this chapter and the purposes of the comprehensive plan.
- (2) *Action.* Within thirty (30) days from the date that any proposed zoning amendment is first considered by the planning commission at a scheduled meeting, unless a longer period of time has been mutually agreed upon between the county council and the planning commission in a particular case, the planning commission shall submit its report and recommendation to the county council. The recommendation of the planning commission is 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.
- (f) *Notification of public hearing.*

- (1) *Publication.* Fifteen (15) days in advance of the first reading on any proposed map amendment, and fifteen (15) days in advance of the first or second reading of any proposed text amendment (whichever is applicable), the county council (or its designee) shall publish notice of the time and place of the public hearing on the matter in a newspaper of general circulation within the county. Such notices shall contain the date, time, and place of the public hearing, and the nature and character of the proposed action. In addition, the hearing notice shall also identify any property affected, and whenever practical, identify the general location where affected property lines intersect the frontage road. The notice shall further inform the public where information may be examined and when and how written comment may be submitted on the proposed matter.

- (2) *Posting.* When a proposed amendment affects the district classification of a particular piece of property, the planning department shall cause to be conspicuously located on or adjacent to the property affected hearing notices that shall be posted as follows:
 - a. Hearing notices shall indicate the nature of the change proposed, identification of the property affected, and the time, date, and place of the public hearing. Whenever practical, the hearing notices shall identify the general location where property lines intersect the frontage road.
 - b. Hearing notices shall be posted at least fifteen (15) days prior to the hearing.
 - c. Hearing notices shall be located as follows:
 1. For lots or parcels with road frontage of 100 feet or less, one (1) hearing notice shall be placed on each lot or parcel.
 2. For lots or parcels with road frontage greater than one hundred (100) feet but less than five hundred (500) feet, one (1) hearing notice shall be placed for every one hundred (100) feet of road frontage or portion thereof.
 3. For lots or parcels with road frontage greater than five hundred (500) feet but less than one thousand (1,000) feet, one (1) hearing notice shall be placed for every two hundred (200) feet of road frontage or portion thereof.
 4. For lots or parcels of land with road frontage of one thousand (1,000) feet or greater, one (1) hearing notice shall be placed

for every three hundred (300) feet of road frontage or portion thereof.

5. When multiple parcel rezonings are initiated by the county council, the planning commission, the planning director, or the county administrator, posting of property is not required. However, written notice of the hearing shall be mailed to affected property owners in accordance with Section 26-52(f)(3) below.

(3) *Mailed notice.*

- a. *General.* Before holding a public hearing required by this chapter for a zoning map amendment, written notice of the hearing shall be mailed by the planning department, by first class mail, at least fifteen (15) days prior to the day of the hearing. Notice shall be mailed to all owners of property within, contiguous to, or directly across the road from the area proposed for rezoning. The notice shall be sent to the address of such owners appearing on the latest published tax listing. The failure to deliver notice as provided in this subsection shall not invalidate any such amendment nor delay the hearing. The notice shall contain the same information as required of notices published in newspapers (Section 26(f)(1) above).
- b. *Notice to groups.* Neighborhood associations and other groups as specified by the Richland County Council shall be provided notice also. Such notice shall be mailed at least fifteen (15) days before the day of the public hearing and shall contain the same information as required of notices published in newspapers (Section 26(f)(1) above). The failure to deliver notice as provided in this subsection shall not invalidate any such amendment, nor delay the hearing.

(g) *County Council review and action.*

- (1) *General.* Following receipt of a recommendation on a proposed amendment, the Richland County Council shall set a date for a public hearing on the proposed amendment. Notice shall be provided as set forth in Section 26-52(f) above. Public hearings on zoning map amendments shall be held prior to the first reading on the matter and public hearings for 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 the third reading of said question.
- (2) *Action.* Within one hundred eighty (180) days after the public hearing on a proposed zoning map or text amendment, the county council shall either adopt or deny the amendment. If no action is taken by the county council

within one hundred eighty (180) days after the public hearing, the proposed amendment shall be considered denied.

(h) *Withdrawal or reconsideration of proposed amendments.*

- (1) *Withdrawal.* An applicant may only withdraw an amendment application (which has been submitted to the Richland County Council with planning commission recommendation) not less than fifteen (15) days prior to the scheduled County Council Zoning Public Hearing. Less than 15 days before the Zoning Public Hearing, the applicant may only request a withdrawal by appearing before County Council at the scheduled zoning public hearing. A withdrawal shall be considered a termination of the application. Resubmission shall be processed as a new application and all applicable fees will be assessed. (Ord. No. 023-06HR; 3-21-06)
- (2) *Major change to a proposed map amendment shall be considered a withdrawal.* A major change to a proposed map amendment application is any change initiated by the applicant or property owner that would result in a different zoning district classification than initially requested, or would result in a significant alteration in the requested zoning district boundary, or would result in a major amendment to a Planned Development District. Any major change in a proposed map amendment application, prior to enactment of the map amendment at third reading by County Council, shall be considered a withdrawal. A new application shall be submitted and all applicable fees will be assessed.
- (3) *Reconsideration after denial.*
 - a. *Waiting period.* When an application for a change in land use classification has been disapproved by the county council, reapplication for the same change, for the same parcel of land, in whole or in part, shall not be permitted until twelve (12) months from the date of final determination or action of the council.
 - b. *Waiting period waiver.* The waiting period required by this subsection shall be waived if the planning commission recommends to the county council that reconsideration be given, after the planning commission has found that either:
 1. There has been substantial change in the character of the area;
or
 2. Evidence of factors or conditions exist (that were not considered by the planning commission or the county council in previous deliberations), which might substantially alter the basis upon which the previous determination was reached.

Sec. 26-53. Land development permits.

(Ord. No. 047-05HR; 6-21-05) (Ord. No. 078-12HR; 12-11-12)

- (a) *General.* No building or other structure shall be erected, moved, added to, or structurally altered without a land development permit being issued by the county. In addition to building or structural change, a land development permit shall also be required for expansions of existing uses as well as for a change of use. A land development permit shall not be issued by the planning department except in conformity with the provisions of this chapter, unless the planning department receives a written order from the Richland County Board of Zoning Appeals in the form of an interpretation involving error (Section 26-58) or a special exception (Section 26-56) or variance (Section 26-57). If the permit is denied, reasons for the denial shall be stated. The planning department shall notify the Building and Inspections Department and the Emergency Services Department whenever plans are submitted that affect the “Emergency Planning Zone” (EPZ) of the V.C. Summer Nuclear Plant (which is located in Fairfield County) that involves an entity that will employ or house more than one hundred (100) persons in a facility on a regular basis, as in those instances an evacuation plan must be first submitted to and approved by the Emergency Services Department prior to the issuance of any building permit or land development permit. (Ord. No. 047-05HR; 6-21-05) (Ord. No. 011-11HR; 2-15-11)
- (b) *Processes.* There are three types of land development permit processes: land development compliance review, minor land development review, and major land development review. The type of process to be applied to a particular development application depends on the nature of the development proposed.
 - (1) *Land development compliance review.*
 - a. *Applicability.* Construction of detached single-family dwelling units and two-family dwellings on individual lots of record are subject only to land development compliance review in order to obtain a land development permit. In addition, changes of use not involving new construction are subject only to land development compliance review in order to obtain a land development permit.
 - b. *Plan submittal.* An application for a land development permit subject to land development compliance review shall be filed by the owner of the property or by an authorized agent. All documents/information required on the application must be submitted – including the permit fee, as established by Richland County Council. (Ord. No. 047-05HR; 6-21-05) (Ord. No. 078-12HR; 12-11-12)
 - c. *Staff review.* The planning department shall review the application and determine if it is complete. If the application is incomplete, the planning department shall notify the applicant of the deficiencies.

Provided the application is complete, the planning department, for projects not involving some other form of review, shall approve or deny the approval of the application within thirty (30) days of receipt. Failure to act within thirty (30) days, unless extended by mutual agreement, shall be considered to constitute approval. In most situations, land development compliance review and the issuance of a land development permit can be handled at the time of application submittal. A record of all actions will be maintained as a public record and the applicant must be notified in writing of any actions taken. (Ord. No. 047-05HR; 6-21-05) (Ord. No. 023-12HR; 4-17-12) (Ord. No. 078-12HR; 12-11-12)

- d. *Public notification.* No public notification is required for land development permit issuance subject to land development compliance review.
- e. *Formal review.* No formal review is required for land development permit issuance subject to land development compliance review.
- f. *Variances.* Requests for variances, unless otherwise specified, shall be heard by the board of zoning appeals under the procedures set forth in Section 26-57 of this chapter.
- g. *Appeals.* Appeals of the decisions of the planning department regarding land development permit applications, which must be filed within thirty (30) days after actual notice of the decision, shall be heard by the planning commission under the procedures set forth at Section 26-58 of this chapter. Such appeals shall encompass all issues for appeal. An appeal from the decision of the planning commission by a person who may have a substantial interest in the decision must be taken to the circuit court within thirty (30) days after actual notice of the decision. In the alternative, also within thirty (30) days, a property owner whose land is the subject of a decision by the planning commission may appeal by filing a notice of appeal with the circuit court accompanied by a request for pre-litigation mediation in accordance with Section 6-29-1150 and Section 6-29-1155 of the South Carolina Code of Laws.
- h. *Permit validity.* In accordance with Section 6-29-1510, et seq. of the South Carolina Code of Laws 1976, as amended, upon the issuance of a land development permit, the applicant shall have a vested right for two (2) years from the date of issuance to undertake and complete the corresponding development of property under the terms and conditions of the approved site specific development plan. Failure to complete work within this time shall render the permit void. However, the applicant may request a one (1) year extension of this

time period no later than 30 days and no earlier than 60 days prior to the expiration of the permit. The request for an extension must be approved unless otherwise prohibited by an intervening amendment to this chapter, such amendment having become effective prior to the expiration of the permit. Likewise, and in the same manner, the applicant may apply for four (4) more one (1) year extensions. Any change from the approved site specific development plan that has not first been reviewed and approved by the planning department shall render the land development permit invalid. (Ord. No. 047-05HR; 6-21-05) (Ord. No. 078-12HR; 12-11-12)

(2) *Minor land development review.*

- a. *Applicability.* Minor land developments are those developments (exclusive of residential or commercial subdivisions) that do not meet the standards for applicability for “land development compliance review” or “major land development” review. If a phased project would reach the thresholds for a major land development within a five (5) year period, then the project shall be treated as a major land development, regardless of the size of the individual phases. To be considered a minor land development, the subdividing of property or the dedication of land to the county for open space or other public purposes shall not be part of the development. Minor land developments are subject to the review process outlined in subparagraphs b. through f. below in order to obtain a land development permit.
- b. *Plan submittal.* An application for a land development permit subject to minor land development review shall be filed by the owner of the property or by an authorized agent. All documents/information required on the application must be submitted – including the permit fee, as established by Richland County Council. (Ord. No. 047-05HR; 6-21-05) (Ord. No. 078-12HR; 12-11-12)
- c. *Staff review.* The planning department shall review the application and determine if it is complete. If the application is incomplete, the planning department shall notify the applicant of the deficiencies within ten (10) days of the most recent submission date. Provided the application is complete, the following shall occur. (Ord. No. 023-12HR; 4-17-12)
 1. *Planning staff review.* Plans for development requiring minor land development review shall be reviewed by the planning department for compliance with the requirements of this chapter.

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

The planning department shall approve, approve conditionally, or deny the approval of the application within thirty (30) days of receipt. Failure to act on an application with thirty (30) days shall be considered to constitute approval. A record of all actions will be maintained as a public record and the applicant must be notified of any actions taken. (Ord. No. 023-12HR; 4-17-12)

- d. *Public notification.* No public notification is required for land development permit issuance subject to minor land development review.
- e. *Formal review.* No formal review is required for land development permit issuance subject to minor land development review.
- f. *Variances.* Requests for variances, unless otherwise specified, shall be heard by the board of zoning appeals under the procedures set forth in Section 26-57 of this chapter. However, requests for variances from the requirements set forth in Article IX. shall be heard by the planning commission.
- g. *Appeals.* Appeals of the decisions of the planning department regarding land development permit applications (subject to minor land development review), which must be filed within thirty (30) days after actual notice of the decision, shall be heard by the planning commission under the procedures set forth in Section 26-58 of this chapter. Such appeals shall encompass all issues for appeal. An appeal of the decision of the planning commission by a person who may have a substantial interest in the decision must be taken to the circuit court within thirty (30) days after actual notice of the decision. In the alternative, also within thirty (30) days, a property owner whose land is the subject of a decision by the planning commission may appeal by filing a notice of appeal with the circuit court, accompanied by a request for pre-litigation mediation in accordance with Section 6-29-1150 and Section 6-29-1155 of the South Carolina Code of Laws.
- h. *Permit validity.* In accordance with Section 6-29-1510, et seq. of the South Carolina Code of Laws 1976, as amended, upon the issuance of a land development permit, the applicant shall have a vested right for

two (2) years from the date of issuance to undertake and complete the corresponding development of property under the terms and conditions of the approved site specific development plan. Failure to complete work within this time shall render the permit void. However, the applicant may request a one (1) year extension of this time period no later than 30 days and no earlier than 60 days prior to the expiration of the permit. The request for an extension must be approved unless otherwise prohibited by an intervening amendment to this chapter, such amendment having become effective prior to the expiration of the permit. Likewise, and in the same manner, the applicant may apply for four (4) more one (1) year extensions. Any change from the approved site specific development plan that has not first been reviewed and approved by the planning department shall render the land development permit invalid. (Ord. No. 047-05HR; 6-21-05) (Ord. No. 078-12HR; 12-11-12)

(3) *Major land development review.*

a. *Applicability.* Major land developments are those developments, exclusive of residential or commercial subdivisions, which:

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

Due to the size of these projects, a more formal review process is required. This review process is established to ensure the safety of the public and to assure that adequate services and facilities can be provided for these developments and to assure that they do not negatively impact the area in which they are proposed to be located or the county as a whole.

b. *Plan submittal.*

1. *Filing of application.* Applications for land development permits subject to major land development review shall be filed by the owner of the property or an authorized agent. All documents/information required on the application must be submitted, including the permit fee, as established by Richland

County Council. (Ord. No. 047-05HR; 6-21-05) (Ord. No. 078-12HR; 12-11-12)

2. *Preparation of plans.* Site plans for developments requiring major land development review shall be prepared by a registered architect, engineer, landscape architect, or licensed surveyor. (Ord. No. 047-05HR; 6-21-05) (Ord. 038-09HR; 7-21-09) (Ord. No. 078-12HR; 12-11-12)
- c. *Staff review.* The planning department shall review the application and determine if it is complete. If the application is incomplete, the planning department shall notify the applicant of the deficiencies within ten (10) days of the most recent submission date. Provided the application is complete, the following shall occur: (Ord. No. 047-05HR; 6-21-05) (Ord. No. 078-12HR; 12-11-12)
1. *Scheduling.* The schedule for meetings of the Development Review Team shall be kept and maintained in the Office of the Richland County Planning and Development Services Department. (Ord. No. 047-05HR; 6-21-05) (Ord. No. 078-12HR; 12-11-12)
 2. *Development review team.* The planning department shall distribute site plans to members of the development review team. The development review team members shall review the site plans for compliance with the development regulations of Richland County. Upon review, the development review team shall determine one of the following: (Ord. No. 047-05HR; 6-21-05) (Ord. No. 078-12HR; 12-11-12)
 - [a] *The project is in compliance with the development regulations of Richland County.* If the site plan is approved by the development review team, the planning department shall notify the applicant and transmit the site plan to the planning commission for their information. (Ord. No. 047-05HR; 6-21-05) (Ord. No. 078-12HR; 12-11-12)
 - [b] *The project is not in compliance with the development regulations of Richland County.* The site plan may be revised to address the reasons for denial and resubmitted. The site plan shall be denied, and the reasons for denial shall be provided to the applicant. The site plan may be revised to address the reasons for denial and resubmitted. Revised site plans shall be administratively reviewed; provided, however, major

changes that materially affect the characteristics of the site plan, as determined by the planning director, may require an additional DRT review. (Ord. No. 047-05HR; 6-21-05) (Ord. No. 078-12HR; 12-11-12)

The decision of the DRT will be posted on the first day of the month outside of the Planning Department Office, on the bulletin board located in the lobby of the County Administration Building, and on the County website. Appeals must be filed to the Planning Commission within fifteen (15) days of the posting. (Ord. No. 047-05HR; 6-21-05) (Ord. No. 078-12HR; 12-11-12)

- d. *Public notification.* No public notification is required for land development permit applications. (Ord. No. 047-05HR; 6-21-05) (Ord. No. 078-12HR; 12-11-12)
- e. *Variances.* Requests for variances, unless otherwise specified, shall be heard by the board of zoning appeals under the procedures set forth in Section 26-57 of this chapter.
- f. *Appeals.*
 1. Appeals shall be made to the Richland County Planning Commission, subject to the procedures set forth in Sec. 26-58 and the payment of fees as established by Richland County Council. (Ord. No. 047-05HR; 6-21-05) (Ord. No. 078-12HR; 12-11-12)
 2. Pursuant to the requirements of Section 6-29-1150 (c) of the South Carolina Code of Laws, any person who may have a substantial interest in the decision of the planning commission may appeal such decision to the circuit court, provided that a proper petition is filed with the Richland County Clerk of Court within thirty (30) days after receipt of the written notice of the decision by the applicant. An appeal shall cease all staff review regarding the subject property. However, a reconsideration request may be heard at the same time as an appeal is pending. Since an appeal to the circuit court must be based on the factual record generated during the subdivision review process, it is the applicant's responsibility to present whatever factual evidence is deemed necessary to support his/her position. In the alternative, also within thirty (30) days, a property owner whose land is the subject of a decision by the planning commission may appeal by filing a notice of appeal with the circuit court accompanied by a request for pre-

litigation mediation in accordance with Section 6-29-1150 and Section 6-29-1155 of the South Carolina Code of Laws. (Ord. No. 078-12HR; 12-11-12)

- g. *Permit validity.* In accordance with Section 6-29-1510, et seq. of the South Carolina Code of Laws 1976, as amended, upon the issuance of a land development permit, the applicant shall have a vested right for two (2) years from the date of issuance to undertake and complete the corresponding development of property under the terms and conditions of the approved site specific development plan. Failure to complete work within this time shall render the permit void. However, the applicant may request a one (1) year extension of this time period no later than 30 days and no earlier than 60 days prior to the expiration of the permit. The request for an extension must be approved unless otherwise prohibited by an intervening amendment to this chapter, such amendment having become effective prior to the expiration of the permit. Likewise, and in the same manner, the applicant may apply for four (4) more one (1) year extensions. Any change from the approved site specific development plan that has not first been reviewed and approved by the planning department shall render the land development permit invalid. (Ord. No. 047-05HR; 6-21-05) (Ord. No. 078-12HR; 12-11-12)

Sec. 26-54. Subdivision review and approval.

- (a) *General.* Pursuant to the requirements of Section 6-29-1110, et seq., of the South Carolina Code of Laws, as amended, no subdivision of land in Richland County may be recorded without review and approval in accordance with this section. No road, right-of-way, easement, or other land, shall be accepted, or maintained by the county, be extended or connected, nor shall any certificate of occupancy be issued by a department of the county for any building, or other improvements, until the subdivision, and/or other property division, complies with the requirements of this section. These review procedures are designed to ensure that the purposes of various regulations set forth in this section are carried out and that the objectives and policies of the comprehensive plan for the county are implemented.
- (b) *Sketch plans and plats to show flood limit lines as depicted on the current FIRM panel.* All sketch plans for subdivisions and plats submitted for approval pursuant to this section shall be prepared by a registered engineer or licensed surveyor and shall contain a delineation of all flood lines and floodway boundary lines, as shown on the County's Flood Insurance Rate Map as adopted in Section 26-106 (b). (Ord. 056-09HR; 11-3-09) (Ord. 065-09HR; 10-19-10) (Ord. 079-12HR; 12-11-12)
- (c) *Processes.* There are three types of subdivision review processes: administrative review, minor subdivision review, and major subdivision review. The type of process to be applied to a particular development application depends on the nature of the development proposed.
 - (1) *Administrative review.* (Ord. No. 034-15HR; 7-21-15)
 - a. *Submittal.* Applications for administrative subdivision review shall be filed by the owner of the property or an authorized agent. The application shall be filed with the planning department. All documents/information required on the application must be submitted – including the permit fee, as established by Richland County Council. Plats must be prepared by a South Carolina licensed land surveyor. (Ord. 079-12HR; 12-11-12)
 - b. *Staff review.* The planning department shall approve or deny the application within thirty (30) days after the submission date of a completed application. If the department does not provide the applicant with a notice of the application's status within thirty (30) days after the submission date of a completed application, then the application shall be deemed approved. (Ord. No. 023-12HR; 4-17-12) (Ord. 079-12HR; 12-11-12)
 - c. *Public notification.* No public notification is required for administrative subdivision review.

- d. *Formal review.* No formal review is required for administrative subdivision review.
- e. *Variations.* Requests for variations, unless otherwise specified, shall be heard by the board of zoning appeals under the procedures set forth in Section 26-57 of this chapter. However, variations from the requirements set forth in Article IX. must be approved by the planning commission.
- f. *Appeals.*
 - 1. Appeals shall be made to the Richland County Planning Commission, subject to the procedures set forth in Sec. 26-58 and the payment of fees as established by Richland County Council. (Ord. 079-12HR; 12-11-12)
 - 2. Pursuant to the requirements of Section 6-29-1150 (c) of the South Carolina Code of Laws, any person who may have a substantial interest in the decision of the planning commission may appeal such decision to the circuit court, provided that a proper petition is filed with the Richland County Clerk of Court within thirty (30) days after receipt of the written notice of the decision by the applicant. An appeal shall cease all staff review regarding the subject property. However, a reconsideration request may be heard at the same time as an appeal is pending. Since an appeal to the circuit court must be based on the factual record generated during the subdivision review process, it is the applicant's responsibility to present whatever factual evidence is deemed necessary to support his/her position. In the alternative, also within thirty (30) days, a property owner whose land is the subject of a decision by the planning commission may appeal by filing a notice of appeal with the circuit court accompanied by a request for pre-litigation mediation in accordance with Section 6-29-1150 and Section 6-29-1155 of the South Carolina Code of Laws. (Ord. 079-12HR; 12-11-12)
- g. *Recordation/approval validity.*
 - 1. *Recordation.* A signed and sealed plat for an approved subdivision must be recorded by the applicant, within thirty (30) days of approval, with the Richland County Register of Deeds. The applicant shall provide the planning department with at least one (1) copy of the recorded plat. No building permits or manufactured home setup permits shall be issued

until the department receives a copy of the recorded plat of the subject property. (Ord. 079-12HR; 12-11-12)

2. *Approval validity.* Failure to record a plat within thirty (30) days shall invalidate the plat approval. (Ord. 079-12HR; 12-11-12)

(2) *Minor subdivision review.*

- a. *Applicability.* The minor subdivision review process is required for those divisions of land that do not qualify for administrative subdivision review, but which consist of less than fifty (50) lots. A minor subdivision shall not require engineered documents pertaining to design of infrastructure or the dedication of land to the county for open space or other public purpose. If a phased project, with fewer than fifty (50) lots in one or more phases, involves a total of fifty (50) or more lots within five (5) years of the recording of any prior phase, then the project shall be treated as a major subdivision, regardless of the size of the individual phases. (Ord. No. 074-05HR; 10-18-05 & Ord. No. 031-06HR; 4-18-06 & Ord. No. 045-12HR; 9-11-12) (Ord. No. 034-15HR; 7-21-15)
- b. *Submittal.* An application for minor subdivision review shall be filed by the owner of the property or by an authorized agent. The application for minor subdivision approval shall be filed with the planning department on a form provided by the department. All documents/information required on the application must be submitted – including the permit fee, as established by Richland County Council. (Ord. No. 065-05HR; 9-20-05) (Ord. 045-12HR; 9-11-12) (Ord. No. 079-12HR; 12-11-12)
- c. *Staff review.* (Ord. No. 023-12HR; 4-17-12 & Ord. 045-12HR; 9-11-12)
 1. *Planning staff review.* Plans for minor subdivision developments shall be reviewed by the planning department for compliance with the requirements of this chapter. (Ord. No. 045-12HR; 9-11-12) (Ord. No. 079-12HR; 12-11-12)
 2. *Development review team.* As needed, plans for minor subdivisions shall be reviewed by members of the county's development review team for compliance with the requirements of this chapter and other applicable county codes. No formal team review shall be required.

The planning department shall approve or deny the application for a minor subdivision within thirty (30) days after the submission date of a completed application. If the department does not provide the applicant with a notice of the application's status within thirty (30) days after the submission date of a completed application, then the application shall be deemed approved. (Ord. No. 023-12HR; 4-17-12 & Ord. No. 045-12; 9-11-12) (Ord. No. 079-12HR; 12-11-12)

- d. *Public notification.* No public notification is required for minor subdivision review.
- e. *Formal review.* No formal review is required for minor subdivision plan approval.
- f. *Variances.* Requests for variances, unless otherwise specified, shall be heard by the board of zoning appeals under the procedures set forth in Section 26-57 of this chapter.
- g. *Appeals.*
 - 1. Appeals shall be made to the Richland County Planning Commission, subject to the procedures set forth in Section 26-58, and the payment of fees established by the Richland County Council. (Ord. No. 045-12HR; 9-11-12)
 - 2. Pursuant to the requirements of Section 6-29-1150 (c) of the South Carolina Code of Laws, any person who has a substantial interest in the decision may appeal such decision of the Richland County Planning Commission to the Circuit Court, provided that a proper petition is filed with Richland County Clerk of Court within thirty (30) days after the applicant receives written notice of the decision. An appeal shall cease all staff and review agency activity regarding the subject project. However, a reconsideration request may be heard at the same time an appeal is pending. Since an appeal to the circuit court must be based on the factual record generated during the subdivision review process, it is the applicant's responsibility to present whatever factual evidence is deemed necessary to support his/her position. In the alternative, also within thirty (30) days, a property owner whose land is the subject of a decision by the Planning Commission may appeal by filing a notice of appeal with the Circuit Court accompanied by a request for pre-litigation mediation in accordance with Section 6-29-1150 and Section 6-29-1155 of the South Carolina Code of Laws. (Ord. No. 045-12HR; 9-11-12)

- h. *Recordation/approval validity.* (Ord. No. 065-05HR; 9-20-05) (Ord. No. 045-12HR; 9-11-12) (Ord. No. 079-12HR; 12-11-12)
 - 1. *Recordation.* A signed and sealed plat for a minor subdivision must be recorded by the applicant within one hundred eighty (180) days of approval, with the Richland County Register of Deeds. Approval of the plat shall constitute the final subdivision approval. The applicant shall provide the planning department with at least one (1) copy of the recorded plat. No building permits or manufactured home setup permits shall be issued until the department receives a copy of the recorded plat of the subject property. (Ord. No. 045-12HR; 9-11-12) (Ord. No. 079-12HR; 12-11-12)
 - 3. *Approval validity.* Failure to record a plat within one hundred eighty (180) days shall invalidate plat approval. (Ord. No. 045-12HR; 9-11-12) (Ord. No. 079-12HR; 12-11-12)
- (3) *Major subdivision review.*
 - a. *Applicability.* The major subdivision review process is required for all those subdivisions of land in Richland County that do not meet the requirements for exemption from the subdivision review process (See definition of “subdivision” in Section 26-22 above) and that do not qualify for administrative or minor subdivision review (Section 26-54(c)(1) and Section 26-54(c)(2)). Any subdivision that involves the dedication of land to the county for open space or other public purposes shall be considered a major subdivision. Any major subdivision with fewer than fifty (50) lots shall not be required to install sidewalks along roads abutting the development. (Ord. No. 074-05HR; 10-18-05) (Ord. No. 031-06HR; 4-18-06) (Ord. 038-09HR; 7-21-09) (Ord. No. 018-13HR; 4-16-13)
 - b. *Sketch plan review and approval.*
 - 1. *Plan submittal.* An application for major subdivision review shall be filed by the owner of the property or by an authorized agent. All documents/information required on the application must be submitted – including the permit fee, as established by Richland County Council. Sketch plans shall be prepared by a registered architect, engineer, landscape architect, or licensed surveyor. (Ord. No. 079-12HR; 12-11-12)
 - 2. *Staff review.* The planning department shall review the application and determine if it is complete. If the application is

incomplete, the planning department shall notify the applicant of the deficiencies within ten (10) days of the most recent submission date. Provided that the application is complete, the following shall occur: (Ord. No. 079-12HR; 12-11-12)

- [a] *Scheduling.* The schedule for meetings of the Development Review Team shall be kept and maintained in the office of the Richland County Planning and Development Services Department. (Ord. No. 079-12HR; 12-11-12)

- [b] *Development review team.* The planning department shall distribute sketch plans to members of the development review team. The development review team members shall review the sketch plans for compliance with the development regulations of Richland County. Upon review, the development review team determine one of the following: (Ord. No. 079-12HR; 12-11-12)
 - [1] *The project is in compliance with the development regulations of Richland County.* If the sketch plan is approved by the development review team, the planning department shall notify the applicant and transmit the sketch plan to the planning commission for their information only. (Ord. No. 079-12HR; 12-11-12)

 - [2] *The project is not in compliance with the development regulations of Richland County.* The sketch plan shall be denied, and the reasons for denial shall be provided to the applicant. The sketch plan may be revised to address the reasons for denial and resubmitted. Revised sketch plans shall be administratively reviewed; provided, however, major changes that materially affect the characteristics of the sketch plan, as determined by the Planning Director, may require an additional DRT review. (Ord. No. 079-12HR; 12-11-12)

The decision of the DRT will be posted on the first day of the month outside of the Planning Department Office, on the bulletin board located in the lobby of the County Administration Building, and on the County

website. Appeals must be filed to the Planning Commission within fifteen (15) days of the posting. (Ord. No. 079-12HR; 12-11-12)

3. *Variances.* Requests for variances, unless otherwise specified, shall be heard by the board of zoning appeals under the procedures set forth in Section 26-57 of this chapter.
4. *Appeals.*
 - [a] Appeals shall be made to the Richland County Planning Commission, subject to the procedures set forth in Sec. 26-58 and the payment of fees as established by Richland County Council. (Ord. No. 079-12HR; 12-11-12)
 - [b] Pursuant to the requirements of Section 6-29-1150 (c) of the South Carolina Code of Laws, any person who may have a substantial interest in the decision of the planning commission may appeal such decision to the circuit court, provided that a proper petition is filed with the Richland County Clerk of Court within thirty (30) days after receipt of the written notice of the decision by the applicant. An appeal shall cease all staff review regarding the subject property. However, a reconsideration request may be heard at the same time as an appeal is pending. Since an appeal to the circuit court must be based on the factual record generated during the subdivision review process, it is the applicant's responsibility to present whatever factual evidence is deemed necessary to support his/her position. In the alternative, also within thirty (30) days, a property owner whose land is the subject of a decision by the planning commission may appeal by filing a notice of appeal with the circuit court accompanied by a request for pre-litigation mediation in accordance with Section 6-29-1150 and Section 6-29-1155 of the South Carolina Code of Laws. (Ord. No. 079-12HR; 12-11-12)
5. *Approval validity.* In accordance with Section 6-29-1510, et seq. of the South Carolina Code of Laws 1976, as amended, upon written notice of sketch plan approval for a subdivision phase, the applicant shall have a two (2) year vested right to proceed with the development of the approved subdivision phase under the requirements of Article V (Zoning Districts

and District Standards) of this Chapter, which are in effect on the date of sketch plan approval. Failure to submit an application for preliminary plan approval within this two (2) year period shall render the sketch plan approval void. However, the applicant may request a one (1) year extension of this time period no later than thirty (30) days and no earlier than sixty (60) days prior to the expiration of the sketch plan approval. The request for an extension must be approved unless otherwise prohibited by an intervening amendment to this chapter, such amendment having become effective prior to the expiration of the approval. Likewise, and in the same manner, the applicant may apply for four (4) more one (1) year extensions. Any change from the approved sketch plan that has not first been reviewed and approved by the planning department shall render the sketch plan approval invalid. (Ord. No. 075-05HR; 10-18-05) (Ord. No. 079-12HR; 12-11-12)

c. *Preliminary (construction drawings) subdivision plan review and approval.* (Ord. No. 079-12HR; 12-11-12)

1. *Submittal.* An application for preliminary plan review shall be filed by the owner of the property or by an authorized agent. All documents/information required on the application must be submitted, including the permit fee, as established by Richland County Council. (Ord. No. 079-12HR; 12-11-12)

2. *Staff review.* The planning department shall review the preliminary plan submittal and determine if it is complete. The applicant shall be notified within ten (10) days of submittal if the application is not complete. Provided that the application is complete, the following shall occur: (Ord. No. 023-12HR; 4-17-12) (Ord. No. 079-12HR; 12-11-12)

[a] *Development review.* The preliminary plat for developments requiring major subdivision review shall be reviewed by county development review staff for compliance with the development regulations of Richland County and conformity with the approved sketch plan and preliminary plan. (Ord. No. 079-12HR; 12-11-12)

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

within thirty (30) days after the submission date of a completed application, then the application shall be deemed approved. (Ord. No. 079-12HR; 12-11-12)

3. *Public notification.* No public notification is required for major subdivision preliminary plan review and approval.
 4. *Formal review.* No formal review is required for major subdivision preliminary plan review and approval.
 5. *Variances.* Requests for variances, unless otherwise specified, shall be heard by the board of zoning appeals as set forth in Sec. 26-57 of this chapter. (Ord. No. 079-12HR; 12-11-12)
 6. *Approval validity.* In accordance with Section 6-29-1510, et seq. of the South Carolina Code of Laws 1976, as amended, upon written notice of preliminary plan approval for a subdivision phase, the applicant shall have a two (2) year vested right to proceed with the development of the approved subdivision phase under the requirements of Article VII (General Development, Site, and Performance Standards) and Article VIII (Resource Protection Standards) of this Chapter, which are in effect on the date of preliminary plan approval. Failure to submit an application for either bonded plat or final plat approval within this two (2) year period shall render the preliminary subdivision plan approval void. However, the applicant may request a one (1) year extension of this time period no later than thirty (30) days and no earlier than sixty (60) days prior to the expiration of the preliminary subdivision plan approval. The request for an extension must be approved unless otherwise prohibited by an intervening amendment to this chapter, such amendment having become effective prior to the expiration of the approval. Likewise, and in the same manner, the applicant may apply for four (4) more one (1) year extensions. Any change from the approved preliminary plan that has not first been reviewed and approved by the planning department shall render the preliminary subdivision plan approval invalid. Preliminary subdivision plan approval allows the issuance of building permits or manufactured home setup permits in the name of the subdivision developer only, for one model dwelling unit per subdivision phase, as well as for a temporary construction office or storage structure or a temporary security office/quarters. (Ord. No. 075-05HR; 10-18-05) (Ord. No. 079-12HR; 12-11-12)
- d. *Bonded subdivision plat review and approval.*

1. *Submittal.* An application for bonded plat review shall be filed by the owner of the property or by an authorized agent. All documents/information required on the application must be submitted, including the permit fee, as established by Richland County Council. (Ord. No. 079-12HR; 12-11-12)
2. *Staff review.* The planning department shall review the bonded plat submittal and determine if it is complete. If the application is incomplete, the planning department shall notify the applicant of the deficiencies within ten (10) days after the most recent submission date. Provided that the application is complete, the following shall occur: (Ord. 023-12HR; 4-17-12) (Ord. No. 079-12HR; 12-11-12)
 - [a] *Development review.* Bonded plats shall be reviewed by county development review staff for compliance with the development regulations of Richland County and conformity with the approved sketch plan and preliminary plan. (Ord. No. 079-12HR; 12-11-12)
 - [b] The planning department shall approve or deny the bonded subdivision plat application based on written findings of fact. Approval of the bonded subdivision plat shall not constitute final subdivision plat approval (see subparagraph f. below on final subdivision plat approval). Failure on the part of the planning department to act on the bonded plat within thirty (30) days after receiving a complete application shall constitute approval. (Ord. 023-12HR; 4-17-12) (Ord. No. 079-12HR; 12-11-12)
3. *Public notification.* No public notification is required for major subdivision bonded plat review and approval. (Ord. No. 079-12HR; 12-11-12)
4. *Formal review.* No formal review is required for major subdivision bonded plat review and approval. (Ord. No. 079-12HR; 12-11-12)
5. *Variances.* Requests for variances, unless otherwise specified, shall be heard by the board of zoning appeals as set forth in Sec. 26-57 of this chapter. (Ord. No. 079-12HR; 12-11-12)

6. *Recordation.* Once approved, prior to recordation, the bonded plat must be signed by the land development administrator or his/her designee. The approval of a bonded plat for a major subdivision shall not automatically constitute or affect an acceptance by the county of the dedication of any road, easement, or other ground shown upon the plat. Public acceptance of the lands must be by action of the Richland County Council. A bonded plat for a major subdivision must be recorded by the applicant within thirty (30) days of approval with the Richland County Register of Deeds. The applicant shall provide the planning department with at least five (5) copies of the recorded plat. Except as allowed under Section 26-54(c)(3)c.6. of this chapter, no building permits or manufactured home setup permits shall be issued until the department receives a copy of the recorded plat of the subject property. If the developer fails to complete the bonded infrastructure improvements and submit a complete application for final subdivision plat approval within the specified time period, the county may proceed to collect the financial surety and assume responsibility for completing the required infrastructure improvements. (Ord. No. 079-12HR; 12-11-12) (Ord. No. 035-15HR; 7-21-15)

- e. *Final subdivision plat review and approval.* (Ord. No. 079-12HR; 12-11-12)
 1. *Submittal.* An application for final plat review shall be filed by the owner of the property or by an authorized agent. All documents/information required on the application must be submitted, including the permit fee, as established by Richland County Council. (Ord. No. 079-12HR; 12-11-12)
 2. *Staff review.* The planning department shall review the final plat submittal and determine if it is complete. If the application is incomplete, the planning department shall notify the applicant of the deficiencies within ten (10) days after the most recent submission date. Provided that the application is complete, the following shall occur: (Ord. 023-12HR; 4-17-12) (Ord. No. 079-12HR; 12-11-12)
 - [a] *Development review.* The final plat for developments requiring major subdivision review shall be reviewed by county development review staff for compliance with the development regulations of Richland County and conformity with the approved sketch plan and preliminary plan. (Ord. No. 079-12HR; 12-11-12)

- [b] The planning department shall approve or deny the final subdivision plat application based on written findings of fact. Failure on the part of the planning department to act on the final plat within thirty (30) days after receiving a complete application shall constitute approval. (Ord. No. 079-12HR; 12-11-12)
3. *Public notification.* No public notification is required for major subdivision final plat review and approval. (Ord. No. 079-12HR; 12-11-12)
 4. *Formal review.* No formal review is required for major subdivision final plat review and approval. (Ord. No. 079-12HR; 12-11-12)
 5. *Variances.* Requests for variances, unless otherwise specified, shall be heard by the board of zoning appeals as set forth in Sec. 26-57 of this chapter. (Ord. No. 079-12HR; 12-11-12)
 6. *Recordation.* Once approved, prior to recordation, the final plat must be signed by the land development administrator or his/her designee. A final plat for a major subdivision must be recorded by the applicant within thirty (30) days of approval with the Richland County Register of Deeds. The applicant shall provide the planning department with at least five (5) copies of the recorded plat. The approval of a final plat for a major subdivision shall not automatically constitute or affect an acceptance by the county of the dedication of any road, easement, or other ground shown upon the plat. Public acceptance of the lands must be by action of the Richland County Council. Except as allowed under Section 26-54(c)(3)c.6., or unless an optional bonded plat has already been approved and recorded, no building permits or manufactured home setup permits shall be issued until the department receives a copy of the recorded final plat of the subject property. (Ord. No. 035-15HR; 7-21-15)

Sec. 26-55. Permitted uses with special requirements.

- (a) *Purpose.* Permitted uses with special requirements are uses permitted by right, provided that the special requirements set forth in Article VI. of this chapter are met. The special requirements are intended to ensure that the uses fit the intent of the zoning districts within which they are permitted, and that the uses are compatible with other developments permitted within the zoning district. Unless otherwise provided, review and approval of these uses are handled by the planning department. The department has no discretion to modify the special requirements.
- (b) *Pre-application procedure.* No pre-application conference is required prior to applying for a land development permit for a permitted use with special requirements unless required elsewhere in this article. Applicants are encouraged to call or visit the planning department prior to submitting an application to determine what information is required for the application.
- (c) *Plan submittal.*
 - (1) *Filing of application.* An application for a permitted use with special requirements shall be included on a land development permit application form. Such application shall contain completed information as required on the application form, and shall be accompanied by plans of the development drawn to scale. Other information necessary to show that the use or structure complies with the standards set forth in this chapter shall also be provided.
 - (2) *Fees.* A permit fee, as established by the Richland County Council, shall be submitted with the application.
 - (3) *Coordination with land development permit review.* Review of a permitted use subject to special requirements takes place as part of the applicable land development permit review.
- (d) *Staff Review.* The planning department shall review the application and determine if it is complete within fifteen (15) days of its submittal. If the application is found to be incomplete, the planning department shall notify the applicant of any deficiencies. Provided the application is complete, the planning department, for projects not involving some other form of review, shall review the proposed use and determine if the special requirements for that use have been met. If the special requirements have been met, the application shall be approved. Failure to meet all the special requirements shall result in a denial of a permit for the proposed use. The planning department shall approve or deny the application for a permitted use with special requirements in accordance with the time frame set forth for the applicable land development permit review.

- (e) *Public notification.* No public notification is required for permitted uses with special requirements unless the approval of such a use is part of a project that requires review as a major development by the planning commission.
- (f) *Formal review.* Formal review of a permitted use with special requirements is required only when a project is reviewed for a land development permit as a major development.
- (g) *Variances.* Unless otherwise specified, variances from the special requirements are not permitted. Other variances shall be reviewed as set forth for the applicable land development permit process.
- (h) *Appeals.* Appeals of the decisions of the planning department regarding applications for permitted uses with special requirements shall be heard by the board of zoning appeals under the procedures established at Section 26-58 of this chapter.
- (i) *Permit validity.* Permit validity for permitted uses with special requirements shall be the same as those required for a land development permit (Section 26-53 of this chapter).

Sec. 26-56. Special exceptions.

- (a) *Purpose.* Special exceptions are established to provide for the location of those uses that are generally compatible with other land uses within a zoning district. However, because of their unique characteristics or potential impacts on the surrounding neighborhood and the county as a whole, these uses require individual consideration of their location, design, configuration, and/or operation at the particular location proposed. Such individual consideration may also call for the imposition of individualized conditions in order to ensure that the use is appropriate at a particular location and to ensure protection of the public health, safety, and general welfare. Any use identified in this chapter as a special exception in a zoning district shall not be permitted without the approval of the Richland County Board of Zoning Appeals in accordance with the requirements and procedures set forth in this section.
- (b) *Pre-application procedure.*
 - (1) *Conference.* Every applicant for a special exception is required to meet with the planning department in a pre-application conference prior to, or at the time of, the submittal of a request for approval of a special exception. The purposes of this conference are to provide additional information regarding the review process and to assist in the preparation of the application.
 - (2) *Neighborhood meeting.* Although not required, it is highly recommended that the applicant of the proposed special exception use meet with representatives of the neighborhood in which the proposed use will be located. This meeting will allow the applicant the opportunity to explain the proposed use and to be informed of the concerns of the neighborhood.
- (c) *Plan submittal.*
 - (1) *Application.* An application for a special exception shall be filed by the owner of the property or an authorized agent on a form provided by the planning department. Other information necessary to show that the use or structure complies with the standards set forth in this chapter shall also be provided.
 - (2) *Fees:* An application fee, as established by the Richland County Council, shall be submitted with the application.
 - (3) *Coordination with land development permit review.* Completion of the applicable land development permit review will take place following review of the special exception by the board of zoning appeals. The ruling of the board of zoning appeals, including any conditions on approval added by the board of zoning appeals, shall be incorporated into the project approval by the staff and/or planning commission.

- (d) *Staff review.* The planning department shall review the application and determine if it is complete within fifteen (15) days of its submittal. If the application is complete, the planning department shall schedule the matter for consideration at a public hearing by the board of zoning appeals. The planning department shall prepare a staff evaluation and recommendation regarding the submitted special exception application. The schedule for meetings of the board of zoning appeals and application deadlines for such meetings shall be maintained in the office of the planning department.
- (e) *Public notification.* Notice of the public hearing shall be posted on the property for which a special exception is sought. Notice shall also be published in a newspaper of general circulation within the county no less than fifteen (15) days prior to the public hearing on the matter.
- (f) *Formal review.*
 - (1) *Action by the board of zoning appeals.* Upon receipt of the application for a special exception from the planning department, the board of zoning appeals shall hold a public meeting on the proposed special exception. Any party may appear in person, or be represented by an authorized agent. After conducting the public hearing, the board of zoning appeals may:
 - a. Approve the proposed special exception;
 - b. Continue the matter to a date certain for additional consideration; or
 - c. Deny the proposed special exception.

Any approval or denial of the request must be by a concurring vote of a majority of those members of the board both present and voting. Such votes must be permanently filed in the planning department as a public record. The written decision of the board of zoning appeals must be delivered to the applicant.
 - (2) *Standard of review.* The board of zoning appeals shall not approve a special exception unless it finds that the regulations of this chapter have been met. The conditions set forth in Article VI. of this chapter, which set forth specific standards for a special exception, shall be binding on the board of zoning appeals and may not be varied. In addition to the definitive standards set forth in this chapter, the board of zoning appeals shall consider the following in reviewing a special exception:
 - a. Traffic impact;
 - b. Vehicle and pedestrian safety;

- c. Potential impact of noise, lights, fumes, or obstruction of air flow on adjoining properties;
 - d. Adverse impact of the proposed use on the aesthetic character of the environs, to include the possible need for screening from view; and
 - e. Orientation and spacing of improvements or buildings.
- (3) *Conditions:* In granting a special exception, the board of zoning appeals may prescribe conditions and safeguards in addition to those spelled out in this chapter. The board of zoning appeals may also prescribe a time limit within which the special exception shall be begun or completed, or both. All conditions placed on the project by the board of zoning appeals shall be incorporated into such project.
- (g) *Variations.* Unless otherwise specified, variations from the specific standards for a special exception, set forth in Article VI. of this chapter, are not permitted. Other variations shall be reviewed as set forth for the applicable land development permit process.
- (h) *Appeals.* A person who may have a substantial interest in the decision of the board of zoning appeals regarding a special exception may appeal from a decision of the board of zoning appeals to the circuit court, by filing with the clerk of the court a petition in writing setting forth plainly, fully and distinctly why the decision is contrary to law. The appeal must be filed within thirty (30) days after the decision of the board of zoning appeals is mailed. In the alternative, also within thirty (30) days, a property owner whose land is the subject of a decision by the board of zoning appeals may appeal by filing a notice of appeal with the circuit court accompanied by a request for pre-litigation mediation in accordance with Section 6-29-1150 and Section 6-29-1155 of the South Carolina Code of Laws.
- All appeals must be taken in accordance with all applicable laws of the State of South Carolina.
- (i) *Permit validity.* Permit validity for special exceptions shall be the same as those required for the applicable land development permit unless otherwise stated in the special exception order.

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Sec. 26-57. Variances.

- (a) *Purpose.* The variance process administered by the board of zoning appeals is intended to provide limited relief from the requirements of this chapter. The board of zoning appeals may not grant a variance, the effect of which would be to allow the establishment of a use not otherwise permitted in a zoning district, to extend physically a nonconforming use of land, to change the zoning district boundaries shown on the official zoning map, to permit a decrease in the minimum lot size, to decrease the minimum lot width, or in any other manner create a nonconforming lot, or to grant a variance to permit an increase in density allowing more units on a lot than that permitted under minimum lot area requirements. The fact that property could be utilized more profitably, should a variance be granted, may not be considered grounds for a variance.
- (b) *Pre-application procedure.* Before filing an application for a variance, an applicant must meet with the planning department to discuss the proposed variance and to become more familiar with the applicable requirements and approval procedures of the county.
- (c) *Plan submittal.*
 - (1) *Application.* An application for a variance shall be filed by the owner of the property or an authorized agent on a form provided by the planning department. Such application shall contain the information required on the application form, and shall be accompanied by plans of the development drawn to scale. Other information necessary to show that the use or structure complies with the standards set forth in this chapter shall also be provided.
 - (2) *Fees.* An application fee, as established by the Richland County Council, shall be submitted with the application.
 - (3) *Schedule.* Once an application is accepted as complete by the planning department, the application will be scheduled for consideration at a public hearing by the board of zoning appeals. The schedule for meetings of the board of zoning appeals shall be maintained in the planning department.
- (d) *Staff review.* The planning department shall review the application and determine if it is complete within fifteen (15) days of its submittal. If the application is complete, the planning department shall prepare a staff evaluation and recommendation regarding the submitted variance request.
- (e) *Public notification.* Notice of the public hearing on a variance shall be posted on the property for which a variance is sought. Notice shall also be published in a newspaper of general circulation within the county no less than fifteen (15) days prior to the public hearing.

(f) *Formal review.*

(1) *Action by the board of zoning appeals.* Upon receipt of the application for a variance request from the planning department, the board of zoning appeals shall hold a public meeting on the proposed variance request. Any party may appear in person or be represented by an authorized agent. In considering the application, the board of zoning appeals shall review the application materials, the staff comments and recommendations, the general purpose and standards set forth in this chapter, and all testimony and evidence received at the public hearing. After conducting the public hearing, the board of zoning appeals may:

- a. Approve the request;
- b. Continue the matter for additional consideration; or
- c. Deny the request.

Any approval or denial of the request must be by a concurring vote of a majority of those members of the board of zoning appeals both present and voting. The decision of the board of zoning appeals shall be accompanied by written findings that the variance meets or does not meet each of the standards set forth in subparagraph (2) below. The decision and the written findings shall be permanently filed in the planning department as a public record. The written decision of the board of zoning appeals must be delivered to the applicant.

(2) *Standard of review.* The board of zoning appeals shall not grant a variance unless and until it makes the following findings:

- a. That there are extraordinary and exceptional conditions pertaining to the particular piece of property; and
- b. That these conditions do not generally apply to other property in the vicinity; and
- c. That because of these conditions, the application of this chapter to the particular piece of property would effectively prohibit or unreasonably restrict the utilization of the property; and
- d. That the authorization of a variance will not be of substantial detriment to adjacent property or to the public good, and the granting of the variance will not harm the character of the district.

(3) *Conditions.* In granting a variance, the board of zoning appeals may attach to it such conditions regarding the location, character, or other features of the

proposed building, structure or use as the board of zoning appeals may consider advisable to protect established property values in the surrounding area, or to promote the public health, safety, or general welfare. The board of zoning appeals may also prescribe a time limit within which the action for which the variance was sought shall be begun or completed, or both.

- (g) *Appeals.* A person who may have a substantial interest in any decision by the board of zoning appeals regarding a variance may appeal from such decision to the circuit court, by filing with the clerk of the court a petition in writing setting forth plainly, fully, and distinctly why the decision is contrary to law. The appeal must be filed within thirty (30) days after the decision of the board of zoning appeals is mailed. In the alternative, a property owner whose land is the subject of a decision of the board of zoning appeals may file a notice of appeal, also within thirty (30) days, with the circuit court accompanied by a request for pre-litigation mediation in accordance with Section 6-29-1150 and Section 6-29-1155 of the South Carolina Code of Laws.

All appeals must be taken in accordance with all applicable laws of the State of South Carolina.

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Sec. 26-58. Appeals of administrative decisions.

- (a) *Purpose.* The board of zoning appeals shall hear and decide appeals when it is alleged that there is any error in any order, requirement, decision, or determination made by an administrative official in the enforcement of this chapter. Provided, however, the planning commission shall hear and decide appeals from staff decisions on land development permit applications and subdivision applications.
- (b) *Appeal submittal.*
 - (1) *Application.* An appeal of an administrative decision may be taken by any person who may have a substantial interest in the decision; provided, however, appeals pursuant to Section 26-54(c)(3)d.1. or Section 26-54(c)(3)e.6. above may only be taken by the applicant, a contiguous landowner, or an adjacent landowner. All appeals must be filed with the planning department on a form provided by the department, and must contain all information and plans as required on the application form. Such appeal must include the specific section of this chapter (or the specific design detail) from which the appeal is taken and the basis or reason for the appeal. All appeals must be filed no later than thirty (30) days after the order, requirement, decision, or determination that is alleged to be in error is made. (Ord. 059-12HR; 10-16-12)
 - (2) *Fees.* An application fee, as established by the Richland County Council, shall be submitted with the application.
 - (3) *Stay of proceedings pending appeal.* An appeal stays all proceedings in furtherance of the action appealed from, unless the officer from whom the appeal is taken, certifies to the board of zoning appeals or planning commission, as applicable, after notice of appeal is filed with them, that by reason of facts stated in the certificate, a stay would, in their opinion, cause imminent peril to life or property. In that case, proceedings may not be stayed other than by a restraining order that may be granted by the board or commission or by a court of competent jurisdiction on application, on notice to the officer from whom the appeal is taken, and on due cause shown.
- (c) *Staff review.* Once an appeal is received by the planning department, the matter will be scheduled for consideration at a public hearing by the board of zoning appeals or planning commission, as applicable. The schedule for meetings of these boards shall be maintained in the planning department. Staff shall prepare a report detailing the regulations and interpretation behind the matter being appealed.
- (d) *Public notification.* Notice of the public hearing on the appeal shall be published at least fifteen (15) days prior to the public hearing in a newspaper of general circulation in the county, as well as due notice given to the parties in interest.

- (e) *Formal review.* Upon receiving the application, the board of zoning appeals or planning commission (as applicable) shall conduct a public hearing on the appeal. Any party may appear in person or be represented by an agent. After conducting the public hearing, the board of zoning appeals or planning commission (as applicable) shall adopt an order reversing or affirming, wholly or in part, or modifying the order requirements, decision, or determination in question. These boards shall have all the powers of the officer from whom the appeal is taken, and may issue or direct the issuance of a permit. These boards in the execution of the duties specified herein may subpoena witnesses and in case of contempt may certify this fact to the circuit court having jurisdiction. The decision of these boards must be in writing and permanently filed in the planning department as a public record. All findings of fact and conclusions of law must be separately stated in final decisions or orders of these boards, which must be delivered to parties of interest by certified mail.
- (f) *Appeals:* A person who may have a substantial interest in the decision of the board of zoning appeals or planning commission (as applicable) regarding an appeal of an administrative decision, may appeal from such decision of the board or commission to the circuit court, by filing with the clerk of the court a petition in writing setting forth plainly, fully, and distinctly why the decision is contrary to law. The appeal must be filed within thirty (30) days after the decision of the board or commission is mailed. In the alternative, also within thirty (30) days, a property owner whose land is the subject of a decision by the board or commission may appeal by filing a notice of appeal with the circuit court accompanied by a request for pre-litigation mediation in accordance with Section 6-29-1150 and Section 6-29-1155 of the South Carolina Code of Laws. All appeals must be taken in accordance with all applicable laws of the State of South Carolina.

Sec. 26-59. Planned development review/approval.

- (a) *Purpose.* In order to achieve the objectives of the comprehensive plan of Richland County, and to allow flexibility in development that will result in the improved design, character and quality of new mixed use developments, and to preserve natural and scenic features of open spaces, the county may approve planned development districts (PDDs) as amendments to the official zoning map. The PDD review process is a two-part procedure that involves the rezoning of the property to a PDD district (see Section 26-99 of this chapter) and the approval of a master plan for the site. It is the intent of this procedure that the public interest will be served not only by consideration of those specific criteria set forth in this chapter, but also by consideration of the total anticipated effect of the planned development upon the community at large. The provisions of the planned development district represent a relaxation of specific site design requirements as applied to other districts provided for in this chapter. In return for design flexibility, the applicant for amendment to a PDD district classification shall agree to furnish information about the proposed development and later abide by certain conditions and safeguards as may be imposed by the county council in establishing such districts.
- (b) *Pre-application procedure.*
 - (1) *Conference.* Prior to the submittal of a request for approval of a planned development district, a PDD applicant is required to meet with the planning department in a pre-application conference. The purpose of this conference is to provide clarification and assistance in the preparation and submission of the plans for approval.
 - (2) *Neighborhood meeting.* Although not required, it is highly recommended that the applicant (or his/her agent) of the proposed PDD meet with representatives of the neighborhood in which the proposed district will be located. This meeting will allow the applicant the opportunity to explain the proposed PDD and to be informed of the concerns of the neighborhood.
- (c) *Plan submittal.*
 - (1) *Filing of application.* Each application for a PDD shall consist of an application for a zoning map amendment (see Section 26-52 of this chapter) and an application for a land development permit (see Section 26-53 of this chapter) for the proposed development plan. Plans shall be submitted by the property owner or an authorized agent. (Ord. 038-09HR; 7-21-09)
 - (2) *Fees.* An application fee, as established by the Richland County Council, shall be submitted with the application.
- (d) *Staff review.* The planning department shall review the application and determine if it is complete within fifteen (15) days of its submittal. If the application is found to

be incomplete, the planning department shall notify the applicant of any deficiencies. Provided the application is complete, the planning department shall schedule the matter for consideration by the planning commission within sixty (60) days of receipt; provided, however, the planning department may request one thirty (30) day extension, with the consent of the applicant. The planning department shall prepare a staff recommendation on the PDD application and the zoning map amendment. The schedule for meetings of the planning commission and applications shall be maintained in the planning department. (Ord. No. 077-08HR; 12-2-08)

(e) *Public notification.* Public notification shall be made in conformance with the requirements set forth in Section 26-52 of this chapter for zoning map amendments.

(f) *Formal Review:*

(1) *Action by the planning commission.*

a. *Review.* All applications for a planned development shall be submitted to the Richland County Planning Commission for study and recommendation.

b. *Recommendation.* Within thirty (30) days from the date that any PDD application is first considered by the planning commission at a scheduled meeting, unless a longer period of time has been mutually agreed upon between the county council and the planning commission in a particular case, the planning commission shall submit its report and recommendation to the Richland 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 application without further awaiting the recommendation of the planning commission.

c. *Procedures.* The planning commission shall follow those procedures as set forth for a zoning map amendment in Section 26-52 of this chapter and as set forth for land development permit review in Section 26-53 of this chapter.

(2) *Action by the county council.*

a. *Public hearing.* Following the review and recommendation by the planning commission, the PDD application shall be presented for review and consideration by the Richland County Council. A public hearing shall be held in accordance with the procedures set forth in Section 26-52(f) of this chapter.

- b. *Approval.* After conducting the public hearing, the county council may:
1. Approve the application to and amend the zoning map; or
 2. Continue the matter for additional consideration; or
 3. Deny the application.

The regulations for PDD Districts (Section 26-102 of this chapter) are minimum requirements and the county council may impose conditions and safeguards in excess of, or in addition to, the specific requirements set forth therein. Ability to meet the minimum requirements does not per se create an indication that an applicant should be entitled to a map amendment and PDD approval. (Ord. 046-10HR; 7-20-10)

- (g) *Appeals.* Any person who may have a substantial interest in a PDD decision made by the county council may appeal from a decision of the council to the circuit court of Richland County by filing with the clerk of court a petition in writing setting forth why the decision is contrary to law. The appeal must be filed within thirty (30) days after the decision of the council to deny the application or after the council has given third reading approval to amend the property to a PDD District.
- (h) *Issuance of land development and building permits.* The planning department shall not issue any land development permit, and the building official shall not issue any building permit for work to commence within any PDD District, until the property owner, or authorized agent, has:
- (1) Recorded with the Register of Deeds of Richland County, plats showing all proposed features of the PDD as approved by the county council, and submitted a true copy of such plats to the planning department.
 - (2) Completed any necessary agreements with the county so that the county may become a party to deed restrictions and other such restrictive covenants related to the planned development (as deemed necessary by the county) and recorded such agreements with the register of deeds for the county and submitted a true copy of such agreements to the planning department.
 - (3) Recorded with the Register of Deeds of Richland County all deed restrictions and/or restrictive covenants as required by the Richland County Council upon approval of the amendment establishing the PDD, and submitted true copies of such deed restrictions and/or restrictive covenants to the planning department.

- (4) Recorded with the Register of Deeds of Richland County the descriptive statement, as approved by the Richland County Council, setting forth and committing the developer to certain design standards, development phasing schedules, and other pertinent matters, and submitted a true copy of such descriptive statement to the planning department.
 - (5) Completed the posting of a bond or the giving of other surety that adequate progress will be made in developing the project.
- (i) *District map.* The site development plan as approved by the Richland County Council in establishing the PDD District shall be the zoning district map for the PDD and this shall be the basis for issuance of land development permits and building permits for construction of buildings within the planned development.
 - (j) *Changes to plans.* Any change to the boundaries of an established PDD District shall be accomplished only by following procedures set forth above. Changes in the approved characteristics or agreements relating to a PDD, but not involving a change to the boundary thereof, shall be classified as either major changes or minor changes and shall be approved or disapproved as follows:
 - (1) *Major changes.* Major changes that materially affect the characteristics of the planned development, such as changes in location of land uses, increases in density, or changes in traffic flow, shall follow the same procedural requirements as for the amendment originally establishing the PDD, including review by the development review team, planning commission review, public hearing, and county council determination as set forth above.
 - (2) *Minor changes.* The revision of any minor characteristic of a planned development (such as relocation of driveways or revision of floor plans of specific structures) may be authorized by the planning director. However, the ability to make minor changes comes only when such authority is granted to the planning director within the approved and recorded descriptive statement concerning development of the PDD. If the planning director fails to approve the request for a minor change, the applicant or other party at interest may then seek a change by the regular amendment process as outlined for major changes.
 - (3) *Determination of requirements.* It shall be the duty of the planning director to determine whether any specific request shall be considered a major change or a minor change. The applicant for any change shall have the right to have any request for change processed as a major change.
 - (4) *Recording.* The planning department shall not issue a land development permit or certificate of zoning compliance, and the building official shall not issue a building permit in connection with any action related to such changes,

until such changes have been duly recorded as for the original documents. The requirements for recordation are set forth in subsection (h) above.

- (k) *Bond requirement.* The county council may require the posting of a bond with a corporate surety to guarantee that the schedule set forth in the descriptive statement will be materially adhered to in order to guarantee construction of roads, utilities, and other facilities and amenities. A bond may also be used to allow for rectification of improper development characteristics, such as failure to begin, or failure to complete, or failure to make adequate progress as agreed to in the descriptive statement. If performance differs from that set forth in the statement approved by county council, the council may: (Ord. No. 077-08HR; 12-2-08)
- (1) Enforce and collect upon such bonds or sureties as described in this subsection;
 - (2) Change the district classification of the planned development and thus terminate the right of the applicant to continue development;
 - (3) Initiate action to charge the developers with specific violation of this chapter subject to the penalties set forth in Article XI. of this chapter; or
 - (4) Take any appropriate combination of these actions.

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Sec. 26-60. Certificates of zoning compliance.

- (a) *Purpose.* It shall be unlawful to use or occupy or permit the use or occupancy of any building or premises, or both, or part thereof, hereafter created, erected, changed, converted, or wholly or partially altered or enlarged in its use or structure until a certificate of zoning compliance shall have been issued by the planning department, or unless a temporary nonconforming use permit has been issued by the planning department. The certificate shall state that the building or the proposed use of the building or land conforms to the requirements of this chapter.
- (b) *Application.* Application for a certificate of zoning compliance may be made by the owner of the property or by an authorized agent
- (c) *Staff review.* Upon receipt of the request for a certificate of zoning compliance, the planning department shall inspect the project building(s) and site for compliance with the approved site plan or permit. The certificate shall be issued only upon finding that the building(s) and site comply with all applicable requirements, including any additional conditions placed on the project under the provisions of this chapter.
- (d) *Public notification.* No public notification is required for requests for certificates of zoning compliance.
- (e) *Formal review.* No formal review is required.
- (f) *Appeals.* Appeals of the decisions of the planning department regarding certificates of zoning compliance shall be heard by the board of zoning appeals under the procedures established in Section 26-58 of this chapter.

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Sec. 26-61. Review in FP Floodplain Overlay District.

- (a) *Purpose.* A floodplain development permit is required in conformance with the provisions of this chapter (particularly Section 26-103) prior to the commencement of any development activities in the FP Overlay District. The purpose of this permit is to ensure that compliance with all regulations concerning floodplain development is achieved.
- (b) *Pre-application procedure.* No pre-application conference is required prior to applying for a floodplain development permit. Applicants are encouraged to call or visit the county's flood coordinator prior to requesting a floodplain development permit to determine what information is required for the application.
- (c) *Plan submittal.* Application for a floodplain development permit shall be made to the flood coordinator on forms furnished by the county and shall include all items required on that application. An application may be submitted by a property owner or authorized agent. The information submitted for the permit shall be certified by a land surveyor, engineer, or architect authorized by law to certify the required information and plans.
- (d) *Staff review.* The county flood coordinator shall review all applications for a flood development permit and approve or deny such applications. Approval or denial of a flood development permit shall be based on all applicable provisions of this chapter and the following relevant factors: (Ord. No. 032-05HR; 5-2-06)
 - (1) The danger to life and property due to flooding or erosion damage;
 - (2) The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;
 - (3) The danger that material may be swept onto other lands to the injury of others;
 - (4) The compatibility of the proposed use with existing and anticipated development;
 - (5) The safety of access to the property in times of flood for ordinary and emergency vehicles;
 - (6) The costs of providing governmental services during and after flood conditions, including maintenance and repair of roads and bridges and public utilities and facilities such as sewer, gas, electrical and water systems;
 - (7) The relationship of the proposed use to any comprehensive planning document for that area.

- (e) *Public notification.* No public notification is required for floodplain development permit issuance.
- (f) *Formal review.* No formal review is required for floodplain development permit review.
- (g) *Variances.* No variances are permitted from the regulations on floodplain development (Section 26-103 of this chapter) pertinent to the issuance of a floodplain development permit.
- (h) *Appeals.* The Richland County Administrator shall hear and decide appeals from determinations made by the flood coordinator. Any owner who has received a decision from the coordinator may appeal this decision to the Richland County Administrator by giving notice of appeal in writing to the flood coordinator within twenty (20) days following issuance of the decision. In the absence of an appeal, the order of the flood coordinator shall be final. The Richland County Administrator shall hear an appeal within a reasonable time and may affirm, modify and affirm, or reverse the decision of the coordinator. Written record of the appeal decision shall be provided by the Richland County Administrator to the Flood Coordinator. (Ord. No. 032-06HR; 5-2-06)
- (i) *Permit validity.* The effective date of a floodplain development permit shall be the date as stamped on the permit. Permits shall be valid only when signed by the flood coordinator. Any floodplain development permit issued shall become invalid if the authorized work is not commence within six (6) months after the issuance of the permit, or if the authorized work is suspended or abandoned for a period of six (6) months after the time of commencing the work, unless an extension has been granted in writing by the flood coordinator.

Sec. 26-62. Sign permits.

- (a) *Purpose.* In order to regulate the provision of sign standards and sign restrictions within the unincorporated areas of Richland County, it shall be unlawful to erect or maintain any sign or sign structure without first obtaining a sign permit unless exempted. (See regulations at Section 26-180 of this chapter).
- (b) *Pre-application procedure.* There is no pre-application procedure for sign permits.
- (c) *Application submittal.*
 - (1) *Application.* An application for a sign permit may be filed by the owner of the property or sign or by an authorized agent. Applications for sign permits shall be filed with the Richland County Planning and Development Services Department on a form provided by the department. An application shall contain all information requested by the department and other data as determined by the department to be necessary for review of the application.
 - (2) *Fees.* A permit fee, as established by the Richland County Council, shall be submitted with the application.
- (d) *Staff review.* The planning department shall review the application and determine if it is complete. Provided that the application is complete, the planning department shall approve, approve with conditions, or deny the application within fifteen (15) days of submittal. In most instances, the permit may be reviewed and issued upon submittal.
- (e) *Public notification.* No public notification is required for sign permit requests.
- (f) *Formal review.* No formal review of sign permit applications is required.
- (g) *Variances.* Requests for variances from sign regulations shall be heard by the board of zoning appeals under the procedures established at Section 26-57 of this chapter.
- (h) *Appeals.* Appeals of the decisions of the planning department on any sign application shall be heard by the board of zoning appeals under the procedures established at Section 26-58 of this chapter.
- (i) *Permit validity.* If actual work for the permitted sign on the site is not commenced within ninety (90) days from the date of the issuance of a sign permit, or if substantial work for a permitted sign is suspended for a period of sixty (60) consecutive days, the permit shall automatically become null and void. Provided, however, that for signs being erected in conjunction with new construction, the sign permit shall not become null and void until sixty (60) days after the certificate of zoning compliance has been issued for the development. In all cases, the planning department may grant up to a six (6) month extension of time within which work on

a permitted sign must be started or resumed. All requests for such extensions and approval thereof shall be in writing.

Sec. 26-63. Temporary use permits.

- (a) *Purpose.* To ensure that proposed temporary uses comply with the requirements of this chapter, no use that is classified as a temporary use in the zoning district in which it is located shall be placed or established on the property without first receiving a temporary use permit from the planning department.
- (b) *Pre-application procedure.* No pre-application procedure is required prior to applying for a temporary use permit.
- (c) *Plan submittal.*
 - (1) *Filing of application.* An application for a temporary use permit may be filed by the owner of the property or by an authorized agent. An application for a temporary use permit shall be filed in the planning department on a form provided by the department. The application shall contain all information required on the form and any additional information deemed necessary by the department in reviewing the application for the permit.
 - (2) *Fees.* A permit fee, as established by the Richland County Council, shall be submitted with the application.
- (d) *Staff review.* The planning department shall review the application and determine if it is complete. Provided that the application is complete, the planning department shall approve, approve with conditions, or deny the application within fifteen (15) days of submittal. In most instances, the permit may be reviewed and issued upon submittal.
- (e) *Public notification.* No public notification is required for temporary use permit requests.
- (f) *Formal review.* No formal review of temporary use permit applications is required.
- (g) *Variances.* Requests for variances from the requirements for temporary uses shall be heard by the board of zoning appeals under the procedures established at Section 26-57 of this chapter.
- (h) *Appeals.* Appeals of the decisions of the planning department on any temporary use permit application shall be heard by the board of zoning appeals under the procedures established at Section 26-58 of this chapter.
- (i) *Permit validity.* The temporary use permit shall be valid only for the time period stated on the permit, which in no event shall exceed the time periods set forth in Section 26-185 of this chapter.

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Sec. 26-64. Stormwater pollution prevention plans.
(Ord. 006-10HR; 1-19-10)

- (a) *Purpose.* Unless otherwise provided in this chapter, a land disturbance permit shall not be issued for any purpose except in accordance with a SWPPP that has been approved by the Public Works Department. In addition, prior to any grading, construction, or land disturbance of any nature, a land disturbance permit shall be obtained from Richland County. The SWPPP shall include a plan to control erosion and sedimentation and provide for stormwater management (See Section 26-202 of this chapter). The purpose of this requirement is to provide proper management of the quality and quantity of stormwater runoff in Richland County. The SWPPP must be approved prior to the issuance of a land development permit, floodplain development permit or building permit. No land disturbance permit shall be issued until DHEC grants coverage under the NPDES General Permit for Large and Small Construction Activities, if applicable. No building permit shall be issued until the required drainage improvements, as set forth in an approved design plan, are installed or an acceptable bond is posted in lieu of completion of the improvements. The approved SWPPP must be maintained at the active construction site until a Notice of Termination (NOT) is issued. In addition, a copy of the Notice of Intent (NOI), NPDES General Permit for Large and Small Construction Activities, and letter from DHEC granting coverage under the NPDES General Permit for Large and Small Construction activities must be maintained at the site at all times until a Notice of Termination is issued. (Ord. 006-10HR; 1-19-10)
- (b) *Exemptions.* The provisions of this section shall not apply to: (Ord. 006-10HR; 1-19-10)
- (1) Land disturbing activities on agricultural land for production of plants and animals useful to man, including but not limited to: forages and sod crops, grains and feed crops, poultry and poultry products; livestock, including beef cattle, sheep, swine, horses, ponies, mules, or goats, including the breeding and grazing of these animals; bees; fur animals and aquaculture; except that the construction of an agricultural structure or structures which, singularly or collectively total one or more acres, such as broiler houses, machine sheds, repair shops and other major buildings and which require the issuance of a building permit shall require the submittal and approval of a SWPPP prior to the start of the land disturbing activity. (Ord. 006-10HR; 1-19-10)
 - (2) Land disturbing activities undertaken on forest land for the production and harvesting of timber and timber products. (Ord. 006-10HR; 1-19-10)
- (c) *Pre-application procedure.* No pre-application conference is required prior to the submittal of a SWPPP for a Land Disturbance Permit. Applicants are encouraged to call or visit the county engineer prior to submitting a SWPPP to determine what information is required for the application for the approval. (Ord. 006-10HR; 1-19-10)

(d) *Plan submittal.* (Ord. 006-10HR; 1-19-10)

- (1) *Application.* Application for approval of a SWPPP shall be made on forms furnished by the county and shall include all items required on that application and shall be accompanied by a fee as established by the Richland County Council. Application may be made by the owner of the property or by an authorized agent. If any construction or land disturbance activities are to take place in any unincorporated Richland County, the owner/operator must apply for a Land Disturbance Permit before land is disturbed. The SWPPP shall include such stream flow and stormwater runoff calculations and other information as may be reasonably required by the county engineer under the requirements of this chapter. The SWPPP shall be certified by the applicant and sealed by a South Carolina registered professional engineer, registered landscape architect, or Tier B land surveyor. The SWPPP must meet the objectives of Section 26-203. A landowner may develop and certify his/her own plan for a tract of land containing one (1) acre or less, provided: (Ord. 006-10HR; 1-19-10)
 - a. The property is not part of a larger common disturbance impacting more than one acre; and
 - b. Water shall not be allowed to flow in any one (1) direction more than two hundred (200) feet over disturbed land; and
 - c. The cuts and fills established will not exceed a height or depth of over five (5) feet; and
 - d. There will be no concentrated off-site water to be controlled on the site.
- (2) *Inclusion in other permit requirements.* The requirement for submittal of a SWPPP may be included under other permits as follows: (Ord. 006-10HR; 1-19-10)
 - a. The county may review industrial SWPPP(s), as required under a facility's NPDES storm water discharge permit, when outfall monitoring indicates a suspected violation.
 - b. The county may review reclamation plan(s), as required under a mining and mineral resource extraction operation's operating permit, when outfall monitoring indicates a suspected violation.
 - c. The county may review certificate(s) of environmental compatibility, as required by the South Carolina Public Service Commission, when outfall monitoring indicates a suspected violation of a utility.

- (3) *Fees.*
- (e) *Types of SWPPPs.* SWPPPs shall be divided into two land disturbance levels: Level I and Level II. The designs, presentations and submittals shall be the responsibility of the person responsible for the land disturbing activity. (Ord. 006-10HR; 1-19-10)
 - (1) Level I SWPPPs shall be submitted for all land disturbing activities with disturbed area less than one (1) acre which are not part of a larger common plan of development or sale. A Level I Plan shall be prepared in accordance with the requirements of Section 26-64(f) of this chapter. (Ord. 006-10HR; 1-19-10)
 - (2) Level II SWPPPs shall be submitted for all land disturbing activities with disturbed areas of one (1) acre or greater. However, the use of measures other than ponds to achieve water quality improvements is recommended on sites containing less than ten (10) disturbed acres. A Level II Plan shall be prepared in accordance with the requirements of Section 26-64(g) of this chapter. (Ord. 006-10HR; 1-19-10)
- (f) *Level I SWPPP Requirements.* A Level I SWPPP shall be submitted for all land disturbing activities with disturbed area less than one (1) acre which are not part of a larger common plan of development. The SWPPP shall contain the following information, as applicable: (Ord. 006-10HR; 1-19-10)
 - (1) An anticipated starting and completion date of the various stages of land disturbing activities and the expected date the final stabilization will be completed. (Ord. 006-10HR; 1-19-10)
 - (2) A narrative description of the SWPPP to be used during land disturbing activities. (Ord. 006-10HR; 1-19-10)
 - (3) General description of topographic and soil conditions of the tract, including showing the intent of the drainage pattern for each individual lot. (Ord. 006-10HR; 1-19-10) (Ord. 055-12HR; 10-16-12)
 - (4) A general description of adjacent property and a description of existing structures, buildings, and other fixed improvements located on surrounding properties:(Ord. 006-10HR; 1-19-10)
 - a. The boundary lines of the site on which the work is to be performed;
 - b. A topographic map of the site if required by the county;
 - c. The location of temporary and permanent vegetative and structural stormwater management and sediment control measures; and

- d. Water quality buffers and setbacks requirements to protect receiving water bodies shall be maintained as required.
- (5) SWPPPs shall contain certification by the person responsible for the land disturbing activity that the land disturbing activity will be accomplished pursuant to the plan. (Ord. 006-10HR; 1-19-10)
- (6) All SWPPPs shall contain certification by the person responsible for the land disturbing activity of the right of the county or DHEC to conduct on-site inspections. (Ord. 006-10HR; 1-19-10)

The requirements contained above may be indicated on one plan sheet. More detailed hydrologic or soils information may be required on a case by case basis by the implementing agency. Storm water detention/retention may be required if excessive water problems are known to exist in the area. (Ord. 006-10HR; 1-19-10)

- (g) *Level II SWPPP Requirements.* A Level II SWPPP shall be submitted for all land disturbing activities with disturbed areas of one (1) acre or greater, and for all land disturbing activities with disturbed areas of less than one (1) acre if it is part of multiple construction in a subdivision development. The use of measures other than ponds to achieve water quality improvements is recommended on sites containing less than ten (10) disturbed acres. All of the requirements included in the most recent version of the “Stormwater Design Manual” must be met. The SWPPP shall contain the following information, as applicable: (Ord. 006-10HR; 1-19-10)
 - (1) General submission requirements for all projects requiring SWPPP approval will include the following information as applicable: (Ord. 006-10HR; 1-19-10)
 - a. A standard application form (NOI) must be submitted to the county,
 - b. A vicinity map indicating north arrow, scale, and other information necessary to locate the property or tax parcel,
 - c. A current existing aerial photo of the site, as taken from the county’s Internet Mapping Service (IMS).
 - d. A plan at an appropriate scale accompanied by a design report and indicating at least:
 - 1. The location of the land disturbing activity shown on a United States Geological Survey (USGS) 7.5 minute topographic map or copy.

2. The existing and proposed topography, overlaid on a current plat showing existing and proposed contours as required by Richland County. This includes showing the intent of the drainage pattern for each individual lot. (Ord. 055-12HR; 10-16-12)
3. The proposed grading and earth disturbance including:
 - i. Surface area involved; and
 - ii. Limits of grading including limitation of mass clearing and grading whenever possible.
4. Stormwater management and stormwater drainage computations, including:
 - i. Pre- and post-development velocities, peak rates of discharge, and inflow and outflow hydrographs of stormwater runoff at all existing and proposed points of discharge from the site,
 - ii. Site conditions around points of all surface water discharge including vegetation and method of flow conveyance from the land disturbing activity, and
 - iii. Design details for structural controls.
5. Erosion and sediment control provisions, including:
 - i. Provisions to preserve topsoil and limit disturbance;
 - ii. Details of site grading; and
 - iii. Design details for structural controls which includes diversions and swales.
- e. FEMA flood maps and federal and state wetland maps, where appropriate.
- f. Plans and design reports shall be sealed by a qualified design professional. The design professional shall certify that the plans have been designed in accordance with approved stormwater-related ordinances, programs, regulations, standards and criteria.
- g. Additional information necessary for a complete project review may be required by Richland County, as deemed appropriate. This

additional information may include items such as public sewers, water lines, septic fields, wells etc.

- h. All SWPPPs submitted for approval shall contain certification by the person responsible for the land disturbing activity that the land disturbing activity will be accomplished pursuant to the approved plan.
 - i. All SWPPPs shall contain certification by the person responsible for the land disturbing activity of the right of the county or DHEC to conduct on-site inspections.
 - j. All Level II SWPPPs submitted to the appropriate plan approval agency for approval shall be certified by the designer as stated in 26-64(c)(1).
- (2) Specific requirements for the erosion and sediment control portion of the SWPPP approval process include, but are not limited to, the following items. Richland County may modify the following items for a specific project or type of project. (Ord. 006-10HR; 1-19-10)
- a. All plans shall include details and descriptions of temporary and permanent erosion and sediment control measures and other protective measures shown on the SWPPP. Procedures in a SWPPP shall provide that all sediment and erosion controls are inspected at least once every seven (7) calendar days, or at least once every fourteen (14) calendar days and within twenty-four (24) hours of the end of a storm event of 0.5 inches or greater.
 - b. Specifications for a sequence of construction operations shall be contained on all plans describing the relationship between the implementation and maintenance of sediment controls, including permanent and temporary stabilization and the various stages or phases of earth disturbance and construction. The specifications for the sequence of construction shall, at a minimum, include the following activities:
 - 1. Clearing and grubbing for those areas necessary for installation of perimeter controls;
 - 2. Installation of sediment basins and traps;
 - 3. Construction of perimeter controls;
 - 4. Remaining clearing and grubbing;

5. Road grading;
6. Grading for the remainder of the site;
7. Utility installation and whether storm drains will be used or blocked until after completion of construction;
8. Final grading, landscaping, or stabilization; and
9. Removal of sediment controls.

The sequence of construction operations may be modified with prior approval by Richland County. In addition, if there is to be no construction activity for fourteen (14) or more days, the site must be temporarily stabilized.

- c. The plans shall contain a description of the predominant soil types on the site, as described in the United States Department of Agriculture (USDA) comprehensive soils classification system.
 - d. When work in a live waterway is performed such as utility or road crossing, the appropriate BMPs shall be utilized to minimize encroachment, protect the water quality buffer, control sediment transport and stabilize the work area to the greatest extent possible during construction.
 - e. Vehicle tracking of sediments from land disturbing activities onto paved public roads shall be minimized by utilizing the appropriate BMPs.
 - f. Locations of all waters of the U.S. and State (including wetlands) shall be shown on the plan.
 - g. Locations of all preconstruction stormwater discharge points and post construction stormwater discharge points shall be shown on the plan.
- (3) Specific requirements for the permanent stormwater management portion of the SWPPP approval process include, but are not limited to, the following items. Richland County may modify the following items for a specific project or type of project. (Ord. 006-10HR; 1-19-10)
- a. Stormwater management shall be addressed on a watershed basis to provide a cost-effective water quantity and water quality solution to the specific watershed problems. This chapter provides general design requirements that must be adhered to in the absence of designated watershed specific criteria.

- b. All hydrologic computations shall be accomplished using a volume based hydrograph method acceptable to Richland County. The storm duration for computational purposes for this method shall be the 24-hour rainfall event, applicable National Resources Conservation Service (NRCS) distribution with a 0.1 hour burst duration time increment. The rational and/or modified rational methods are acceptable for sizing individual culverts or storm drains that are not part of a pipe network or system and do not have a contributing drainage area greater than twenty (20) acres. The storm duration for computational purposes for this method shall be equal to the time of concentration of the contributing drainage area or a minimum of 0.1 hours, whichever is less.
- c. Stormwater management requirements for a specific project shall be based on the entire area to be developed, or if phased, the initial submittal shall control that area proposed in the initial phase and establish a procedure for total site control, as shown the approved set of development plans.
- d. Water quantity control is an integral component of overall stormwater management. The following design criteria for flow control are established for water quantity control purposes:
 - 1. Post-development peak discharge rates shall not exceed pre-development discharge rates for the 2, 10 and 25-year frequency 24-hour duration storm event. The county may utilize a less frequent storm event (e.g. 50 or 100-year, 24-hour) to address existing or future stormwater quantity or quality problems.
 - 2. Discharge velocities shall be reduced to provide a non-erosive velocity flow from a structure, channel, or other control measure or the velocity of the 10-year, 24-hour storm runoff in the receiving waterway prior to the land disturbing activity, whichever is greater.
 - 3. Watersheds, including designated watersheds, which have well documented water quantity problems, may have more stringent or modified design criteria as determined by Richland County.
- e. Water quality control is also an integral component of stormwater management. The following design criteria are established for water quality protection:

1. When ponds are used for water quality protection, the ponds shall be designed as both quantity and quality control structures. Sediment storage volume shall be calculated considering the clean out and maintenance schedules specified by the designer during the land disturbing activity. Sediment storage volumes may be predicted by the Universal Soil Loss Equation or methods acceptable to the county.
2. Stormwater runoff that drains to a single outlet from land disturbing activities which disturb ten (10) acres or more shall be controlled during the land disturbing activity by a sediment basin where sufficient space and other factors allow these controls to be used until the final inspection. The sediment basin shall be designed and constructed to accommodate the anticipated activity and meet a removal efficiency of eighty percent (80%) suspended solids or 0.5 ML/L peak settleable solids concentration, whichever is less. The outfall device or system design shall take into account the total drainage area flowing through the disturbed area to be served by the basin.
3. Other practices may be acceptable to Richland County if they achieve an equivalent removal efficiency of eighty percent (80%) for suspended solids or 0.5 ML/L peak settleable solids concentration, which ever is less. The efficiency shall be calculated for disturbed conditions for the 10-year 24-hour design event.
4. Permanent water quality ponds having permanent pool shall be designed to store and release the first ½-inch of runoff from the entire site or the first one inch of runoff from the impervious area, whichever is greater, over a twenty-four (24)-hour period.
5. Permanent water quality ponds, not having permanent pool, shall be designed to release the first inch of runoff from the site over a twenty-four (24)-hour period.
6. Permanent infiltration practices, when used, shall be designed to accept, at a minimum, the first inch of runoff from all impervious areas.
7. Water quality buffers and setbacks required to protect receiving water bodies shall be maintained as required by this chapter.

8. Watersheds, including designated watersheds, which have been documented by Richland County or DHEC as impaired or have established TMDLs, will have more stringent or modified design criteria as determined by Richland County.
 9. For sites with storm water discharges to receiving water that is listed as impaired in South Carolina's 303(d) List of Impaired Waters the following requirements apply:
 - i. If a TMDL that is applicable to stormwater construction discharges has been established and is in effect, the requirements of the NPDES General Permit for Large and Small Construction Activities must be met.
 - ii. If a TMDL has not been established or is not in effect, the requirements outlined in Section 3.4 of the NPDES Permit for Large and Small Construction Activities must be met.
 10. Untreated storm water runoff from developed areas shall not be directly discharged to wetlands, as wetland boundaries are defined at the time of site plan approval.
 11. Any storm sewers and/or constructed/altered channels that discharge into a water quality buffer area shall be constructed in such a way as to dissipate the energy of flow and create even sheet flow into the buffer area.
- f. Where ponds are the proposed method of control, the person responsible for the land disturbing activity shall submit to Richland County, when required, an analysis of the impacts of stormwater flows downstream in the watershed for the 10 and 100-year frequency storm event. The analysis shall include hydrologic and hydraulic calculations necessary to determine the impact of hydrograph timing modifications of the proposed land disturbing activity, with and without the pond. The results of the analysis will determine the need to modify the pond design or to eliminate the pond requirement. Lacking a clearly defined downstream point of constriction, the downstream impacts shall be established, with the concurrence of the county. (Ord. 006-10HR; 1-19-10)
- g. Where existing wetlands are intended as a component of an overall stormwater management system, the approved SWPPP shall not be implemented until all necessary federal and state permits have been

obtained. Copies of the federal and state permits shall be furnished to Richland County. (Ord. 006-10HR; 1-19-10)

- h. Designs shall be in accordance with standards developed or approved by the county. The Public Works Department shall maintain the “Storm Water Design Manual” and the “BMP Manual”, and these guidelines must be followed. (Ord. 006-10HR; 1-19-10)
- i. Ease of maintenance must be considered as a site design component. Access to the stormwater management structure must be provided. A maintenance plan shall be included in the SWPPP. (Ord. 006-10HR; 1-19-10)
- j. A clear statement of defined maintenance responsibility shall be established during the plan review and approval process. This statement ensures that structural BMPs will be maintained post-construction. If they are not being properly maintained, the county has the authority to require maintenance to be done at the expense of the person responsible for maintenance. (Ord. 006-10HR; 1-19-10)
- k. Infiltration practices have certain limitations on their use on certain sites. These limitations include the following items: (Ord. 006-10HR; 1-19-10)
 - 1. Areas draining to these practices must be stabilized and vegetative filters established prior to runoff entering the system. Infiltration practices shall not be used if a suspended solids filter system does not accompany the practice. If vegetation is the intended filter, there shall be, at least a twenty (20)-foot length of vegetative filter prior to stormwater runoff entering the infiltration practice;
 - 2. The bottom of the infiltration practice shall be at least 0.5 feet above the seasonal high water table, whether perched or regional, determined by direct piezometer measurements which can be demonstrated to be representative of the maximum height of the water table on an annual basis during years of normal precipitation, or by the depth in the soil at which mottling first occurs;
 - 3. The infiltration practice shall be designed to completely drain of water within seventy-two (72) hours;
 - 4. Soils must have adequate permeability to allow water to infiltrate. Infiltration practices are limited to soils having an infiltration rate of at least 0.30 inches per hour. Initial

consideration will be based on a review of the appropriate soil survey, and the survey may serve as a basis for rejection. On-site soil borings and textural classifications must be accomplished to verify the actual site and seasonal high water table conditions when infiltration is to be utilized;

5. Infiltration practices greater than three (3) feet deep shall be located at least ten (10) feet from basement walls;
 6. Infiltration practices designed to handle runoff from impervious parking areas shall be a minimum of one hundred fifty (150) feet from any public or private water supply well;
 7. The design of an infiltration practice shall provide an overflow system with measures to provide a non-erosive velocity of flow along its length and at the outfall;
 8. The slope of the bottom of the infiltration practice shall not exceed five percent (5%). Also, the practice shall not be installed in fill material as piping along the fill/natural ground interface may cause slope failure;
 9. An infiltration practice shall not be installed on or atop a slope whose natural angle of incline exceeds twenty percent (20%).
 10. Clean outs will be provided at a minimum, every one hundred (100) feet along the infiltration practice to allow for access and maintenance.
1. A regional approach to stormwater management is an acceptable alternative to site-specific requirements and is encouraged. (Ord. 006-10HR; 1-19-10)
- (4) All stormwater management and sediment control practices shall be designed, constructed and maintained with consideration for the proper control of mosquitoes and other vectors. Practices may include, but are not limited to: (Ord. 006-10HR; 1-19-10)
- a. The bottom of retention and detention ponds should be graded and have a slope not less than 1.0 percent.
 - b. There should be no depressions in a normally dry detention facility where water might pocket when the water level is receding.
 - c. Normally dry detention systems and swales should be designed to drain within three (3) days.

- d. An aquatic weed control program should be utilized in permanently wet structures to prevent an overgrowth of vegetation in the pond. Manual harvesting is preferred.
 - e. Fish may be stocked in permanently wet retention and detention ponds.
- (5) A SWPPP shall be filed for a residential development and the buildings constructed within, regardless of the phasing of construction. (Ord. 006-10HR; 1-19-10)
- a. In applying the stormwater management and sediment control criteria, individual lots in a residential subdivision development shall not be considered to be separate land disturbing activities and shall not require individual permits. Instead, the residential subdivision development, as a whole, shall be considered to be a single land disturbing activity. Hydrologic parameters that reflect the ultimate subdivision development shall be used in all engineering calculations.
 - b. If individual lots or sections in a residential subdivision are being developed by different property owners, all land-disturbing activities related to the residential subdivision shall be covered by the approved SWPPP for the residential subdivision. Individual lot owners or developers must sign a certification of compliance that all activities on that lot will be carried out in accordance with the approved SWPPP for the residential subdivision. Failure to provide this certification will result in owners or developers of individual lots developing a SWPPP meeting the requirements of this chapter.
 - c. Residential subdivisions which were approved prior to the effective date of these regulations are exempt from these requirements. Development of new phases of existing subdivisions which were not previously approved shall comply with the provisions of these regulations.
- (6) Risk analysis may be used to justify a design storm event other than prescribed or to show that rate and volume control is detrimental to the hydrologic response of the basin and therefore, should not be required for a particular site. (Ord. 006-10HR; 1-19-10)
- a. A complete watershed hydrologic/hydraulic analysis must be done using a complete model/procedure acceptable to Richland County. The level of detail of data required is as follows:

1. Watershed designation on the 7.5 minute topo map exploded to a minimum of 1" = 400'.
 - i. Include design and performance data to evaluate the effects of any structures which affect discharge. Examples may be ponds or lakes, road crossings acting as attenuation structures, and others which must be taken into account.
 - ii. Land use data shall be taken from the most recent aerial photograph and field checked and updated.
 - iii. The water surface profile shall be plotted for the conditions of pre and post-development for the 10-, and 100-year 24-hour storm.
 - iv. Elevations of any structure potentially damaged by resultant flow shall also be shown.
 - b. Based on the results of this type of evaluation, the Public Works Department shall review and evaluate the proposed regulation wavier or change.
- (7) The Level II SWPPP shall be prepared in accordance with South Carolina NPDES General Permit for Storm Water Discharges from Large and Small Construction Activities (SCR100000). The SWPPP must be prepared, amended when necessary, certified, and stamped by a qualified individual who is licensed as follows: (Ord. 006-10HR; 1-19-10)
- a. Registered professional engineers as described in Title 40, Chapter 22;
 - b. Registered landscape architects as described in Title 40, Chapter 28, Section 10, item (b);
 - c. Tier B land surveyors as described in Title 40, Chapter 22; or
 - d. Federal government employees as described by Title 40, Chapter 22, Section 280(A)(3).
- (h) *Staff review.* The county engineer shall review all SWPPPs and approve or deny such plans. Approval or denial of a SWPPP shall be based on all applicable provisions of this chapter. SWPPPs shall be reviewed within thirty (30) days from the date of submittal of the plan. If the county engineer determines that the size and scope of the proposed plan requires additional time for adequate review, the review period shall be extended as determined appropriate by the county engineer, but in no event shall

the review period exceed forty-five (45) days. If at the end of the forty-five (45) day period a decision has not been reached, the plan shall be deemed approved; however, the applicant may waive this requirement and consent in writing to the extension of that period. In the absence of an appeal, the order of the county engineer shall be final. Approval of plans by the county engineer does not relieve the applicant's technical representative from his/her responsibility for the correctness of the plans or the accuracy of his/her calculations, nor does it relieve the owner or the applicant from his/her obligation to comply with any applicable laws. Upon review and approval by Richland County, the approval letter to issue a land disturbance permit, the NOI and the \$125 fee will be sent to DHEC. DHEC then has seven (7) business days to review the completed application and issue a letter either granting or denying coverage under the NPDES General Permit for Storm Water Discharges from Large and Small Construction Activities (SCR100000), or requesting additional information. If DHEC does not send a letter within the designated time period, then coverage under the above permit may be deemed automatically granted. (Ord. 006-10HR; 1-19-10)

- (i) *Public notification.* No public notification is required for review of a SWPPP. (Ord. 006-10HR; 1-19-10)
- (j) *Formal review.* No formal review is required for SWPPP review. (Ord. 006-10HR; 1-19-10)
- (k) *Permit validity.* The effective date of a SWPPP shall be the date the Public Works Department approved the plan. Plans shall be valid only when signed by the county engineer. Any SWPPP approval issued shall become invalid if the authorized work is suspended or abandoned for a period of six (6) months after the time of commencing the work, or if the work is not completed within two (2) years, unless an extension has been granted in writing by the county engineer. The applicant is responsible for requesting an extension and setting forth reasons for the requested extension. No more than four (4) 1-year extensions shall be granted. An annual plan review fee and inspection fee shall be paid each time a request is made for an extension. The applicant shall be responsible with carrying out the proposed work in accordance with the approved SWPPP. The applicant shall be responsible for notifying the Public Works Department a maximum of twenty-four (24) hours after the start of construction. (Ord. 006-10HR; 1-19-10)
- (l) *Inspections.* The SWPPP shall specify the inspection frequency for the land disturbance activity which must be done in accordance with the NPDES General Permit for Large and Small Construction Activities. The county engineer or his/her designee shall periodically inspect the work done under an approved SWPPP. Any violations will be enforceable as established in this chapter. For each inspection, an inspection report must be completed. A record of each inspection and any actions taken must be retained as part of the SWPPP for at least three (3) years. Inspections must be conducted by an inspector meeting at least one of the requirements in Section 26-64(g)(7), and at a minimum either: (Ord. 006-10HR; 1-19-10)

- (1) At least once every seven (7) calendar days, or
 - (2) At least once every fourteen (14) calendar days and within twenty-four (24) hours of the end of a storm event of 0.5 inches or greater.
- (m) *Preconstruction Conference.* (Ord. 006-10HR; 1-19-10)
- (1) For non-linear Projects that disturb ten (10) acres or more, the permittee must conduct a pre-construction conference with each co-permittee, and contractor who is not a co-permittee, in person at the site prior to the co-permittee or contractor performing construction related work intended to disturb soils at the site that may affect the implementation of the SWPPP unless it is justified in the SWPPP and approved by the county to conduct the conference off-site. This pre-construction conference can be with all contractors or the pre-conference may be conducted separately with one or more contractors present so that all contractors who perform land disturbing activity are aware of the requirements of the SWPPP before they start construction.
 - (2) For linear construction of roads or utilities (such as roads built by SCDOT, utility construction including electrical power lines, gas lines, sewer lines, and water lines that are not part of a subdivision) neither of which is part of a subdivision or other type of development, the pre-construction conference may be conducted off-site unless specifically required by the county to be conducted on site. The purpose of this conference is to explain the whole SWPPP to the co-permittees and contractors, and to specifically go over areas of the SWPPP that are related to the work to be performed by the co-permittees and the contractors.
- (n) *Monthly reporting requirements.* For land disturbance activities impacting ten (10) acres or more, there is a monthly reporting requirement in the NPDES General Permit for Large and Small Construction Activities which requires monthly reports to be submitted to DHEC. Richland County also requires these monthly reports to be submitted to the Public Works Department for review. These reports may be submitted electronically. (Ord. 006-10HR; 1-19-10)
- (o) *NOT.* The owner/operator of a site may apply for a NOT when seventy percent (70%) of the site is stabilized. The county has the authority to grant or deny the request for a NOT at its discretion. Any recurring fees will continue to be applicable until the NOT is submitted to Richland County and approved by DHEC. Richland County will forward the request for NOT to DHEC. (Ord. 006-10HR; 1-19-10)
- (p) *Supplemental regulations.* All applicable provisions of the Standards for Stormwater Management and Sediment Reduction (Sections 72-301, 302, 305, 307, 308, 312, 313, 314, 315, 316) administered by the South Carolina Department of Health and Environmental Control pursuant to the South Carolina Stormwater Management and

Sediment Reduction Act of 1991 are incorporated by reference herein. (Ord. 006-10HR; 1-19-10)

Secs. 26-65 – 26-80. Reserved.
(Ord. 006-10HR; 1-19-10)

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ARTICLE V. ZONING DISTRICTS AND DISTRICT STANDARDS

Sec. 26-81. Purpose.

For the purpose of guiding development in accordance with existing and future needs and promoting the public health, safety, morals, convenience, order, appearance, prosperity and general welfare of Richland County, Richland County is hereby divided into districts as enumerated in this article.

Sec. 26-82. Official zoning map.

- (a) *Official map.* The boundaries of the zoning districts established by this article shall be shown on a series of maps entitled, "Zoning Map of Unincorporated Richland County, South Carolina".
- (b) *Maintenance of official copy of zoning map.* The official copy of the zoning map shall be maintained in the office of the Richland County Planning and Development Services Department and all amendments that reflect a change in the zoning map shall be recorded upon it. The official copy of the zoning map shall be available for inspection by the general public at any time during the county's normal business operating hours.
- (c) *Zoning maps other than official copy.* The planning department 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 Richland County Planning and Development Services Department, plus official records of the clerk of council regarding actions of the county council to amend district boundaries, shall constitute the only official description of the location of zoning district boundaries.
- (d) *Interpretation of zoning map.* See Section 26-21(a) of this chapter.

Sec. 26-83. Establishment of zoning districts.

- (a) *General.* Within the unincorporated areas of Richland County there are four (4) types of zoning districts: general use districts, planned development districts, overlay districts, and neighborhood master plan overlay districts. The regulations of this chapter shall apply uniformly to each class or kind of structure or land located within any of the enumerated district classifications. Within the districts as established by this chapter, the requirements as set forth in these sections shall be complied with in addition to any other general or specific requirements of this chapter. (Ord. 019-08HR; 3-18-08)
- (b) *General use districts.* General use districts are those in which a variety of uses are permitted. For the purpose of this chapter, the zoning jurisdiction of Richland County, South Carolina, is hereby divided into the following general use zoning districts:

PR	Parks and Recreation District (Ord. 054-09; 11-3-09)
TROS	Traditional Recreation Open Space District (Ord. 043-07HR; 5-1-07)
RU	Rural District
RR	Rural Residential District
RS-E	Residential, Single-Family – Estate District
RS-LD	Residential, Single-Family - Low Density District
RS-MD	Residential, Single-Family - Medium Density District
RS-HD	Residential, Single-Family - High Density District
MH	Manufactured Home District
RM-MD	Residential, Multi-Family - Medium Density District
RM-HD	Residential, Multi-Family - High Density District
OI	Office and Institutional District
NC	Neighborhood Commercial District
RC	Rural Commercial District
GC	General Commercial District
M-1	Light Industrial District
LI	Light Industrial District
HI	Heavy Industrial District

- (c) *Planned development districts.* A planned development district is a zoning designation of a lot or tract of land that permits development as is specifically depicted on plans approved in the process of zoning such lot or tract of land. For the purpose of this chapter, the following planned development districts are available for tracts meeting the specified requirements in the zoning jurisdiction of Richland County, South Carolina:

PDD	Planned Development District
TC	Town and Country District

- (d) *Overlay districts.* Overlay districts are zoning districts that overlap one or more general use districts. Overlay districts involve additional regulations on some or all of the property within the underlying general use districts. For the purpose of this chapter the following overlay districts are established in the zoning jurisdiction of Richland County, South Carolina:

AP	Airport Height Restrictive Overlay District
C	Conservation Overlay District
FP	Floodplain Overlay District
RD	Redevelopment Overlay District
EP	Environmental Protection Overlay District (Ord. 006-10HR; 1-19-10)

- (e) *Neighborhood Master Plan districts.* Neighborhood Master Plan districts are general use or overlay zoning districts that are intended to promote the revitalization of existing blighted commercial and residential areas, while encouraging reinvestment in and reuse of areas in the manner consistent with the specific master planning area

and Comprehensive Plan for Richland County. Revitalization initiates housing and economic opportunities, which promotes socially vibrant centers of community life through the coordinated efforts of public, private, and community organizations. For the purpose of this chapter, the following neighborhood Master Plan districts and Master Plan overlay districts are established in the zoning jurisdiction of Richland County, South Carolina: (Ord. 018-10HR; 4-20-10)

- CRD Corridor Redevelopment Overlay District (Ord. 019-08HR; 3-18-08)
- DBWP Decker Boulevard/Woodfield Park Neighborhood Redevelopment Overlay District (Ord. 005-09HR; 2-17-09)
- CC Crane Creek Neighborhood District, which includes: (Ord. 018-10HR; 5-4-10)
 - CC-1 Residential (Ord. 018-10HR; 5-4-10)
 - CC-2 Neighborhood Mixed Use (Ord. 018-10HR; 5-4-10)
 - CC-3 Activity Center Mixed Use (Ord. 018-10HR; 5-4-10)
 - CC-4 Industrial (Ord. 018-10HR; 5-4-10)

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Sec. 26-84. PR Parks and Recreation District.

(Ord. 054-09HR; 11-3-09)

- (a) *Purpose.* In order to ensure the preservation of substantial green areas devoted to passive and/or active recreational uses. (Ord. 054-09HR; 11-3-09)
- (b) *Permitted uses.* The following passive and/or active recreational uses are permitted within the “PR” Parks and Recreation zoning classification: (Ord. 054-09HR; 11-3-09)
 - (1) Golf courses, driving ranges, and appurtenances.
 - (2) Indoor and/or outdoor recreational courts and appurtenances, including, but not limited to, those devoted to tennis, volleyball, basketball, or bocce.
 - (3) Recreational fields and appurtenances, including, but not limited to, those devoted to football, soccer, baseball, or lacrosse, and to include sports lighting systems.
 - (3) Clubhouses, gyms, fitness centers, and meeting rooms.
 - (4) Community meeting and security sub station space, including Sheriff Department satellite locations.
 - (5) Recreational, health, and educational classes.
 - (4) Swimming, wading, splash pools, and appurtenances.
 - (5) Picnic areas, trails, tracks, amphitheaters, and appurtenances.
 - (6) Playgrounds.
 - (7) Museums and historic displays.
 - (8) Any other recreational or community service use substantially similar to those specifically listed above.
 - (9) A State Park and all facilities associated with the operation and maintenance of the park to provide public recreation.
- (c) *Accessory uses.* The following accessory uses are permitted in association with the “permitted uses” listed above: (Ord. 054-09HR; 11-3-09)
 - (1) Pavilions.
 - (2) Restroom facilities.

- (3) Parking areas.
 - (4) Bleachers and other seating areas intended for public viewing of recreational activities.
 - (5) Concession stands, press boxes, dugouts, and associated athletic facility support structures.
 - (6) Batting cages, and athletic field and security fencing.
 - (7) Administrative and park operation offices and storage buildings.
 - (8) Any other accessory use substantially similar to those specifically listed above.
- (d) *Development standards.* See also Article V., Section 26-131. Table of Area, Yard, and Height Requirements. (Ord. 054-09HR; 11-3-09)
- (1) *Minimum lot area/maximum density:* Minimum lot area: no minimum lot area except as required by DHEC. Maximum density standard: no maximum density standard. (Ord. 054-09HR; 11-3-09)
 - (2) *Minimum lot width:* None. (Ord. 054-09HR; 11-3-09)
 - (3) *Structure size standards:* None. (Ord. 054-09HR; 11-3-09)
 - (4) *Setback standards:* The following minimum setbacks shall be required for principal uses in the PR District: (Ord. 054-09HR; 11-3-09)
 - a. Front: 25 feet.
 - b. Side: 20 feet.
 - c. Rear: 20 feet.

The minimum side and rear setback requirement for accessory buildings/structures, such as club houses, rest room and locker facilities, snack bars, and parking areas, in the PR District is ten (10) feet.

The landscape and bufferyard standards of Section 26-176 may require setback distances; if so, the most restrictive requirements shall apply.
 - (5) *Height standards:* The maximum height of structures in the PR District shall be 45 feet. (Ord. 054-09HR; 11-3-09)

- (6) *Landscaping/bufferyard standards:* Landscaping and bufferyards shall be provided in accordance with Section 26-176 of this chapter; provided, however, there shall be no landscaping requirements for “golf courses” and “golf course with country clubs”. (Ord. 054-09HR; 11-3-09)
- (7) *Parking/loading standards:* Parking and loading facilities shall be provided as required by Section 26-173 and Section 26-174 of this chapter. No parking lots shall be permitted within any required setback. (Ord. 054-09HR; 11-3-09)
- (8) *Sidewalk and pedestrian amenities:* Sidewalks and other pedestrian amenities shall be provided as required by Section 26-179 of this chapter; provided, however, there shall be no sidewalk or pedestrian amenities required for “golf courses” and “golf course with country clubs”. (Ord. 054-09HR; 11-3-09)
- (9) *Signs:* Signs shall be regulated by the requirements of Section 26-180 of this chapter. (Ord. 054-09HR; 11-3-09)
- (10) *Recreation/open space standards:* None. (Ord. 054-09HR; 11-3-09)
- (11) *Design and operation standards:* None. (Ord. 054-09HR; 11-3-09)

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Sec. 26-85. TROS Traditional Recreation Open Space District.
(043-07HR; 5-1-07)

- (a) *Purpose.* In order to ensure the preservation of conservation, recreation, and/or open space; and to lessen the diminution of property values from the loss of open space commonly provided for in a community; and to provide opportunities for improved public and/or private recreation activities; and to provide for a community-wide network of open space, buffer zones, and recreation spaces.
- (b) *Permitted uses, permitted uses with special requirements and special exceptions.* See Article V., Section 26-141. Table of Permitted Uses, Permitted Uses with Special Requirements, and Special Exceptions.
- (c) *Development standards.* See also Article V., Section 26-131. Table of Area, Yard, and Height Requirements.
 - (1) *Minimum lot area/maximum density:* Minimum lot area: no minimum lot area except as required by DHEC. Maximum density standard: no maximum density standard.
 - (2) *Minimum lot width:* None.
 - (3) *Structure size standards:* None.
 - (4) *Setback standards:* The following minimum setbacks shall be required for principal uses in the TROS District:
 - a. Front: 25 feet.
 - b. Side: 20 feet.
 - c. Rear: 20 feet.

The minimum side and rear setback requirement for accessory buildings/structures, such as club houses, rest room and locker facilities, snack bars, and parking areas, in the TROS District is ten (10) feet.

The landscape and bufferyard standards of Section 26-176 may require setback distances; if so, the most restrictive requirements shall apply.
 - (5) *Height standards:* The maximum height of structures in the TROS District shall be 45 feet.
 - (6) *Landscaping/bufferyard standards:* Landscaping and bufferyards shall be provided in accordance with Section 26-176 of this chapter; provided, however, there shall be no landscaping requirements for “golf courses” and “golf course with country clubs”.

- (7) *Parking/loading standards:* Parking and loading facilities shall be provided as required by Section 26-173 and Section 26-174 of this chapter. No parking lots shall be permitted within any required setback.
- (8) *Sidewalk and pedestrian amenities:* Sidewalks and other pedestrian amenities shall be provided as required by Section 26-179 of this chapter; provided, however, there shall be no sidewalk or pedestrian amenities required for “golf courses” and “golf course with country clubs”.
- (9) *Signs:* Signs shall be regulated by the requirements of Section 26-180 of this chapter.
- (10) *Recreation/open space standards:* None.
- (11) *Design and operation standards:* None.

Sec. 26-86. RU Rural District.

- (a) *Purpose.* The RU District is intended to provide areas for low intensity agricultural uses and very-low density single-family, detached residential home construction. RU zoning is intended to provide for the preservation of open space, farmland and rural areas, and to protect and encourage the integrity of existing rural communities.
- (b) *Permitted uses, permitted uses with special requirements and special exceptions.* See Article V., Section 26-141. Table of Permitted Uses, Permitted Uses with Special Requirements, and Special Exceptions.
- (c) *Development standards.* See also Article V., Section 26-131. Table of Area, Yard, and Height Requirements. Provided, however, if a developer can meet the requirements found within Section 26-186, the development standards of 26-186 (i) may be substituted for the standards required in this subsection. (Ord. 035-04HR; 6-17-08)
 - (1) *Minimum lot area/maximum density:* Minimum lot area: 33,000 square feet (one acre), or as determined by the DHEC, but in no case shall it be less than 33,000 square feet. Maximum density standard: no more than one (1) principal dwelling unit may be placed on a lot except for permitted accessory dwellings.
 - (2) *Minimum lot width:* 120 feet.
 - (3) *Structure size standards:* None.
 - (4) *Setback standards:* The following minimum setbacks shall be required for principal uses in the RU District:
 - a. Front: 40 feet.
 - b. Side: 20 feet.
 - c. Rear: 50 feet.

The minimum side and rear setback requirement for accessory buildings/structures in the RU District is twenty (20) feet. See also Section 26-185(b) of this chapter.

The landscape and bufferyard standards of Section 26-176 may require additional setback distances; if so, the most restrictive requirements shall apply.

- (5) *Height standards:* The maximum height of structures in the RU District shall be 45 feet. Silos, barns, windmills, or other similar structures used for agricultural purposes are exempt from height requirements.
- (6) *Landscaping/bufferyard standards:* Landscaping and bufferyards shall be provided in accordance with Section 26-176 of this chapter.
- (7) *Parking/loading standards:* Parking and loading facilities shall be provided as required by Section 26-173 and Section 26-174 of this chapter. No parking lots shall be permitted within any required setback.
- (8) *Sidewalk and pedestrian amenities:* Sidewalks and other pedestrian amenities shall be provided as required by Section 26-179 of this chapter
- (9) *Signs:* Signs shall be regulated by the requirements of Section 26-180 of this chapter.
- (10) *Recreation/open space standards:* Open space may be provided for new developments and expansions of existing developments in accordance with the Green Code standards of Section 26-186 of this chapter. (Ord. 027-09HR; 5-19-09)
- (11) *Design and operation standards:* None.

Sec. 26-87. RR Rural Residential District.

- (a) *Purpose.* The RR District is intended to be used for single-family detached dwelling units and limited, private agricultural endeavors. The requirements for this district are designed to provide suitable open space for very low-density residential development so as to retain an optimum amount of open space to maintain a rural setting, yet afford residential developments a minimal amount of urban character. This district is a transition zone between the RU Rural District and the more urban RS-E and RS-LD Residential, Single-Family Low Density Districts.
- (b) *Permitted uses, permitted uses with special requirements, and special exceptions.* See Article V., Section 26-141. Table of Permitted Uses, Permitted Uses with Special Requirements, and Special Exceptions.
- (c) *Development standards.* See also Article V., Section 26-131. Table of Area, Yard, and Height Requirements.
 - (1) *Minimum lot area/maximum density:* Minimum lot area: 33,000 square feet, or as determined by DHEC, but in no case shall it be less than 33,000 square feet. Maximum density standard: no more than one (1) principal dwelling unit may be placed on a lot except for permitted accessory dwellings.
 - (2) *Minimum lot width:* 120 feet.
 - (3) *Structure size standards:* None.
 - (4) *Setback standards:* The following minimum setbacks shall be required for principal uses in the RR District:
 - a. Front: 40 feet.
 - b. Side: 20 feet.
 - c. Rear: 50 feet.

The minimum side and rear setback requirement for accessory buildings or structures in the RR District is ten (10) feet.

The landscape and bufferyard standards of Section 26-176 of this chapter may require additional setback distances; if so, the most restrictive requirements shall apply.
 - (5) *Height standards:* The maximum height of structures in the RR District shall be 45 feet. Silos, barns, windmills or other similar structures used for agricultural purposes are exempt from height requirements.

- (6) *Landscaping/bufferyard standards:* Landscaping and bufferyards shall be provided in accordance with Section 26-176 of this chapter.
- (7) *Parking/loading standards:* Parking and loading facilities shall be provided as required by Section 26-173 and Section 26-174 of this chapter. No parking lots shall be permitted within any required setback.
- (8) *Sidewalk and pedestrian amenities:* Sidewalks and other pedestrian amenities shall be provided as required by Section 26-179 of this chapter.
- (9) *Signs:* Signs shall be regulated by the requirements of Section 26-180 of this chapter.
- (10) *Recreation/Open Space Standards:* Open space may be provided for new developments and expansions of existing developments in accordance with the Green Code standards of Section 26-186 of this chapter. (Ord. 027-09HR; 5-19-09)
- (11) *Design and operation standards:* None.

Sec. 26-88. RS-E Residential, Single-Family – Estate District.

- a) *Purpose.* The RS-E District is intended to be used for single-family detached dwelling units on large “estate” lots. The requirements for this district are designed to provide for a low to medium density rural setting for residential development in areas that separate more urban communities from the truly rural portions of Richland County.
- (b) *Permitted uses, permitted uses with special requirements, and special exceptions.* See Article V., Section 26-141. Table of Permitted Uses, Permitted Uses with Special Requirements, and Special Exceptions.
- (c) *Development standards.* See also Article V., Section 26-131. Table of Area, Yard, and Height Requirements. Provided, however, if a developer can meet the requirements found within Section 26-186, the development standards of 26-186 (i) may be substituted for the standards required in this subsection. (Ord. 035-08HR; 6-17-08)
 - (1) *Minimum lot area/maximum density:* Minimum lot area: 20,000 square feet, or as determined by DHEC, but in no case shall it be less than 20,000 square feet. Maximum density standard: no more than one (1) principal dwelling unit may be placed on a lot, except for permitted accessory dwellings. However, see the special requirement provisions for single-family zero lot line dwellings at Section 26-151(c) of this chapter. (Ord. 028-09HR; 5-19-09)
 - (2) *Minimum lot width:* 100 feet.
 - (3) *Structure size standards:* None.
 - (4) *Setback standards:* The following minimum setbacks shall be required for principal uses in the RS-E District.
 - a. Front: 35 feet.
 - b. Side: 10 feet.
 - c. Rear: 30 feet.

Where zero lot line developments are permitted, the side setback shall meet the special requirements for such developments as set forth in Section 26-151 of this chapter.

The minimum side and rear setback requirement for accessory buildings/structures in the RS-E District is ten (10) feet.

The landscape and bufferyard standards of Section 26-176 of this chapter may require additional setback distances; if so, the most restrictive requirements shall apply.

- (5) *Height standards:* The maximum height of structures in the RS-E District shall be 45 feet. Silos, barns, windmills or other similar structures used for agricultural purposes are exempt from height requirements.
- (6) *Landscaping/bufferyard standards:* Landscaping and bufferyards shall be provided in accordance with Section 26-176 of this chapter.
- (7) *Parking/loading standards:* Parking and loading facilities shall be provided as required by Section 26-173 and Section 26-174 of this chapter. No parking lots shall be permitted within any required setback.
- (8) *Sidewalk and pedestrian amenities:* Sidewalks and other pedestrian amenities shall be provided as required by Section 26-179 of this chapter.
- (9) *Signs:* Signs shall be regulated by the requirements of Section 26-180 of this chapter.
- (10) *Recreation/Open Space Standards:* Open space may be provided for new developments and expansions of existing developments in accordance with the Green Code standards of Section 26-186 of this chapter. (Ord. 027-09HR; 5-19-09)
- (11) *Design and operation standards:* None.

Sec. 26-89 RS-LD Residential, Single-Family - Low Density District.

- (a) *Purpose.* The RS-LD District is intended as a single-family, detached residential district, and the requirements for this district are designed to maintain a suitable environment for single family living. Non-single family development normally required to provide the basic elements of a balanced and attractive residential area is also permitted.
- (b) *Permitted uses, permitted uses with special requirements, and special exceptions.* See Article V., Section 26-141. Table of Permitted Uses, Permitted Uses with Special Requirements, and Special Exceptions.
- (c) *Development standards.* See also Article V., Section 26-131. Table of Area, Yard, and Height Requirements. Provided, however, if a developer can meet the requirements found within Section 26-186, the development standards of 26-186 (i) may be substituted for the standards required in this subsection. (Ord. 035-08HR; 6-17-08)
 - (1) *Minimum lot area/maximum density:* Minimum lot area: 12,000 square feet or as determined by DHEC, but in no case shall it be less than 12, 000 square feet. Maximum density standard: no more than one (1) principal dwelling unit may be placed on a lot except for permitted accessory dwellings. However, see the special requirement provisions for single-family zero lot line dwellings at Section 26-151(c) of this chapter. (Ord. 028-09HR; 5-19-09)
 - (2) *Minimum lot width:* 75 feet.
 - (3) *Structure size standards:* None.
 - (4) *Setback standards:* The following minimum setbacks shall be required for principal uses in the RS-LD District:
 - a. Front: 25 feet.
 - b. Side: 16 feet total for side setbacks, with 5 feet minimum on any one side.
 - c. Rear: 20 feet.

Where zero lot line developments are permitted, the side setback shall meet the special requirements for such developments as set forth in Section 26-151 of this chapter.

The minimum side and rear setback requirement for accessory buildings/structures in the RS-LD District is five (5) feet.

The landscape and bufferyard standards of Section 26-176 of this chapter may require additional setback distances; if so, the most restrictive requirements shall apply.

- (5) *Height standards:* The maximum height of structures in the RS-LD District shall be 45 feet.
- (6) *Landscaping/bufferyard standards:* Landscaping and bufferyards shall be provided in accordance with Section 26-176 of this chapter.
- (7) *Parking/loading standards:* Parking and loading facilities shall be provided as required by Section 26-173 and Section 26-174 of this chapter. No parking lots shall be permitted within any required setback.
- (8) *Sidewalk and pedestrian amenities:* Sidewalks and other pedestrian amenities shall be provided as required by Section 26-179 of this chapter.
- (9) *Signs:* Signs shall be regulated by the requirements of Section 26-180 of this chapter.
- (10) *Recreation/open space standards:* Open space may be provided for new developments and expansions of existing developments in accordance with the Green Code standards of Section 26-186 of this chapter. (Ord. 027-09HR; 5-19-09)
- (11) *Design and operation standards:* None.

Sec. 26-90. RS-MD Residential, Single-Family - Medium Density District.

- (a) *Purpose.* The RS-MD District is intended as a single family, detached residential district of medium densities, and the requirements for this district are designed to maintain a suitable environment for single family living.
- (b) *Permitted uses, permitted uses with special requirements, and special exceptions.* See Article V., Section 26-141. Table of Permitted Uses, Permitted Uses with Special Requirements, and Special Exceptions.
- (c) *Development standards.* See also Article V., Section 26-131. Table of Area, Yard, and Height Requirements. Provided, however, if a developer can meet the requirements found within Section 26-186, the development standards of 26-186 (i) may be substituted for the standards required in this subsection. (Ord. 035-08HR; 6-17-08)
 - (1) *Minimum lot area/maximum density:* Minimum lot area: 8,500 square feet, or as determined by DHEC. Maximum density standard: no more than one (1) principal dwelling unit may be placed on a lot except for permitted accessory dwellings. However, see the special requirement provisions for single-family zero lot line dwellings at Section 26-151(c) and the special exception provisions for single-family zero lot line dwellings at Section 26-152(d) of this chapter. (Ord. 028-09HR; 5-19-09)
 - (2) *Minimum lot width:* 60 feet.
 - (3) *Structure size standards:* None.
 - (4) *Setback standards:* The following minimum setbacks shall be required for principal uses in the RS-MD District:
 - a. Front: 25 feet.
 - b. Side: 13 feet total for side setback, with 4 feet minimum for any one side.
 - c. Rear: 20 feet.

Where zero lot line developments are permitted, the side setback shall meet the special requirements for such developments as set forth in Section 26-151 and Section 152 of this chapter.

The minimum side and rear setback requirement for accessory buildings/structures in the RS-MD District is five (5) feet.

The landscape and bufferyard standards of Section 26-176 of this chapter may require additional setback distances; if so, the most restrictive requirements shall apply.

- (5) *Height standards:* The maximum height of structures in the RS-MD District shall be 45 feet.
- (6) *Landscaping/bufferyard standards:* Landscaping and bufferyards shall be provided in accordance with Section 26-176 of this chapter.
- (7) *Parking/loading standards:* Parking and loading facilities shall be provided as required by Section 26-173 and Section 26-174 of this chapter. No parking lots shall be permitted within any required setback.
- (8) *Sidewalk and pedestrian amenities:* Sidewalks and other pedestrian amenities shall be provided as required by Section 26-179 of this chapter.
- (9) *Signs:* Signs shall be regulated by the requirements of Section 26-180 of this chapter.
- (10) *Recreation/open space standards:* Open space may be provided for new developments and expansions of existing developments in accordance with the Green Code standards of Section 26-186 of this chapter. (Ord. 027-09HR; 5-19-09)
- (11) *Design and operation standards:* None.

Sec. 26-91. RS-HD Residential, Single-Family - High Density District.

- (a) *Purpose.* The RS-HD District is intended as a predominately single-family, detached residential district, and the requirements for this district that has higher densities and smaller permitted lot sizes are designed to maintain a suitable environment for single-family living. In addition to detached single-family development, the RS-HD District also permits attached single-family dwellings and nonresidential development typically found in residential areas.
- (b) *Permitted uses, permitted uses with special requirements, and special exceptions.* See Article V., Section 26-141. Table of Permitted Uses, Permitted Uses with Special Requirements, and Special Exceptions.
- (c) *Development standards.* See also Article V., Section 26-131. Table of Area, Yard, and Height Requirements. Provided, however, if a developer can meet the requirements found within Section 26-186, the development standards of 26-186 (i) may be substituted for the standards required in this subsection. (Ord. 035-08HR; 6-17-08)
 - (1) *Minimum lot area/maximum density:* Minimum lot area: 5,000 square feet, or as determined by DHEC. In no case shall the lot size be less than 5,000 square feet. Maximum density standard: no more than one (1) principal dwelling unit may be placed on a lot except for permitted accessory dwellings. However, see the special requirement provisions for single-family zero lot line dwellings at Section 26-151(c) and the special exception provisions for single-family zero lot line dwellings at Section 152(d) of this chapter. (Ord. 028-09HR; 5-19-09)
 - (2) *Minimum lot width:* 50 feet.
 - (3) *Structure size standards:* None.
 - (4) *Setback standards:* The following minimum setbacks shall be required for principal uses in the RS-HD District:
 - a. Front: 25 feet.
 - b. Side: 12 feet total for side setbacks, with 4 feet minimum setback for any one side.
 - c. Rear: 20 feet.

The minimum side and rear setback requirement for accessory buildings or structures in the RS-HD District is five (5) feet.

Where zero lot line developments are permitted, the side setback shall meet the special requirements for such developments as set forth in Section 26-151 and Section 26-152 of this chapter.

The landscape and bufferyard standards of Section 26-176 of this chapter may require additional setback distances; if so, the most restrictive requirements shall apply.

- (5) *Height standards:* The maximum height of structures in the RS-HD District shall be 45 feet.
- (6) *Landscaping/bufferyard standards:* Landscaping and bufferyards shall be provided in accordance with Section 26-176 of this chapter.
- (7) *Parking/loading standards:* Parking and loading facilities shall be provided as required by Section 26-173 and Section 26-174 of this chapter. No parking lots shall be permitted within any required setback.
- (8) *Sidewalk and pedestrian amenities:* Sidewalks and other pedestrian amenities shall be provided as required by Section 26-179 of this chapter.
- (9) *Signs:* Signs shall be regulated by the requirements of Section 26-180 of this chapter.
- (10) *Recreation/open space standards:* Open space may be provided for new developments and expansions of existing developments in accordance with the Green Code standards of Section 26-186 of this chapter. (Ord. 027-09HR; 5-19-09)
- (11) *Design and operation standards:* None.

Sec. 26-92. MH Manufactured Home Residential District.

- (a) *Purpose.* The MH District is intended as a residential district allowing for single-family development, but also permitting the development of manufactured home parks subject to special requirements (see Section 26-151 of this chapter). This district will expand the range of housing opportunities available to the residents of Richland County while assuring that manufactured home parks are compatible with existing development in the area. Nonresidential uses normally required to provide the basic elements of a balanced and attractive residential area are also permitted.
- (b) *Permitted uses, permitted uses with special requirements, and special exceptions.* See Article V., Section 26-141. Table of Permitted Uses, Permitted Uses with Special Requirements, and Special Exceptions.
- (c) *Development standards.* See also Section 26-131. Table of Area, Yard, and Height Requirements, and the special requirement provisions for manufactured home parks at Section 26-151(c). (Ord. 028-09HR; 5-19-09)
 - (1) *Minimum lot area/maximum density:* Minimum lot area: 7,260 square feet, or as determined by DHEC. In no case shall the lot size be less than 7,260 square feet. Maximum density standard: except in manufactured home parks, no more than one (1) principal dwelling unit may be placed on a lot. The minimum area required for the development of a manufactured home park shall be five (5) acres.
 - (2) *Minimum lot width:* 60 feet.
 - (3) *Structure size standards:* None.
 - (4) *Setback standards:* The following minimum setbacks shall be required for principal uses in the MH District:
 - a. Front: 25 feet.
 - b. Side: 8 feet.
 - c. Rear: 20 feet.

The minimum side and rear setback requirement for accessory buildings/structures in the MH District is five (5) feet.

The landscape and bufferyard standards of Section 26-176 of this chapter may require additional setback distances; if so, the most restrictive requirements shall apply.

- (5) *Height standards:* The maximum height of structures in the MH District shall be 35 feet.
- (6) *Landscaping/bufferyard standards:* Landscaping and bufferyards shall be provided in accordance with Section 26-176 of this chapter.
- (7) *Parking/loading standards:* Parking and loading facilities shall be provided as required by Section 26-173 and Section 26-174 of this chapter. No parking lots shall be permitted within any required setback.
- (8) *Sidewalks and pedestrian amenities:* Sidewalks and other pedestrian amenities shall be provided as required by Section 26-179 of this chapter.
- (9) *Signs:* Signs shall be regulated by the requirements of Section 26-180 of this chapter.
- (10) *Recreation/open space standards:* Open space may be provided for new developments and expansions of existing developments in accordance with the Green Code standards of Section 26-186 of this chapter. (Ord. 027-09HR; 5-19-09)
- (11) *Design and operation standards:* None.

Sec. 26-93. RM-MD Residential, Multi-Family - Medium Density District.

- (a) *Purpose.* The RM-MD District is intended to permit a full range of low to medium density multi-family housing types, along with single-family detached and zero lot line housing units. Non-residential development that is normally required to provide for the basic elements of a balanced and attractive residential area is also permitted. This district is intended to provide a transitional area between high-density areas and to permit medium density multi-family development in areas where existing conditions make higher density development inappropriate.
- (b) *Permitted uses, permitted uses with special requirements, and special exceptions.* See Article V., Section 26-141. Table of Permitted Uses, Permitted Uses with Special Requirements, and Special Exceptions.
- (c) *Development standards.* See also Article V., Section 26-131. Table of Area, Yard, and Height Requirements.
 - (1) *Minimum lot area/maximum density:* Minimum lot area: no minimum lot area requirement except as determined by DHEC. Maximum density standard: no more than eight (8) units per acre. See also the special requirement provisions for single-family zero lot line dwellings at Section 26-151(c) of this chapter. (Ord. 028-09HR; 5-19-09)
 - (2) *Minimum lot width:* 50 feet.
 - (3) *Structure size standards:* None.
 - (4) *Setback standards:* The following minimum setbacks shall be required for principal uses in the RM-MD District:
 - a. Front: 25 feet.
 - b. Side: 7 feet.
 - c. Rear: 20 feet.

Where zero lot line developments are permitted, the side setback shall meet the special requirements for such developments as set forth in Section 26-151 of this chapter.

The minimum side and rear setback requirement for accessory buildings/structures in the RM-MD District is five (5) feet.

The landscape and bufferyard standards of Section 26-176 of this chapter may require additional setback distances; if so, the most restrictive requirements shall apply.

- (5) *Height standards:* The maximum height of structures in the RM-MD District shall be 45 feet.
- (6) *Landscaping/bufferyard standards:* Landscaping and bufferyards shall be provided in accordance with Section 26-176 of this chapter.
- (7) *Parking/loading standards:* Parking and loading facilities shall be provided as required by Section 26-173 and Section 26-174 of this chapter. No parking lots shall be permitted within any required setback.
- (8) *Sidewalk and pedestrian amenities:* Sidewalks and other pedestrian amenities shall be provided as required by Section 26-179 of this chapter.
- (9) *Signs:* Signs shall be regulated by the requirements of Section 26-180 of this chapter.
- (10) *Recreation/open space standards:* Open space may be provided for new developments and expansions of existing developments in accordance with the Green Code standards of Section 26-186 of this chapter. (Ord. 027-09HR; 5-19-09)
- (11) *Design and operation standards:* None.

Sec. 26-94. RM-HD Residential, Multi-Family - High Density District.

- (a) *Purpose.* The RM-HD District is established to provide for high-density residential development in Richland County, allowing compact development consisting of the full spectrum of residential unit types where adequate public facilities are available. This district is intended to allow a mix of residential unit types to provide a balance of housing opportunities while maintaining neighborhood compatibility. This district may serve as a transitional district between lower density residential and low intensity commercial uses.
- (b) *Permitted uses, permitted uses with special requirements, and special exceptions.* See Article V., Section 26-141. Table of Permitted Uses, Permitted Uses with Special Requirements, and Special Exceptions.
- (c) *Development standards.* See also Section 26-131. Table of Area, Yard, and Height Requirements and Section 26-151(c) and Section 26-152(d) for standards for high-rise buildings. (Ord. 028-09HR; 5-19-09)
 - (1) *Minimum lot area/maximum density.* Minimum lot area: no minimum lot area requirement except as required by DHEC. Maximum density standard: no more than sixteen (16) units per acre. See also the special requirement provisions for single-family zero lot line dwellings at Section 26-151(c) of this chapter. (Ord. 028-09HR; 5-19-09)
 - (2) *Minimum lot width:* 50 feet.
 - (3) *Structure size standards:* None.
 - (4) *Setback standards:* The following minimum setbacks shall be required for principal uses in the RM-HD District:
 - a. Front: 25 feet.
 - b. Side: 7 feet.
 - c. Rear: 20 feet.

Where zero lot line developments are permitted, the side setback shall meet the special requirements for such developments as set forth in Section 26-151 of this chapter.

The minimum side and rear setback requirement for accessory buildings or structures in the RM-HD District is five (5) feet.

The landscape and bufferyard standards of Section 26-176 of this chapter may require additional setback distances; if so, the most restrictive requirements shall apply.

- (5) *Height standards:* The maximum height of structures in the RM-HD District shall be three (3) stories or forty-five (45) feet, whichever is taller. However, high rise structures may be permitted as a permitted use subject to special requirements (4-5 stories) or as a special exception (6 or more stories), as set forth in Section 26-151(c) and Section 26-152(d) of this chapter. (Ord. 028-09HR; 5-19-09)
- (6) *Landscaping/bufferyard standards:* Landscaping and bufferyards shall be provided in accordance with Section 26-176 of this chapter.
- (7) *Parking/loading standards:* Parking and loading facilities shall be provided as required by Section 26-173 and Section 26-174 of this chapter. No parking lots shall be permitted within any required setback.
- (8) *Sidewalk and pedestrian amenities:* Sidewalks and other pedestrian amenities shall be provided as required by Section 26-179 of this chapter.
- (9) *Signs:* Signs shall be regulated by the requirements of Section 26-180 of this chapter.
- (10) *Recreation/open space standards:* Open space may be provided for new developments and expansions of existing developments in accordance with the Green Code standards of Section 26-186 of this chapter. (Ord. 027-09HR; 5-19-09)
- (11) *Design and operation standards:* None.

Sec. 26-95. OI Office and Institutional District.

- (a) *Purpose.* The OI District is intended to accommodate office, institutional, and certain types of residential uses in an area whose characteristics are neither general commercial nor exclusively residential in nature. Certain related structures and uses required to serve the needs of the area are permitted outright or are permitted as special exceptions subject to restrictions and requirements intended to best fulfill the intent of this chapter.
- (b) *Permitted uses, permitted uses with special requirements, and special exceptions.* See Article V., Section 26-141. Table of Permitted Uses, Permitted Uses with Special Requirements, and Special Exceptions.
- (c) *Development standards.* See also Article V., Section 26-131. Table of Area, Yard, and Height Requirements, and Section 26-151(c) and Section 26-152(d) for standards for high-rise buildings. (Ord. 028-09HR; 5-19-09)
 - (1) *Minimum lot area/maximum density.* Minimum lot area: no minimum lot area requirement, except as determined by DHEC. Maximum density standard: for residential uses, no more than sixteen (16) dwelling units per acre. See also the special requirement provisions for single-family zero lot line dwellings at Section 26-151(c) of this chapter. (Ord. 028-09HR; 5-19-09)
 - (2) *Minimum lot width:* 50 feet for residential uses. No minimum lot width required for nonresidential uses.
 - (3) *Structure size standards:* None.
 - (4) *Setback standards:* The following minimum setbacks shall be required for principal uses in the OI District:
 - a. Front: 25 feet.
 - b. Side: 7 feet.
 - c. Rear: 20 feet.

The minimum side and rear setback requirement for residential accessory buildings or structures in the OI District is five (5) feet. Other accessory structures must comply with the side and rear setback standards enumerated above.

The landscape and bufferyard standards of Section 26-176 of this chapter may require additional setback distances; if so, the most restrictive requirements shall apply.

- (5) *Height standards:* The maximum height of structures in the OI District shall be 35 feet. However, high rise structures may be permitted as a permitted use subject to special requirements (4-5 stories) or as a special exception (6 or more stories), as set forth in Section 26-151(c) and Section 26-152(d) of this chapter. In no case shall high rise structures be higher than seventy-five (75) feet.
- (6) *Landscaping/bufferyard standards:* Landscaping and bufferyards shall be provided in accordance with Section 26-176 of this chapter.
- (7) *Parking/loading standards:* Parking and loading facilities shall be provided as required by Section 26-173 and Section 26-174 of this chapter.
- (8) *Sidewalk and pedestrian amenities:* Sidewalks and other pedestrian amenities shall be provided as required by Section 26-179 of this chapter..
- (9) *Signs:* Signs shall be regulated by the requirements of Section 26-180 of this chapter.
- (10) *Recreation/open space standards:* None. (Ord. 027-09HR; 5-19-09)
- (11) *Design and operation standards:* None.

Sec. 26-96. NC Neighborhood Commercial District.

- (a) *Purpose.* The NC District is intended to accommodate commercial and service uses oriented primarily to serving the needs of persons who live or work in nearby areas. This district is designed to be located within or adjacent to residential neighborhoods where large commercial uses are inappropriate, but where small neighborhood oriented businesses are useful and desired.
- (b) *Permitted uses, permitted uses with special requirements, and special exceptions.* See Article V., Section 26-141. Table of Permitted Uses, Permitted Uses with Special Requirements, and Special Exceptions.
- (c) *Development standards.* See also Article V., Section 26-131. Table of Area, Yard, and Height Requirements.

- (1) *Minimum lot area/maximum density:* Minimum lot area: no minimum lot area requirement except as required by DHEC. Maximum density: for residential uses, no more than eight (8) dwelling units per acre.
- (2) *Minimum lot width:* None.
- (3) *Structure size standards:* New structures in the NC District shall have a building footprint of not more than 6,000 square feet. The gross floor area of new structures shall not exceed 12,000 square feet. Existing structures shall not be expanded to exceed a footprint or gross floor area of 12,000 square feet.
- (4) *Setback standards:* The following minimum setbacks shall be required for principal uses in the NC District:
 - a. Front: 25 feet.
 - b. Side: None.
 - c. Rear: 10 feet.

The minimum side and rear setback requirement for residential accessory buildings and structures in the NC District is five (5) feet. Other accessory structures must comply with the side and rear setback standards enumerated above.

The landscape and bufferyard standards of Section 26-176 of this chapter may require additional setback distances; if so, the most restrictive requirements shall apply.

- (5) *Height standards:* The maximum height of structures in the NC District shall be 35 feet. However, buildings between 35 and 50 feet may be allowed, provided that there is an increase in all required yards over the minimum of one (1) foot for each additional three (3) feet in height.

- (6) *Landscaping/bufferyard standards:* Landscaping and bufferyards shall be provided in accordance with Section 26-176 of this chapter.
- (7) *Parking/loading standards:* Parking and loading facilities shall be provided as required by Section 26-173 and Section 26-174 of this chapter.
- (8) *Sidewalk and pedestrian amenities:* Sidewalks and other pedestrian amenities shall be provided as required by Section 179 of this chapter.
- (9) *Signs:* Signs shall be regulated by the requirements of Section 26-180 of this chapter.
- (10) *Recreation/open space standards:* None. (Ord. 027-09HR; 5-19-09)
- (11) *Design and operation standards:*
 - a. *Outdoor operations.* Any business must be conducted wholly within an enclosed building. There shall be no curb service, drive-in trade, outdoor facilities, outdoor services, outside storage, or outdoor display of any kind, except as follows:
 1. Outdoor dining facilities associated with a restaurant;
 2. Produce display associated with a convenience store or farmer's market;
 3. Vending machines; and/or
 4. Walk-up automated teller machines.
 - b. *Hours of operation.*
 1. *Deliveries.* All deliveries (including loading and unloading) and refuse collection shall be conducted between the hours of 7:00 a.m. and 10:00 p.m.
 2. *Equipment operation.* Nonresidential uses shall not include the operation of equipment that creates a nuisance situation due to noise (e.g. outside air compressors, speakers, etc.) between 10 p.m. and 7:00 a.m.

Sec. 26-97. RC Rural Commercial District.

- (a) *Purpose.* The RC District recognizes the need to provide for areas within Richland County where residents of the more isolated agricultural and rural residential districts and residents located beyond the limits of service of the municipalities can receive certain convenience merchandising and services. It is intended to be a flexible district allowing a mixture of uses in order to accommodate commercial and service activities oriented primarily to serving the needs of persons who live in nearby areas. The RC District is proposed to be within or adjacent to residential neighborhoods where large commercial uses are inappropriate, but where small neighborhood oriented businesses are useful and desired. This district is further designed to be located at or near intersections of arterial and/or major collector roads so as to prevent the spreading of commercial uses down the major corridors or into the surrounding countryside.
- (b) *Permitted uses, permitted uses with special requirements, and special exceptions.* See Article V., Section 26-141. Table of Permitted Uses, Permitted Uses with Special Requirements, and Special Exceptions.
- (c) *Development standards.* See also Article V., Section 26-131. Table of Area, Yard and Height Requirements.
 - (1) *Minimum lot area/maximum density:* Minimum lot area: 22,000 square feet or as required by DHEC. Maximum density standard: there is no maximum density standard.
 - (2) *Minimum lot width:* 50 feet.
 - (3) *Structure size standards:* The maximum structure coverage in the RC District shall be fifty percent (50%). New structures in the RC District shall have an aggregate building footprint of not more than twenty thousand (20,000) square feet. The aggregate gross floor area of new structures shall not exceed twenty thousand (20,000) square feet. Existing structures shall not be expanded to exceed an aggregate building footprint or aggregate gross floor area of twenty thousand (20,000) square feet.
 - (4) *Setback standards:* The following minimum setbacks shall be required for principal uses in the RC District.:
 - a. Front: 25 feet.
 - b. Side: None.
 - c. Rear: 20 feet.

The landscape and bufferyard standards of Section 26-176 of this chapter may require additional setback distances; if so, the most restrictive requirements shall apply.

- (5) *Height standards:* The maximum height of structures in the RC District shall be 45 feet.
- (6) *Landscaping/bufferyard standards:* Landscaping and bufferyards shall be provided in accordance with Section 26-176 of this chapter.
- (7) *Parking/loading standards:* Parking and loading facilities shall be provided as required by Section 26-173 and Section 26-174 of this chapter.
- (8) *Sidewalk and pedestrian amenities:* Sidewalks and other pedestrian amenities shall be provided as required by Section 26-179 of this chapter.
- (9) *Signs:* Signs shall be regulated by the requirements of Section 26-180 of this chapter.
- (10) *Recreation/open space standards:* None. (Ord. 027-09HR; 5-19-09)
- (11) *Design and operation standards:*
 - a. *Outdoor operations.*
 1. *General.* To the extent possible, all business shall be conducted within an enclosed building. Any curb service, drive-in trade, outdoor facilities, outdoor services, outside storage, or outdoor display of any kind shall not be conducted within any required yard, and must be located behind the principal building. Screening for outdoor facilities, services, storage, or display shall be provided in accordance with Section 26-176(h) of this chapter.
 2. *Outdoor operations in front of principal building.* Notwithstanding the provisions required in subparagraph 1. above, the following uses shall be allowed in front of the principal structure provided that they are not located in the street protective yard as required in Section 26-176(e) of this chapter:
 - [a] Outdoor dining facilities associated with a restaurant,
 - [b] Produce and/or display associated with a convenience store, garden center, or farmer's market,

- [c] Vending machines, and/or
 - [d] Gasoline or fuel pumps associated with convenience stores and automotive service stations.
3. *Hours of operation for nonresidential use.* All activities associated with nonresidential uses, including deliveries and refuse collection, shall be conducted between the hours of 6:00 a.m. and 10:00 p.m. Provided, the Richland County Board of Zoning Appeals may permit, as a special exception, hours of operation before 6:00 a.m. and/or after 10:00 p.m. in any case where the board makes the following findings:
- [a] The nonresidential use complies with all the standards set forth for the RC Rural Commercial District.
 - [b] The nonresidential use does not include the operation of equipment during the extended hours that could create a nuisance situation due to noise (i.e. outside air compressors, speakers, etc.) between the hours of 10:00 p.m. and 6:00 a.m.
 - [c] The nonresidential use does not include the loading or unloading of trucks or delivery vehicles during the extended hours.

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Sec. 26-98. GC General Commercial District.

- (a) *Purpose.* The GC 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 predominately commercial usage and characteristics.
- (b) *Permitted uses, permitted uses with special requirements, and special exceptions.* See Article V., Section 26-141. Table of Permitted Uses, Permitted Uses with Special Requirements, and Special Exceptions.
- (c) *Development standards.* See also Article V., Section 26-131. Table of Area, Yard, and Height Requirements, and Section 26-151(c) and Section 26-152(d) for standards for high-rise buildings. (Ord. 028-09HR; 5-19-09)

- (1) *Minimum lot area/maximum density:* Minimum lot area: no minimum lot area except as required by DHEC. Maximum density standard: for residential uses, no more than sixteen (16) dwelling units per acre. See also the special requirement provisions for single-family zero lot line dwellings at Section 26-151(c) of this chapter. (Ord. 028-09HR; 5-19-09)
- (2) *Minimum lot width:* None.
- (3) *Structure size standards:* None.
- (4) *Setback standards:* The following minimum setbacks shall be required for principal uses in the GC District:
 - a. Front: 25 feet.
 - b. Side: None.
 - c. Rear: 10 feet.

The minimum side and rear setback requirement for residential accessory buildings and structures in the GC District is five (5) feet. Other accessory structures must comply with the side and rear setback standards enumerated above.

The landscape and bufferyard standards of Section 26-176 of this chapter may require additional setback distances; if so, the most restrictive requirements shall apply.

- (5) *Height standards:* The maximum height of structures in the GC District shall be forty-five feet (3 stories or less). High rise structures may be permitted as

a permitted use subject to special requirements (4-5 stories) or a special exception (6 or more stories), as set forth in Section 26-151(c) and Section 26-152(d) of this chapter. (Ord. No. 022-06HR; 3-21-06) & (Ord. 028-09HR; 5-19-09)

- (6) *Landscaping/bufferyard standards:* Landscaping and bufferyards shall be provided in accordance with Section 26-176 of this chapter.
- (7) *Parking/loading standards:* Parking and loading facilities shall be provided as required by Section 26-173 and Section 26-174 of this chapter.
- (8) *Sidewalk and pedestrian amenities:* Sidewalks and other pedestrian amenities shall be provided as required by Section 26-179 of this chapter.
- (9) *Signs:* Signs shall be regulated by the requirements of Section 26-180 of this chapter.
- (10) *Recreation/open space standards:* None. (Ord. 027-09HR; 5-19-09)
- (11) *Design and operation standards:* None.

Sec. 26-99. M-1 Light Industrial District.

- (a) *Purpose.* The M-1 District is intended to accommodate wholesaling, distribution, storage, processing, light manufacturing, and general commercial or agricultural uses. Certain related structures and uses required to serve the needs of such uses are permitted outright or are permitted with special requirements and/or special exceptions.
- (b) *Permitted uses, permitted uses with special requirements, and special exceptions.* See Article V., Section 26-141. Table of Permitted Uses, Permitted Uses with Special Requirements, and Special Exceptions.
- (c) *Development standards.* See also Article V., Section 26-131. Table of Area, Yard, and Height Requirements.
 - (1) *Minimum lot area/maximum density:* Minimum lot area: no minimum lot area except as required by DHEC. Maximum density standard: no maximum density standard.
 - (2) *Minimum lot width:* None.
 - (3) *Structure size standards:* None.
 - (4) *Setback standards:* The following minimum setbacks shall be required for principal uses in the M-1 District:
 - a. Front: 25 feet.
 - b. Side: None.
 - c. Rear: 10 feet.

Accessory structures must comply with the setback standards enumerated above.

The landscape and bufferyard standards of Section 26-176 of this chapter may require additional setback distances; if so, the most restrictive requirements shall apply.

- (5) *Height standards:* None.
- (6) *Landscaping/bufferyard standards:* Landscaping and bufferyards shall be provided in accordance with Section 26-176 of this chapter.

- (7) *Parking/loading standards:* Parking and loading facilities shall be provided as required by Section 26-173 and Section 26-174 of this chapter. (Ord. 030-12HR; 5-15-12)
- (8) *Sidewalk and pedestrian amenities:* Sidewalks and other pedestrian amenities shall be provided as required by Section 26-179 of this chapter.
- (9) *Signs:* Signs shall be regulated by the requirements of Section 26-180 of this chapter.
- (10) *Recreation/open space standards:* None. (Ord. 027-09HR; 5-19-09)
- (11) *Design and operation standards:* None.

Sec. 26-100. LI Light Industrial District.

- (a) *Purpose.* The LI District is intended to accommodate wholesaling, distribution, storage, processing, light manufacturing, and general commercial uses. Such uses are usually controlled operations, relatively clean, quiet, and free of objectionable or hazardous elements, such as smoke, noise, odor or dust. In addition, such uses usually operate and/or have storage within open or enclosed structures; and generating no nuisances.
- (b) *Permitted uses, permitted uses with special requirements, and special exceptions.* See Article V., Section 26-141. Table of Permitted Uses, Permitted Uses with Special Requirements, and Special Exceptions.
- (c) *Development standards.* See also Article V., Section 26-131. Table of Area, Yard, and Height Requirements.
 - (1) *Minimum lot area/maximum density:* Minimum lot area: no minimum lot area except as required by DHEC. Maximum density standard: no maximum density standard.
 - (2) *Minimum lot width:* None.
 - (3) *Structure size standards:* None.
 - (4) *Setback standards:* The following minimum setbacks shall be required for principal uses in the LI District:
 - a. Front: 25 feet.
 - b. Side: None.
 - c. Rear: 10 feet.

Accessory structures must comply with the setback standards enumerated above.

The landscape and bufferyard standards of Section 26-176 of this chapter may require additional setback distances; if so, the most restrictive requirements shall apply.

- (5) *Height standards:* None.
- (6) *Landscaping/bufferyard standards:* Landscaping and bufferyards shall be provided in accordance with Section 26-176 of this chapter.

- (7) *Parking/loading standards:* Parking and loading facilities shall be provided as required by Section 26-173 and Section 26-174 of this chapter. No parking lots shall be permitted within any required setback.
- (8) *Sidewalk and pedestrian amenities:* Sidewalks and other pedestrian amenities shall be provided as required by Section 26-179 of this chapter.
- (9) *Signs:* Signs shall be regulated by the requirements of Section 26-180 of this chapter.
- (10) *Recreation/open space standards:* None. (Ord. 027-09HR; 5-19-09)
- (11) *Design and operation standards:* None.

Sec. 26-101. HI Heavy Industrial District.

- (a) *Purpose.* The HI District is intended to accommodate primarily those uses of a manufacturing and industrial nature, and secondly, those uses that are functionally related thereto, such as distribution, storage, and processing. General commercial uses are allowed, but are considered incidental to the predominantly industrial nature of this district.
- (b) *Permitted uses, permitted uses with special requirements, and special exceptions.* See Article V., Section 26-141. Table of Permitted Uses, Permitted Uses with Special Requirements, and Special Exceptions.
- (c) *Development standards.* See also Article V., Section 26-131. Table of Area, Yard, and Height Requirements.
 - (1) *Minimum lot area/maximum density:* Minimum lot area: no minimum lot area except as required by DHEC. Maximum density standard: no maximum density standard.
 - (2) *Minimum lot width:* None.
 - (3) *Structure size standards:* None.
 - (4) *Setback standards:* The following minimum setbacks shall be required for principal uses in the HI District:
 - a. Front: 25 feet.
 - b. Side: None.
 - c. Rear: 10 feet.

Accessory structures must comply with the setback standards enumerated above.

The landscape and bufferyard standards of Section 26-176 of this chapter may require additional setback distances; if so, the most restrictive requirements shall apply.

- (5) *Height standards:* None.
- (6) *Landscaping/bufferyard standards:* Landscaping and bufferyards shall be provided in accordance with Section 26-176 of this chapter.

- (7) *Parking/loading standards:* Parking and loading facilities shall be provided as required by Section 26-173 and Section 26-174 of this chapter. No parking lots shall be permitted within any required setback.
- (8) *Sidewalk and pedestrian amenities:* Sidewalks and other pedestrian amenities shall be provided as required by Section 26-179 of this chapter.
- (9) *Signs:* Signs shall be regulated by the requirements of Section 26-180 of this chapter.
- (10) *Recreation/open space standards:* None. (Ord. 027-09HR; 5-19-09)
- (11) *Design and operation standards:* None.

Sec. 26-102. PDD Planned Development District.

- (a) *Purpose.* The PDD District is intended to allow flexibility in development that will result in improved design, character, and quality of new mixed-use developments, and that will preserve natural and scenic features of open spaces. Planned development districts must involve innovation in site planning for residential, commercial, institutional, and/or industrial developments within the district. Such developments must be in accordance with the comprehensive plan for the county, and in doing so, may provide for variations from the regulations of the county's zoning districts concerning use, setbacks, lot size, density, bulk, and other such requirements.
- (b) *Applicability/establishment:* The PDD District shall only be established after a master plan for the planned development proposed for the site to be rezoned is submitted and approved. The procedures for establishing a PDD district are set out in Section 26-59 of this chapter. Project planning and design for a PDD shall be performed by a licensed architect, landscape architect, or registered land surveyor, with site engineering performed by a registered engineer.
- (c) *Permitted uses, permitted uses with special requirements, and special exceptions.* The uses permitted in a PDD District shall be the permitted uses set forth in the approved site plan. However, manufactured home parks are not permitted as part of a PDD District. No special exception actions are required to establish any specific use in a PDD District. Provided, however, the planning commission and the county council shall ascertain that the effect and benefits that are usually derived from safeguards and conditions normally imposed upon special exception uses will substantially be met by the site plan and development controls of the proposed planned development.
- (d) *Development standards.*
 - (1) *Minimum lot area/maximum density:* Minimum area: the minimum area for the entire Planned Development District shall be two (2) acres. The minimum lot size within the PDD shall be as established by the general development plan for the PDD District and any regulations of DHEC. Maximum density: no maximum density requirement for a Planned Development District. The density shall be as established by the general development plan for the PDD District and any regulations of DHEC.
 - (2) *Minimum lot width, setback and height standards:* Minimum lot width, setback requirements, and maximum height are not stipulated in this chapter for PDD Districts. However, the planning commission and county council, in approving a PDD, shall ascertain that the characteristics of building siting as shown on the development plan is appropriate as related to structures within the planned development and otherwise fulfill the intent of this chapter and the county's comprehensive plan.

- (3) *Structure size standards:* Structure size standards are not stipulated in this chapter for PDD Districts. However, the planning commission and the county council, in approving a PDD, shall ascertain whether structure size proposals as shown on the planned development site plan are appropriate and whether such structures otherwise fulfill the intent of this chapter and the county's comprehensive plan.
- (4) *Landscaping/bufferyard standards:* Landscaping and bufferyards shall be provided in accordance with Section 26-176 of this chapter.
- (5) *Parking/loading standards:* Parking and loading facilities shall be provided as required by Section 26-173 and Section 26-174 of this chapter. In areas devoted to residential uses, no parking lots shall be permitted within any required setback.
- (6) *Sidewalk and pedestrian amenities:* Sidewalks and other pedestrian amenities shall be provided as required by Section 26-179 of this chapter.
- (7) *Signs:* Signs shall be regulated by the requirements of Section 26-180 of this chapter.
- (8) *Recreation/open space standards. (Ord. 027-09HR; 5-19-09)*
 - a. *Purpose.* The common open space and park standards contained herein are established to provide for the reservation of open space in planned development districts. Preservation of open space and parks in developing areas serves a variety of purposes, including meeting the recreational needs of residents, reducing stormwater runoff, and enhancing air quality. (Ord. 027-09HR; 5-19-09)
 - b. *Minimum amount of park land or open space to be reserved.* Developers must reserve at least ten percent (10%) of the total project area as park land or open space, which shall be usable, i.e. common areas made accessible for pedestrian and/or aquatic use. (Ord. 027-09HR; 5-19-09)
 - c. *Acceptable land for park land or open space reservation: (Ord. 027-09HR; 5-19-09)*
 1. *Water features.* Bodies of water, such as ponds, lakes, streams, wetlands, and flood plains, may be used to fulfill the open space requirement.
 2. *Land burdened with easements.* Land that is burdened with easements may be used, provided that the easements do not

interfere with the use of the land for open space and recreation purposes and do not permit future development.

d. *Unacceptable land for park or open space reservation.* The following types of land are unacceptable for park or open space reservation: (Ord. 027-09HR; 5-19-09)

1. *Occupied land.* Land occupied by roads, drives, parking areas, or structures, other than those related to recreational structures or parks.
2. *Land with hazardous materials.* Land containing or contaminated by hazardous materials.
3. *Narrow areas.* Land with a width of less than twenty-five (25) feet, unless such land is a bicycle or walking trail at least ten (10) feet wide, or unless such land is a “pocket park” that is no less than ten (10) feet by ten (10) feet in size, or unless specifically approved by the planning department.

e. *Maintenance.* Arrangements for the perpetual maintenance of open space that meet these requirements must be approved by the planning department. Any conveyance to a homeowner’s association shall be subject to appropriately recorded and filed restrictive covenants and easements. The covenants and easements shall prohibit future development of the open space for other than open space and recreation purposes and shall provide for continued maintenance of the open space and recreation facilities. Failure to maintain the area designated for open space shall constitute a violation of this chapter. (Ord. 027-09HR; 5-19-09)

(9) *Design and operation standards:* A PDD District shall be located only on a road capable of accommodating the projected traffic needs of the proposed development. A Traffic Impact Assessment must accompany the application for a PDD District . (Ord. 038-09HR; 7-21-09)

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Sec. 26-103. TC Town and Country District.

- (a) *Purpose.* The Town and Country District is intended to promote the development of land in a manner consistent with the comprehensive plan for Richland County, in particular the Town and Country Planning Concept promoted therein. It is designed to promote, in various parts of the county, mixed-use development that has a distinct village edge, along with amenities that promote walkability and ties to transit throughout the community.
- (b) *Applicability/establishment:* The Town and Country District shall only be established after a master plan for the neighborhood development proposed for the site to be rezoned is submitted and approved. The procedures for establishing a TC district are the same as those set out for a Planned Development District at Section 26-59 of this chapter. Project planning and design for a TC District shall be performed by a licensed architect, landscape architect, or registered land surveyor, with site engineering performed by a registered engineer.
- (c) *Permitted uses, permitted uses with special requirements, and special exceptions.*
 - (1) *General.* Carefully blended land uses form the essence of Town and Country Development. Different land uses may abut at any point, subject to the provisions of this section. All residential, institutional, office, and commercial uses are allowed in this district, as are all uses permitted in the LI district.
 - (2) *Permitted special exceptions.* No special exception actions are required to establish any specific use in a Town and Country District. Uses and structures permitted, permitted with special requirements, or allowed by special exception in the districts indicated in subsection (c)(1) above for any specific site are permitted outright. Provided, however, the planning commission and county council shall ascertain that the effect and benefits that are usually derived from safeguards and conditions normally imposed upon special exceptions will substantially be met by the site plan and development controls of the proposed town and country development.
- (d) *Development Standards.*
 - (1) *Minimum lot area/maximum density:* Minimum lot area: there is no minimum lot area for the entire Town and Country District. However, the recommended minimum size shall be forty (40) acres. The minimum lot size within the Town and Country District shall be as established by the general development plan for the TC District and any regulations of the DHEC. Maximum density: no maximum density requirement for a Town and Country District. The density shall be as established by the general development plan for the TC District and any regulations of DHEC.

- (2) *Subareas:* The TC District shall be divided into the following subareas:
 - a. *Town center.* The town center shall consist of a blend of civic, retail, office and multi-family uses. The size of the town center shall be a minimum of two percent (2%) of the entire site area.
 - b. *Neighborhoods.* A neighborhood or series of neighborhoods consisting of blended multi-family and single-family uses, small-scale retail and workshop uses, and public outdoor gathering places shall be a part of any town and country district. It is the intent of this section that all areas within a town and country neighborhood are within walking distance from edge to center.
 - c. *Greenways.* Greenway areas that provide a greenway system for the community, open space for community residents, and natural areas for stormwater management shall be a part of any town and country development. Greenways may border or traverse the district.
- (3) *Minimum lot width, structure size, setback and height standards:* There are no minimum lot width, structure size, setback, or maximum height requirements for TC Districts. However, the planning commission and county council, in approving a TC District, shall ascertain that the characteristics of building siting, as shown on the development plan, shall be appropriate as related to structures within the town and country village, and otherwise fulfill the intent of this chapter and the comprehensive plan for the county.
- (4) *Land allocation and location:*
 - a. *Town center.* A minimum of two percent (2%) of the gross area of the T and C District shall be required for the town center.
 - b. *Open spaces.* Land designated for parks, greenways, or public squares shall constitute a minimum of ten percent (10%) of the gross area of the district.
- (5) *Landscaping/bufferyard standards:* Landscaping and bufferyards shall be provided in accordance with Section 26-176 of this chapter. However, in order to provide a continuous pedestrian transition for residential neighborhoods and commercial areas, retail land use categories shall not be separated from residential land use categories by berms or buffers. Adequate design measures shall be taken to minimize potential use conflicts. Limited fences and walls may be used when other design methods are ineffective.
- (6) *Parking/loading standards:* Except as otherwise provided in this section, parking and loading facilities shall be provided as required by Section 26-173 and Section 26-174 of this chapter. However, due to the pedestrian nature of

the TC District, parking requirements for retail, business/service, and institutional uses may be reduced by twenty-five percent (25%) of any use related parking standards established in Section 26-173. Additionally, on-road parking shall count toward any minimum parking requirements.

- a. *On-street parking.* On-street parking is required when a particular land use will generate regular guest or customer parking use. Occasional on-street parking (such as within a single-family neighborhood) can be accommodated without additional pavement width or delineation. On-street parking shall be provided on roads abutting squares, small parks, or other urban spaces.
 - b. *Off-street parking.*
 1. *Location.* For interior commercial parcels, no less than seventy-five percent (75%) of the parking spaces shall be located to the rear of the building being served. Commercial parking fronting on non-pedestrian oriented major arterials may locate primary parking lots along this frontage. Where primary parking abuts roads within the interior of the TC District, screening, a minimum of four (4) feet in height, shall be erected on the frontage line, where primary parking lots are located. This screening requirement may be met by the use of berms, walls or densely planted vegetation, providing for visual obstruction of the parking area from the abutting road(s). Primary parking lots (over 24 spaces) and parking garages shall not: [1] abut road intersections, [2] be located adjacent to squares or parks, or [3] occupy lots that terminate a road vista.
 2. *Connections.* Adjacent parking lots shall have vehicular connections from an alley.
 3. *Small retail and service/business uses.* Uses involving a gross floor area of less than twenty-five hundred (2,500) square feet shall not require on-site parking, provided that the required parking is available within a six hundred (600) foot radius of the activity.
 - c. *Loading.* Loading areas shall adjoin alleys or parking areas to the rear of the principal building unless otherwise approved in the TC District plan.
- (7) *Sidewalk and pedestrian amenities:* Sidewalks and other pedestrian amenities shall be provided as required by Section 26-179 of this chapter.

- (8) *Signs*: Signs shall be regulated by the requirements of Section 26-180 of this chapter.
- (9) *Recreation/open space standards*. (Ord. 027-09HR; 5-19-09)
- a. *Purpose*. The common open space and park standards contained herein are established to provide for the reservation of open space in Town and Country Development districts. Preservation of open space and parks in developing areas serves a variety of purposes, including meeting the recreational needs of residents, reducing stormwater runoff, and enhancing air quality. (Ord. 027-09HR; 5-19-09)
 - b. *Minimum amount of park land or open space to be reserved*. Developers must reserve at least ten percent (10%) of the total project area as park land or open space, which shall be usable, i.e. common areas made accessible for pedestrian and/or aquatic use. (Ord. 027-09HR; 5-19-09)
 - c. *Acceptable land for park land or open space reservation*: (Ord. 027-09HR; 5-19-09)
 1. *Water features*. Bodies of water, such as ponds, lakes, streams, wetlands, and flood plains, may be used to fulfill the open space requirement.
 2. *Land burdened with easements*. Land that is burdened with easements may be used, provided that the easements do not interfere with the use of the land for open space and recreation purposes and do not permit future development.
 - d. *Unacceptable land for park or open space reservation*. The following types of land are unacceptable for park or open space reservation: (Ord. 027-09HR; 5-19-09)
 1. *Occupied land*. Land occupied by roads, drives, parking areas, or structures, other than those related to recreational structures or parks.
 2. *Land with hazardous materials*. Land containing or contaminated by hazardous materials.
 3. *Narrow areas*. Land with a width of less than twenty-five (25) feet, unless such land is a bicycle or walking trail at least ten (10) feet wide, or unless such land is a “pocket park” that is no less than ten (10) feet by ten (10) feet in size, or unless specifically approved by the planning department.

- e. *Maintenance.* Arrangements for the perpetual maintenance of open space that meet these requirements must be approved by the planning department. Any conveyance to a homeowner's association shall be subject to appropriately recorded and filed restrictive covenants and easements. The covenants and easements shall prohibit future development of the open space for other than open space and recreation purposes and shall provide for continued maintenance of the open space and recreation facilities. Failure to maintain the area designated for open space shall constitute a violation of this chapter. (Ord. 027-09HR; 5-19-09)

(10) *Design and operation standards:*

a. *Lots and buildings.*

- 1. *Frontage.* All lots shall include frontage abutting a road, square, or common open space.
- 2. *Entryway.* The main entrance of all principal structures shall open to a road, square, or common open space of at least twenty (20) square feet in area. Front or side yard porches shall be encouraged on all single-family dwelling units.
- 3. *Scale.* The character of the town center is primarily aimed at small-scale retail, service, and office uses. However, larger anchor stores or uses may be included as part of an overall commercial package if approved at the time of TC plan review.

b. *Roads/traffic impacts.*

- 1. *Roadway design.* The road standards for the TC District may be different from those set forth in Section 26-181 of this chapter, but must be approved by the county engineer during the TC plan review process. Reduced roadway widths are encouraged for traffic calming and also due to a comprehensive approach to travel in a TC District that includes roads and alleys.
- 2. *Alleys.* There shall be a continuous network of alleys to the rear of building lots within the TC District, except when topography or physical feature makes such alleyways impractical. Dead end alleys are prohibited.
- 3. *Street furnishings.* Street furnishings shall be included in a TC District. In commercial areas such furnishings shall include,

but not be limited to: pedestrian scale decorative streetlights, decorative road signs, benches, trash receptacles, water fountains, etc. In residential areas, pedestrian scale decorative streetlights and decorative road signs shall be included.

- c. *Utilities.* To the extent possible, underground utilities (and associated pedestals, cabinets, junction boxes, and transformers), including electric, cable, telephone, and natural gas service, shall be located within the alley right-of-way and not along the streetscape frontage. Domestic water service and sanitary sewer must be located in such a way to cause the least impact on the streetscape planting strip and required street trees. Unless otherwise approved by the planning commission and the county council, all utilities shall be placed underground.
- d. *Transit.* Land for an on-site transit stop shall be reserved within the district when the proposed TC District is within the service area of a public transit system.

Sec. 26-104. AP Airport Height Restrictive Overlay District.

- (a) *Purpose.* It is the intent of the AP Overlay District to restrain influences that are adverse to the property and safe conduct of aircraft operations in the vicinity of Jim Hamilton-L.B. Owens Airport and McEntire Air National Guard Base. Furthermore, it is the intent of this overlay district to prevent creation of conditions hazardous to aircraft operation, to prevent conflict with land development that may result in loss of life and property, and to encourage development that is compatible with airport use characteristics. (Ord. 029-09HR; 5-19-09)
- (b) *Applicability/Establishment.* The AP Overlay District shall function as an overlay district, providing additional requirements to the regulations of the underlying general use zoning classification(s).
- (c) *Permitted uses, permitted uses with special requirements, and special exceptions.* The AP Overlay District may contain several different underlying general use zoning classifications. All uses permitted in the respective underlying zoning districts shall be permitted in the AP Overlay District. Provided, however, when the provisions of this section impose higher standards than are required for that zoning classification, the provisions of this section shall apply. However, no use may be made of land or water within the AP Overlay District in such a manner as to cause or create electrical interference with navigational signals or radio communication between any airport and the aircraft, make it difficult for pilots to distinguish between airport lights and others, result in glare in the eyes of pilots using any airport, create bird strike hazards, or otherwise in any way endanger or interfere with the landing, take off, or maneuvering of aircraft using or intending to use any airport.
- (d) *Development standards.*
 - (1) *General.* Except as specifically provided for below, no material changes shall be made in the use of land, no structure shall be erected or otherwise established, and no tree shall be planted in any AP Overlay District unless a permit is applied for and granted. The following exceptions shall apply:
 - a. In the area lying within the limits of the AP horizontal zone (see subparagraph (2)e. below) and the AP conical zone (see subparagraph (2)f. below), no permit shall be required for any tree or structure less than seventy-five (75) feet in vertical height above the ground, except when, due to 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 AP approach zones (see subparagraph (2)b. below), but at a horizontal distance of not less than four thousand two hundred (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 in vertical height above the ground, except when, due to 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 AP transition zones (see subparagraph (2) d. below), no permit shall be required for any tree or structure less than seventy-five (75) feet in vertical height above the ground, except when, due to terrain, land contour, or topographic features, such tree or structure would extend above the height limits prescribed for such zones.

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

a. *Primary zones:* APP.

- 1. *McEntire Air National Guard Base (APPM):* The primary zone is established at field elevation, two hundred fifty-one (251) feet, mean sea level, longitudinally centered on each runway with the same length as the runway. The width of the primary zone is two thousand (2,000) feet.
- 2. *Jim Hamilton-L.B. Owens Airport (APPO):* None. (Ord. 029-09HR; 5-19-09)

b. *Approach zones:* APA.

- 1. *McEntire Air National Guard Base (APAM):* The approach zone begins two hundred (200) feet beyond each end of the primary surface at the centerline elevation of the runway end and extends for fifty thousand (50,000) feet. The slope of the approach clearance zone is fifty (50) to one (1) along the runway centerline extended until it reaches an elevation of five hundred (500) feet above the established airport elevation (equal to 251 feet mean sea level). It then continues horizontally at this elevation to a point fifty thousand (50,000) feet from the point of beginning. The width of this surface at the runway end is the same as the primary surface, flaring uniformly, with width at the fifty thousand (50,000) feet point being sixteen thousand (16,000).
- 2. *Jim Hamilton-L.B. Owens Airport (APAO):* The approach zone slopes twenty (20) feet outward for each one (1) foot

upward beginning at the end of and at the same elevation as the primary surface and extending to a horizontal distance of five thousand (5,000) feet along the extended runway centerline. (Ord. 029-09HR; 5-19-09)

c. *Clear zones: APCZ.*

1. *McEntire Air National Guard Base (APCZM):* The clear zone is established at field elevation (251 feet mean sea level) and extends outward from the primary surface to the length of one thousand (1,000) feet. The width is equal to the width of the primary surface.
2. *Jim Hamilton-L.B. Owens Airport (APZCO):* None. (Ord. 029-09HR; 5-19-09)

d. *Transitional zones: APT.*

1. *McEntire Air National Guard Base (APTM):* The transitional zones connect the primary surface, the first two hundred (200) feet of the clear zone surface, and the approach clearance surface to the inner horizontal surfaces, conical surface, and outer horizontal surface. The slopes of the transitional surface are seven (7) to one (1) outward and upward at right angles to the runway centerline beginning at the sides of and at the same elevation as the primary surface (251 feet mean sea level).
2. *Jim Hamilton-L.B. Owens Airport (APTO):* The transitional zone slopes seven (7) feet outward for each one (1) foot upward beginning at the side of and at the same elevation as the primary surface and the approach surface, and extend to a height of one hundred fifty (150) feet above the airport elevation (194 feet mean sea level). In addition to the foregoing, there are established height limits sloping seven (7) feet outward for each one (1) foot upward beginning at the sides and at the same elevation as the approach surface, and extending to where they intersect the horizontal surface. (Ord. 029-09HR; 5-19-09)

e. *Horizontal zones: APH.*

1. *McEntire Air National Guard Base (APHM):* The horizontal zones for McEntire National Guard Base are separated into the inner horizontal zone and the outer horizontal zone. Their dimensions are:

Inner: The inner horizontal zone is an oval shape at a height of one hundred fifty (150) feet above the established airfield (equal to 401 feet mean sea level).

Outer: The outer horizontal zone is a plane located five hundred (500) feet above the established airfield elevation (equal to 751 feet mean sea level), extending outward from the outer periphery of the conical surface for a horizontal distance of thirty thousand (30,000) feet.

2. *Jim Hamilton-L.B. Owens Airport:* The horizontal zone is established at one hundred fifty (150) feet above the airport elevation (equal to 344 feet mean sea level). (Ord. 029-09HR; 5-19-09)

f. *Conical zones:* APC.

1. *McEntire Air National Guard Base (APCM):* The conical zone is a surface extending from the periphery of the inner horizontal surface outward and upward at a slope of twenty (20) to one (1) for a horizontal distance of seven thousand (7,000) feet to a height of five hundred (500) feet above the established airfield elevation (equal to 751 feet mean sea level).
2. *Jim Hamilton-L.B. Owens Airport:* The conical zone slopes twenty (20) feet outward for each one (1) foot upward beginning at the periphery of the horizontal zone and at one hundred fifty (150) feet above the airport elevation (equal to 344 feet mean sea level) and extending to an elevation of three hundred fifty (350) feet above the airport elevation (equal to 544 feet mean sea level) at a horizontal distance of four thousand (4,000) feet. (Ord. 029-09HR; 5-19-09)

(3) *Other dimensional and use regulations.* Permitted accessory structures, prohibited uses and structures, minimum lot area, minimum lot width, minimum yard requirements, maximum lot coverage, minimum off-street parking and loading requirements, regulation of signs, and provisions of sidewalks and open space shall be provided as regulated in the general zoning district to which the AP Overlay District is appended, unless the AP Overlay District has a greater requirement upon such dimensions and characteristics of use, in which case the stricter shall prevail.

(4) *Obstruction marking and lighting.* Any permit or variance granted may, if such action is deemed advisable to effectuate the purpose of this section and is reasonable in the circumstances, be so conditioned as to require the owner

of the structure or tree in question to install, operate, and maintain, at the owner's expense, such markings and lighting as may be necessary. If deemed proper by the board of zoning of appeals and acceptable to the county, this condition may be modified to require the owner to permit the county, at the county's expense, to install, operate, and maintain the necessary markings and lights.

(e) *Variances.*

- (1) *General.* Any person desiring to erect or increase the height of any structure, or permit the growth of any tree, or use the property not in accordance with the regulations provided in this section, may apply to the board of zoning appeals for a variance from such regulations.
- (2) *FAA review.* The application for a variance shall be accompanied by a determination of the Federal Aviation Administration (FAA) as to the effect of the proposal on the operation of air navigation facilities and the safe, efficient use of navigable airspace. Such variances shall be allowed when it is duly found that a literal application or enforcement of the regulations will result in unnecessary hardship, and relief, if granted, will not be contrary to the public interest, will not create a hazard to air navigation, will do substantial justice, and will be in accordance with the spirit of this chapter.
- (3) *Airport management review.* No application for a variance of these regulations may be considered by the board of zoning appeals unless notification of the request and a copy of the application have been furnished to the airport manager for advice as to the aeronautical effects of the variance. If the airport manager does not respond to the notification within fifteen (15) days after receipt, the board of zoning appeals may act on its own to grant or deny the application.

(f) *Nonconforming uses.*

- (1) *General.* The regulations prescribed by this section shall not be construed to require the removal, lowering, or other change or alteration of any structure or tree not conforming to the regulations as of the effective date of this chapter, or otherwise interfere with the continuance of a nonconforming use. However, the owner of any existing nonconforming structure or tree is hereby required to permit the installation, operation, and maintenance thereon of such markers or lighting as shall be deemed necessary by the county to indicate to the operators of aircraft in the vicinity of the airport the presence of such airport obstruction. Such markers shall be installed, operated, and maintained at the expense of the county.
- (2) *Abandoned or destroyed.*

- a. *Structure.* Whenever the zoning administrator determines that a nonconforming structure has been destroyed or torn down beyond seventy-five percent (75%) of its most recent appraised value, no permit shall be granted that would allow such structure to exceed the applicable height limit or otherwise deviate from the zoning regulations.
- b. *Tree.* Whenever the zoning administrator determines that a nonconforming tree has been destroyed, torn down, decayed or deteriorated, below the applicable height limit, no permit shall be granted that would allow another tree to be planted which would exceed the applicable height limit or otherwise deviate from the regulations contained in this section.

Sec. 26-105. C Conservation Overlay District.

- (a) *Purpose.* The C Overlay District is intended to provide for safe, suitable development along designated water resources throughout Richland County. It is intended to allow development that will assist in the preservation of views from the water and of the water resources, is consistent with the shoreline areas that surround these features, and will provide adequate measures of safety to property and life during periodic flooding.
- (b) *Applicability/establishment.* The C Overlay District shall function as an overlay district providing additional requirements to the regulations of the underlying general use zoning classification(s), and shall only be applied to individual water resource areas after study and rezoning by the Richland County Council.
- (c) *Permitted uses, permitted uses with special requirements, and special exceptions.* The C Overlay District may contain several different underlying general use zoning classifications. All uses permitted in the underlying zoning district shall be permitted in the C Overlay District. Provided, however, when the provisions of this section impose higher standards than are required for that zoning classification, the provisions of this section shall apply. Furthermore, additional overlay districts may be affixed to the general zoning district (e.g. the Floodplain Overlay District). Provisions of any or all overlay districts must be satisfied. However, in the case of conflict between overlay district regulations, the stricter regulations shall apply.
- (d) *Development standards.*
 - (1) *Dimensional regulations.* Uses within the C Overlay District shall comply with the regulations of the underlying district, except uses on lots abutting a water resource. For uses on lots abutting the water, a water resource yard shall be provided as a setback within which no structures, except approved uncovered docks, shall be erected. A setback from the top of the bank of the water resource shall be required for a distance of twenty percent (20%) of the lot depth (measured at the time of site plan approval), with a maximum setback of fifty (50) feet and a minimum setback of twenty (20) feet. Existing continuous tree stands shall be preserved to stabilize the water resource banks. Walkways, trails, access areas, and similar activities may occur within the water resource yard.
 - (2) *Landscaping/bufferyard standards.* Landscaping and bufferyards shall be provided in accordance with Section 26-176 of this chapter. Species suitable for a riparian environment shall be utilized for required landscaping and buffering in a C Overlay District.
 - (3) *Parking/loading standards.* Parking and loading facilities shall be as required in Section 26-173 and Section 26-174 of this chapter. Shared parking arrangements and common parking areas are encouraged in the C

Overlay District; however, in no instance are parking or loading areas permitted in the water resource yard.

- (4) *Sidewalk and pedestrian amenities.* Sidewalks and other pedestrian amenities shall be provided as required by Section 26-179 of this chapter. Public pedestrian trail/greenway easement segments designed and approved as part of the site approval process may be provided in lieu of sidewalks. The County shall not use its power of eminent domain to condemn private land within a C Overlay District for the purpose of creating a public pedestrian trail/greenway easement segment.
- (5) *Signs.* Signs shall be regulated by the requirements of Section 26-180 of this chapter.
- (6) *Recreational/open space standards:* Open space shall be provided for new developments and expansions of existing developments in accordance with the provisions established in Section 26-186 of this chapter. (Ord. No. 003-12HR; 1-17-12)

Sec. 26-106. FP Floodplain Overlay District.

(a) *General.*

(1) *Purpose.* Certain areas within Richland County are subject to periodic inundation by floodwater, which results or may be reasonably foreseen to result in loss of life or property, health and safety hazards, disruption of commerce and governmental services, and extraordinary public expenditures for flood protection and relief, all of which adversely affect the public health, safety, and general welfare of the citizens of Richland County. These hazards are caused or extended in part by the occupancy of flood hazard areas by uses that increase flood damage upon other lands, or uses that are vulnerable to floods because they are inadequately elevated or not otherwise protected from flood damages. In order for owners of property located within the county that is subject to periodic inundation to obtain flood damage insurance through the National Flood Insurance Program, the United States government, by statute and through regulations promulgated by the Federal Emergency Management Agency (FEMA) requires that the county enact floodplain regulations designed to reduce the amount of potential flood losses. It is, therefore, the intent of this section to lessen such hazards and losses and ensure insurance coverage by those affected property owners by restricting or prohibiting uses that are dangerous to health, safety, or property in times of flood or that cause excessive increases in flood heights or velocities. This shall be accomplished by requiring that uses vulnerable to floods be protected against flood hazards at the time of initial construction, and by controlling filling, grading, mineral extraction, placing of obstructions within the flood channels, and other activities, uses, or characteristics of use which may increase flood damage.

(2) *Warning and disclaimer of liability.* The degree of flood protection required by this Section is considered reasonable for regulatory purposes and is based on scientific and engineering standards. Larger floods can and will occur on rare occasions. Flood heights may be increased by man-made or natural causes. This Section does not imply that land outside the areas of special flood hazard, or uses permitted within such areas, will be free from flooding or flood damages. This Section shall not create liability on the part of Richland County or by any officer or employee thereof for any flood damage that results from reliance on the provisions contained herein or on any administrative decision lawfully made hereunder. (Ord. 060-10HR; 9-28-10)

(b) *Applicability/establishment.* The FP Overlay District shall function as an overlay district providing additional requirements to the regulations of the underlying general use zoning classification(s). It shall be applied to those areas designated on the Federal Emergency Management Agency's Flood Insurance Study, dated September 29, 2010, with accompanying Flood Insurance Rate Maps (FIRM), dated September 29, 2010, as areas of special flood hazard. In addition to other required development

approvals, development applicants subject to the FP Overlay District must also receive a floodplain development permit from the county's flood coordinator. Review of developments subject to these requirements shall be conducted as part of the review for a grading or land development permit, whichever is applicable. (Ord. No. 114-06HR; 12-5-06) (Ord. No. 056-09HR; 11-3-09) (Ord. 060-10HR; 9-28-10)

(c) *Permitted uses, permitted uses with special requirements, and special exceptions.*

(1) *General:* Any use permitted outright, with special requirements, or permitted as an accessory use in the general use district(s) to which the FP Overlay District is affixed to, is permitted; provided that such use complies with all applicable regulations set forth below and in the other sections of this chapter. (See however, restrictions for development in the designated floodway as set forth in subsection (d)(2)i. below). All applications for land development permits for uses permitted in the FP Overlay District shall be reviewed by the flood coordinator in accordance with the requirements of subsection (d) below. Before the planning department may issue a land development permit, a floodplain development permit must be issued. The findings and recommendations of the flood coordinator shall be binding upon the planning department unless otherwise appealed.

(2) *Permitted special exceptions.* Any use listed as a special exception in the general use district(s) to which the FP Overlay District is affixed to may be permitted by the Richland County Board of Zoning Appeals as set forth in Section 26-56 of this chapter; provided that such uses comply with all applicable regulations set forth below and in the other sections of this chapter. (See, however, restrictions for development in the designated floodway as set forth in subsection (d)(2)i. below). All applications for special exceptions in the FP Overlay District shall be reviewed by the flood coordinator prior to review by the board of zoning appeals in accordance with the requirements of subsection (d) below. Before the board of zoning appeals may approve a special exception, a floodplain development permit must be issued. The findings and recommendations of the flood coordinator shall be binding upon the board of zoning appeals.

(d) *Standards in the floodplain.*

(1) *General standards.*

a. Before a permit is issued, the applicant shall demonstrate that encroachments onto the floodplain are minimized. New development, if permitted in the area of special flood hazard, shall minimize disruption to shorelines, stream channels, stream banks, and the regulatory floodway. As used in this paragraph, the term "minimize" shall mean the lowest degree of interruption (i.e. the uniformity or

continuity) to the natural course of action or activity. (Ord. No. 032-06HR; 5-2-06)

- b. *General reasons for disapproval of flood development permit application.* New construction, substantial improvements, or other development (including fill) shall not be approved in a special flood hazard area if it does any of the following:
1. Adversely affects the capacity of channels or floodways of any watercourse in the floodplain area to convey the regulatory flood or any flood of more frequent occurrence.
 2. Would measurably increase, based on FEMA-approved hydrologic models, flood flows or flood heights, or increase flood damage upon off-site properties during the occurrence of the regulatory flood or any flood of more frequent occurrence.
 3. Would individually or cumulatively, when combined with all other existing and anticipated development (assuming an equal degree of encroachment for a significant reach on both sides of the watercourse), increase flood levels or expose additional upstream, downstream, or adjacent properties to adverse flood effects due to flooding during the regulatory flood or any flood of more frequent occurrence.
 4. Increases velocities or volumes of floodwaters to the extent that significant erosion of floodplain soils would occur either on the subject property or on some other property upstream or downstream.
 5. Does not provide compensatory storage for any measurable loss of flood storage capacity.
- c. *Encroachments that result in increase in flood levels.* Any encroachment in special flood hazard areas, including fill, new construction, substantial improvements, and other development that would result in any increase in flood levels during the occurrence of the regulatory flood or any flood of more frequent occurrence shall be prohibited.
- d. *Anchoring.* All new construction and/or substantial improvements shall be designed and anchored to prevent flotation, collapse, or lateral movement of the structures.
- e. *Materials/methods to be used.* All new construction and/or substantial improvements shall be constructed with flood resistant

materials and utility equipment resistant to flood damage. All new construction and/or substantial improvements shall be constructed by methods and practices that minimize flood damages.

- f. *Electric, ventilation, plumbing, heating, and air conditioning equipment.* Electric, ventilation, plumbing, heating, and air conditioning equipment (including ductwork), and other service facilities, shall be designed and elevated two (2) feet above the base flood elevation so as to prevent water from entering or accumulating within the components during conditions of flooding as specifically provided for below:
 - 1. *When not substantial improvement.* The replacement of existing electrical, ventilation, plumbing, heating, and air conditioning equipment (including ductwork) and other service facilities, that do not constitute a substantial improvement, are encouraged to be elevated at least two (2) feet above the base flood elevation, but they may be located at the original location and elevation.
 - 2. *New construction and substantial improvement.* All electrical, ventilation, plumbing, heating, and air conditioning equipment (including ductwork), and other service facilities, for new construction or substantial improvement must be elevated at least two (2) feet above the base flood elevation.
 - 3. *Outdoor faucets.* The requirements listed above do not preclude the installation of outdoor faucets for shower heads, sinks, hoses, etc. as long as cut off devices and back flow devices are installed to prevent contamination to the service components and thereby minimize any flood damages to the building.
- g. *Water and sanitary sewage systems.* All new and replacement water supply and sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the sanitary sewage systems into flood waters.
- h. *On-site waste disposal systems.* On-site waste disposal systems shall be located and constructed to avoid impairment to them or contamination from them during flooding.
- i. *Foundation systems.* Hydrodynamic pressure must be considered in the design of any foundation system when velocity waters or the potential for debris flow exists. If flood velocities are excessive (greater than five (5) feet per second), foundation systems other than

solid foundation walls should be considered so that obstructions to damaging flood flows are minimized.

- j. *Non-conforming buildings or uses (see also Article X. of this chapter on nonconforming uses generally).* Non-conforming buildings or uses may not be enlarged, replaced, or rebuilt unless such enlargement or reconstruction is accomplished in conformance with the provisions of this section. Provided, however, nothing in this section shall prevent the repair, reconstruction, or replacement of an existing building or structure located totally or partially within the floodway, if the bulk of the building or structure below base flood elevation in the floodway is not increased, and provided that such repair, reconstruction, or replacement meets all of the other requirements of this section. Reconstructions or replacements of existing buildings or structures shall be placed with their longitudinal axis parallel to the predicted direction of the flow of flood waters or be placed so that their longitudinal axis are on lines parallel to those of adjoining structures so as to offer the minimum resistance to the flow of floodwaters.
- k. *American with Disabilities Act (ADA).* A building must meet the specific standards for floodplain construction as outlined in subsection (d)(2) below, as well as any applicable ADA requirements. The cost of improvements required to meet the ADA provisions shall be included in the costs of the improvements for calculating substantial improvement.
- l. *Watercourse alterations and maintenance.* In addition to the notifications required for watercourse alterations per Section 26-36 (a) (2) c., a maintenance requirement will be included in Floodplain Development Permits whenever a watercourse is altered or relocated within a Special Flood Hazard Area. Such maintenance activities shall ensure that the flood-carrying capacity of the watercourse is not diminished, and shall consist of periodic inspections, and routine channel clearing and dredging, or other related functions. In addition, the permittee shall keep a written record describing all maintenance activities performed, the frequency of performance, and the name of the person(s) responsible for such maintenance and provide copies to the Flood Coordinator. The Flood Coordinator shall keep permitting records on file for FEMA inspection. (Ord. 060-10HR; 9-28-10)

(2) *Specific standards*

- a. *Residential construction.* New construction or substantial improvement of any residential structure (including manufactured homes) shall have the lowest floor elevated no lower than two (2) feet above the base flood elevation. No basements are permitted. Should

solid foundation perimeter walls be used to elevate a structure, openings sufficient to facilitate the unimpeded movements of floodwaters shall be provided in accordance with subsection f. below.

- b. *Nonresidential construction.* New construction or substantial improvement of any commercial industrial, or nonresidential structure shall have the lowest floor (including basement), or mechanical and utility equipment, elevated no lower than two (2) feet above the level of the base flood elevation or be flood-proofed to a level no lower than two (2) feet above the level of the base flood elevation, provided that all areas of the building (including mechanical and utility equipment) below the required elevation are watertight with walls substantially impermeable to the passage of water, and use structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effects of buoyancy. Should solid foundation perimeter walls be used to elevate a structure, openings sufficient to facilitate the unimpeded movements of floodwaters shall be provided in accordance with subsection f. below. A land surveyor, engineer, or architect authorized by law to certify such information shall certify that the standards of this subsection are satisfied. Flood-proofed structures shall have an approved maintenance plan with an annual exercise as required by FEMA. The maintenance plan must be approved by the flood coordinator and notification of the annual exercise shall be provided to same.
- c. *Foundation protection.* A land surveyor, engineer, or architect authorized by law to certify such information shall develop or review the structural design, specifications, and plans for the foundation of all new buildings and shall certify that the design and methods of construction are in accordance with accepted practices to withstand flotation, collapse, lateral movement, erosion, scour, undermining, and the effects of water and wind acting simultaneously on all building components during the occurrence of the base flood.
- d. *Manufactured homes.*
 1. *Substantially damaged homes.* Manufactured homes that are on sites outside a manufactured home park or subdivision, in a new manufactured home park or subdivision, in an expansion to an existing manufactured home park or subdivision, or in an existing manufactured home park or subdivision, which have incurred “substantial damage,” must be subsequently elevated on a permanent foundation such that the lowest floor of the manufactured home is elevated no lower than two (2) feet above the base flood elevation and must be securely anchored

to an adequately anchored foundation system to resist flotation, collapse, and lateral movement.

2. *Existing manufactured homes.* Manufactured homes proposed to be placed or substantially improved on sites in an existing manufactured home park or subdivision that are not subject to the provisions of subsection d.1. above, must be elevated so that the lowest floor of the manufactured home is elevated no lower than two (2) feet above the base flood elevation, and must be securely anchored to an adequately anchored foundation to resist flotation, collapse, and lateral movement.
3. *Anchoring.* Manufactured homes shall be anchored to prevent flotation, collapse, or lateral movement. For the purpose of this requirement, manufactured homes must be anchored to resist flotation, collapse, or lateral movement in accordance with Section 19-425.42 of the *South Carolina Manufactured Housing Board Regulations*, effective date May 25, 1990, as amended. Additionally, when the elevation requirement would be met by an elevation of the chassis at thirty-six (36) inches or less above the grade at the site, the chassis shall be supported by reinforced piers or other foundation elements of at least equivalent strength. When the elevation of the chassis is above thirty-six (36) inches in height, an engineering certification is required.
4. *Evacuation plan for parks and subdivisions.* An evacuation plan indicating vehicular access and escape routes for residents of manufactured home parks and subdivisions located in or surrounded by an area of special flood hazard must be developed. The owner of the manufactured home park or subdivision shall be responsible for filing this plan with the flood coordinator and shall see that each tenant thereof has received an evacuation plan prior to the tenant's moving into the manufactured home park or subdivision. This plan shall be approved by the flood coordinator and the local emergency preparedness coordinator.
- e. *Recreational vehicles.* Recreational vehicles placed on sites within a floodplain shall either be on site for fewer than one hundred and eighty (180) consecutive days and be fully licensed and ready for highway use, or meet the general standards listed in subsection (d)(1) above, as well as the standards for manufactured housing in subsection (d)(2)d. above. A recreational vehicle is ready for highway use if it is on wheels or a jacking system, is attached to the site only

by quick disconnect type utilities and security devices, and has no permanently attached additions.

- f. *Elevated buildings.* New construction or substantial improvements of elevated buildings that include fully enclosed areas formed by foundation and other exterior walls and are used solely for the parking of vehicles, building access, or limited storage in an area other than a basement, and are subject to flooding, shall be designed to preclude finished space and be shall designed to automatically equalize flood forces on exterior walls by allowing for the entry and exit of floodwaters.
1. *Designs for elevated buildings.* Designs for complying with this requirement must either be certified by a land surveyor, engineer, or architect authorized by law to certify such information, or meet the following minimum criteria:
 - [a] Provide a minimum of two (2) openings on different walls having a total net area of not less than one (1) square inch for every square foot of enclosed area subject to flooding;
 - [b] The bottom of all openings shall be no higher than one (1) foot above grade;
 - [c] Openings may be equipped with screens, louvers, valves, or other coverings or devices, provided they permit the automatic flow of floodwaters in both directions; and
 - [d] Fill placed around foundation walls shall be graded so that the grade inside the enclosed area is equal to or higher than the adjacent grade outside the building on at least one side of the building.
 2. *Access to enclosed area.* Access to the enclosed area shall be the minimum necessary to allow for parking of vehicles (garage door) or limited storage of maintenance equipment used in connection with the premises (standards exterior door) or entry to the living area (stairway or elevator).
 3. *Interior portion of enclosed area.* The interior portion of such enclosed area shall not be partitioned or finished into separate rooms, except to enclose a limited storage area. In addition, the interior portion must be void of utilities, except for essential lighting as required, and cannot be temperature

controlled. One wet location switch and/or outlet connected to a ground fault interrupt breaker may be installed below the required lowest floor elevation as specified in subsections (d)(2) a., b., and d. above.

4. *Construction materials.* All construction materials below the required lowest floor elevation, as specified in subsections (d)(2) a., b., and d. above, shall be of flood resistant materials.
- g. *Temporary structures.* Certain types of temporary structures (e.g. fruit stands, construction site offices, portable toilets, etc.) may be situated temporarily on flood-prone property without having to comply with the elevation or flood-proofing criteria of subsections (d)(2) a. and b. above, respectively, provided that the following criteria are met:
1. *Temporary development permit procedure.* All applicants must submit to the flood coordinator, prior to the issuance of a temporary development permit, a written plan for the removal of any temporary structures or development in the event of a hurricane or flash flood warning notification. The plan shall be reviewed and approved in writing, and must include the following information:
 - [a] A specified time period that the temporary use will be permitted;
 - [b] The name, address, and phone number of the individual responsible for the removal of temporary structures or development;
 - [c] The time frame for removal of any structures in the event of a flooding event, with a minimum of seventy-two (72) hours before landfall of a hurricane or immediately upon flood warning notification;
 - [d] Unless movable by the owner, a copy of the contract or other suitable instrument with a trucking company to ensure the availability of removal equipment when needed;
 - [e] Designation, accompanied by documentation, of a location outside the floodplain where any temporary structure will be moved; and

- [f] A plan to restore the area to its natural condition once the temporary permit expires or the temporary use is terminated, whichever is first.
- 2. *Structure mobility.* The structure is mobile, or can be made so, and is capable of being removed from the site with a maximum of four (4) hours warning.
- 3. *Time on property.* The structure will not remain on the property for more than one hundred and eighty (180) days.
- h. *Accessory structures.* An accessory structure or garage, the cost of which is greater than \$1,000.00 must comply with the elevated structure requirements of subsection (d)(2) a. and b. above. When accessory structures of \$1,000.00 or less are to be placed in the floodplain, the following criteria shall be met:
 - 1. *Not for habitation.* Accessory structures shall not be used for human habitation (including work, sleeping, living, cooking, or restroom areas);
 - 2. *Flood damage potential.* Accessory structures shall be designed to have low flood damage potential;
 - 3. *Placement.* Accessory structures shall be constructed and placed on the building site so as to offer the minimum resistance to the flow of floodwaters;
 - 4. *Anchoring.* Accessory structures shall be firmly anchored to prevent flotation, collapse, or lateral movement of the structure;
 - 5. *Service facilities.* Service facilities, such as electrical and heating equipment, shall be installed in accordance with subsection (d)(1) f. above; and
 - 6. *Openings.* Openings to relieve hydrostatic pressure during a flood shall be provided below base flood elevation in conformance with subsection (d)(2) f. above.
- i. *Floodways.* The following provisions shall apply within the floodway areas:
 - 1. *Permitted uses, excluding buildings.* The following uses shall be permitted in areas designated floodway areas, but only if such uses are permitted within the basic district to which the

FP overlay is appended, and excluding buildings in connection with such uses:

- [a] Agricultural and horticultural uses, and plant nurseries.
- [b] Parking and loading areas.
- [c] Open-air uses generally accessory to residential uses, such as lawns, gardens, play areas, and parking areas.
- [d] Recreational uses which are primarily open-air uses and which do not offer a substantial impediment to water flow, such as swimming areas, fishing areas, beaches, boat launching ramps, floating docks, life guard stations, parks, playgrounds, play fields, picnic grounds, wildlife or nature preserves, hiking trails, horseback riding trails, golf courses, driving ranges, archery ranges, and tennis courts.
- [e] Airport runways and landing strips.
- [f] Streets, bridges, overhead utility lines, storm drainage facilities, sewerage lines, waste treatment plant outlets, water supply intake structures, and electronic transmission structures; provided that the structure is demonstrated, by hydraulic and hydrologic analysis performed with standard engineering practice and reviewed and approved by the County Floodplain Coordinator, to cause no rise in the base flood elevation as established by the Flood Insurance Study and further provided that:
 - [1] All structures are designed and constructed to minimize infiltration by floodwaters; and
 - [2] The lowest horizontal member of bridges, excluding pilings or columns, is elevated at least one foot above the base flood elevation and the superstructure attached thereto is designed to resist flotation, collapse, and lateral movement due to the effects of wind and water loads acting simultaneously on all structural components.

2. *Permitted uses, other.* The following uses shall be permitted in areas designated floodway areas, but only if such uses are permitted within the basic district to which the FP overlay is appended:

- [a] Any existing or future facility that is or will be a part of or used by any public or private school that was constructed and operated before January 1, 2001 on property subsequently classified as a regulatory floodway;
 - [b] Any existing or future facility that is or will be a part of or used by any publicly owned wastewater treatment facility that was constructed and operated before January 1, 2001 on property subsequently classified as a regulatory floodway.
- j. *Fill.* Fill is discouraged because storage capacity is removed from floodplains, natural drainage patterns are adversely altered and erosion problems can develop and wildlife habitat can be diminished. The use of fill shall be limited to the elevation of individual structures (including garages and garage aprons), utilities, infrastructure, and public road crossings. Other methods of elevating structures should be considered first. (Ord. 061-08HR; 10-21-08)
- 1. To allow the elevation of individual structures, the amount of fill used shall be the minimum necessary. Floodplain authorization for fill shall be based on findings by the county engineer that the minimum fill being used for raising the structure is the most feasible alternative.
 - 2. Fill, if approved, shall meet the following conditions:
 - [a] The flood storage capacity of the floodplain shall not be affected and flood heights shall not be increased by more than 0.049 feet unless compensatory storage is provided on the same parcel or within the same sub-watershed. The space occupied by the authorized fill below Base Flood Elevation shall be compensated for and balanced by a hydraulically equivalent volume of excavation taken from below the Base Flood Elevation. All such excavations shall be constructed to drain freely to the watercourse.
 - [b] Flooding from any source shall not be increased for neighboring properties. Neighboring and adjacent properties shall not be adversely affected in any way nor shall drainage problems be caused or aggravated as a result of fill.

- [c] Fill shall not be placed in the floodway except for essential utilities and necessary infrastructure, and must meet the approval of the county engineer.
 - [d] Fill shall not be placed in nontidal wetlands without the required state and federal permits.
3. In the event buildings on adjacent properties are known or determined to be subject to flooding under current conditions, the county engineer may require submission of hydrologic and hydraulic analyses to adequately demonstrate that the effects of the proposed fill will not increase flooding on neighboring properties. Additional fill for landscaping purposes is not permitted. Landscaping mulch (tree bark or pine needles) is not considered fill and is allowed.
4. Where allowed, fill material shall meet the following additional requirements:
- [a] Fill shall only consist of soil, rock materials, or other material approved by the county engineer. Landfills, dumps, and sanitary soil fills shall not be permitted. Dredged material may be used as fill only upon certification of suitability by a registered professional engineer.
 - [b] Fill material shall be compacted to 95% of the maximum density, obtainable with the standard proctor test method issued by The American Society For Testing And Materials (ASTM standard D-698) to provide the necessary stability and resistance to erosion, scouring or settling.
 - [c] Fill slopes shall be no steeper than one vertical to two horizontal, unless substantiating data justifying steeper slopes are submitted to and approved by the county engineer.
 - [d] Fill shall be performed in such manner as to maintain or increase flood storage and conveyance capacity, and to not increase FEMA base flood elevations.
 - [e] Fill shall not cause an increase in the base flood elevation by more than 0.049 feet. Applicants shall further demonstrate that the cumulative effect of the proposed development, when combined with all other

existing development, will not increase the base flood elevation at any point within the county by more than 0.049 feet.

- [f] All fill placed at or below the flood elevation in the floodplain shall be balanced with at least an equal amount of soil material removal from the same parcel(s) or from sub-watershed. Compensatory storage required to offset floodplain fill must be created before the project begins and should be available throughout the construction period. The required volume of compensatory storage must be provided within the project boundary. The applicant shall demonstrate, using a South Carolina registered professional engineer, no net loss of floodplain storage for 10, 50, and 100 year storm events.
 - [g] Excavation shall not be counted as compensating for fill if such areas will be filled with water in non-storm conditions.
 - [h] Fill shall be performed in a manner to maintain or increase slope stability and maintain or decrease erosive velocities. Fill slopes shall be no greater than two (2) horizontal to one (1) vertical. Flatter slopes may be required where velocities may result in erosion.
 - [i] Applicants must submit an as-built survey certification by a South Carolina registered professional engineer that demonstrates that the required volume of storage has been created on site in order to ensure no net loss as outlined and demonstrated per the approved plans.
 - [j]. The use of fill shall not have an adverse impact on neighboring properties.
5. The county engineer shall inspect the fill activity. A certification sealed by a professional engineer registered in South Carolina shall be submitted prior to approval of a building permit for compliance with this section. The engineer must provide calculations and complete the county's engineering "No Impact Certification" form. Any change in the flood flow within a regulatory floodplain through fill must be submitted and approved through the FEMA "Letter of Map Revision" process in addition to review by the flood coordinator and county engineer. The county engineer shall

provide a copy of the letter of approval, approved site plans, and signed “No Impact Certification” issued by FEMA to the floodplain coordinator.

6. A South Carolina registered professional engineer shall certify that all of the above standards and requirements within this subsection 26-104 (j) have been met.
 - k. *Critical facilities.* Construction of critical facilities is prohibited in the five hundred (500) year floodplain (A, 1AE and X500 Zones on the FIRM).
- (e) *Standards for streams not having established base flood elevations and/or floodways.* Located within the areas of special flood hazard are small streams where no base flood elevation data have been provided or where no floodways have been identified. The following provisions apply to these areas:
- (1) *Activity within one hundred (100) feet of the stream bank.* No encroachments, including fill, new construction, substantial improvement, or other development shall be permitted within one hundred (100) feet of the stream bank unless certification (with supporting technical data by a land surveyor, engineer, or architect authorized by law to certify such information) is provided demonstrating that such encroachments shall not result in any increase in flood levels during the occurrence of the base flood discharge. Such data shall be submitted to the flood coordinator.
 - (2) *Elevation.* In special flood hazard areas without base flood elevation data, new construction or substantial improvements of structures shall be elevated so that the lowest floor is no less than three (3) feet above the highest adjacent grade at the building site.
- (f) *Standards for subdivision/ planned development community/large-scale development proposals.* The following standards pertain to subdivisions and planned development communities or other large-scale development proposals that equal or exceed the lesser of fifty (50) lots or five (5) acres:
- (1) *General.* All subdivisions, planned development communities, and large-scale development proposals shall be consistent with the need to minimize or eliminate flood damage. Base flood elevation data provided through hydrologic and hydraulic modeling performed in accordance with FEMA standards showing that there is no rise in the base flood elevation for the community and no risk to human health and welfare shall be provided. All such developments shall be designed so as not to create or increase the level of flooding existing at the time of development.

- (2) *Public utilities.* All subdivisions, planned development communities, and large scale development proposals shall have public utilities and facilities, such as sewer, gas, electric and water systems, located and constructed to minimize or eliminate flood damage.
 - (3) *Access.* An access road above the base flood elevation shall be provided for all subdivision, planned development community, or other large-scale development proposals to allow emergency access to flooded areas during flood conditions.
 - (4) *Drainage.* All subdivision, planned development community, or other large-scale development proposals shall have adequate drainage, in compliance with all other applicable code regulations provided to reduce or eliminate exposure to flood hazards.
- (g) *Standards for areas of shallow flooding (AO and AH Zones).* Located within the areas of special flood hazard are areas designated as shallow flooding. The following provisions shall apply within such areas:
- (1) *Residential structures.* All new construction and substantial improvements of residential structures shall have the lowest floor (including basement) elevated above the highest adjacent grade at least as high as the depth number specified in feet on the FIRM. If no depth number is specified, the lowest floor (including basement) shall be elevated at least three (3) feet above the highest adjacent grade.
 - (2) *Nonresidential structures.* The lowest floor (including the basement) for all new construction and substantial improvements of nonresidential structures shall meet one of the following standards:
 - a. *Elevation.* The nonresidential structures(s) shall be elevated above the highest adjacent grade at least as high as the depth number specified in feet on the FIRM. If no depth number is specified, the lowest floor (including basement) shall be elevated at least three (3) feet above the highest adjacent grade; or,
 - b. *Construction.* The nonresidential structure(s), together with attendant utility and sanitary facilities, must be designed so that below the base flood elevation the structure is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy. A land surveyor, engineer or architect authorized by law to certify such information shall submit a certification to the flood coordinator that the standards of this section are satisfied. There shall be adequate drainage paths around structures

on slopes to guide floodwaters around and away from the proposed structures.

(h) *Standards for levees.*

(1) *General standards.* All levees protecting residential structures or nonresidential structures that are not flood-proofed shall be designed, constructed, and maintained to provide protection against the 500-year flood, plus three (3) feet of freeboard. Flood elevations shall be as shown on the latest Flood Insurance Rate Maps as determined by appropriate hydrologic methods. Any levee constructed or improved under this subsection shall also comply with the other applicable provisions of Section 26-203 of this chapter.

(2) *Specific standards.*

a. *Design and construction.* Design and construction shall be in accordance with U.S. Army Corps of Engineers' Manual EM 1110-2-1913 (31 March 1978) *Design and Construction of Levees*. The design and construction of drainage systems within levees shall be in accordance with the U.S. Army Corps of Engineers' Manual EM 1110-2-1413 (15 Jan 1987) *Hydrologic Analysis of Interior Areas*. A South Carolina Registered Professional Engineer shall certify that he has been involved in the design, construction, and inspection phases and shall certify that the construction meets requirements of the Corps of Engineers.

b. *Records.* Owners of levees will perform the necessary and required maintenance and provide appropriate records to the county engineer. These records shall include:

1. Signed agreements of perpetual operation and maintenance between the constructor and/or owner and Richland County;
2. As-built construction plans sealed by a South Carolina Registered Professional Engineer;
3. A description of the levee maintenance program in accordance with Levee Maintenance Standards and Procedures of Richland County (see subsection (h)(3) below); and
4. Periodic maintenance reports as required by the county engineer.

(3) *Maintenance standards and procedures.* Levees shall be maintained as necessary to ensure serviceability against flood at all times, as follows:

- a. *Sod growth.* Maintenance of a sturdy sod growth on levee embankments is highly important, as sod is one of the most effective means of protecting the levee against erosion from rain, water current, and wavewash. Periodic mowing with tractor-operated equipment is essential to maintaining a good sod growth, and shall be done at such intervals as necessary to keep down weeds and other noxious growth and to prevent the grass height from exceeding twelve (12) inches. However, the grass shall not be mowed to a height of less than two (2) inches. The number of mowings required each season will depend on local conditions. The last mowing of the season will be accomplished under conditions that allow the grass to obtain a height of approximately eight (8) inches to ten (10) inches entering the winter season. Mowing will be performed to a distance of at least five (5) feet beyond the toe of the levee or berm. Burning grass and weeds is not permitted in the levee maintenance program, except during appropriate seasons when it is not detrimental to sod growth. During the growing season, spraying with herbicides on an as-needed basis is permissible and desirable for weed and brush control on levees and berms. Reseeding and fertilizing shall be completed frequently enough to sustain sod growth on levee embankments for erosion control.
- b. *Earth embankments.* Levee embankments shall be maintained to not less than the grade and section, as designed, by replacing any material lost from the crown or slopes. Ruts, washes, slides, and subsidence should be promptly repaired and the entire embankment maintained sufficiently smooth for power mowing. Levee crowns shall be graded as necessary to drain freely and prevent impoundment of rainwater. All brush, trees, and other undesirable growth shall be removed from the levee embankment.
- c. *Animal burrows.* Levees and adjacent landward areas shall be maintained free of all types of animal burrows. Animal burrows, when found, shall be backfilled with compacted material and sodded. To prevent recurrence, effort shall be made to exterminate the burrowing animals.
- d. *Prevention of encroachment.* Care shall be taken to assure that levees are not encroached upon. Buildings, structures, and storage of materials or equipment are not permitted on the levee. Refuse dumps are not permitted. Following each high water, any debris deposited on the riverside slope of the levee shall be removed promptly.
- e. *Roads and ramps.* Access roads to and on the levees, including ramps, shall be bladed as necessary to keep the roadway shaped

properly and free of ruts, pockets, and washes. Ramp embankments shall be maintained to the section and grade as designed. Maintenance shall be performed as necessary to correct any encroachment into the levee crown where roads cross levees. Road surfacing material shall be replaced as necessary to maintain the road surface in good condition.

- f. *Miscellaneous levee facilities and appurtenances.* Levee facilities and appurtenances that are constructed on, over, or through the levee shall be maintained in a good state of repair and/or inspected at least annually. Facilities and appurtenances that operate only during high water must be checked carefully and repaired as necessary, immediately prior to high water season. Relief wells shall be checked during periods of high water. Wells that do not flow for an extended period of time may have to be tested by pumping to determine the extent of deterioration. Critically deteriorated wells shall be rehabilitated by cleaning, surging, and pumping. Check valves shall be inspected to ensure that they open freely and that the gaskets are in good condition. The most common of the facilities and appurtenances referred to herein are:

1. Drainage structures through the levee,
2. Toe drainage systems,
3. Relief wells,
4. Levee slope protection and protection on dike ends,
5. Gates, cattle guards, and fences, and
6. Siphons and pipe crossings.

- (4) *Inspection.* Frequent inspections are essential to a good levee maintenance program. In addition to the formal inspections required by the county engineer, inspections will be made prior to the beginning of the flood season, during and immediately following each high water period, and at such intermediate times as necessary to ensure satisfactory care of the levee.

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Sec. 26-107. RD Redevelopment Overlay District.

- (a) *Purpose.* The RD Overlay District is intended to promote the revitalization of existing blighted commercial strips and residential areas while encouraging reinvestment in and reuse of areas in a manner consistent with the Comprehensive Plan for Richland County. Revitalization initiates housing and economic opportunities, which promotes socially vibrant centers of community life through the coordinated efforts of public, private and community organizations.
- (b) *Applicability/establishment.* The RD Overlay District may be approved and designated by County Council if two or more of the following conditions or circumstances are evident:
 - (1) Loss of retail, office, and/or industrial activity, use or employment;
 - (2) Forty percent (40%) or more of households are low-income households;
 - (3) A predominance of residential or nonresidential structures that are deteriorating or deteriorated;
 - (4) Abandonment of residential or nonresidential structures;
 - (5) Environmentally contaminated land;
 - (6) The existence of unsanitary or unsafe conditions that endanger life, health, or property;
 - (7) Deterioration in public improvements, such as streets, street lighting, curbs, gutters, sidewalks, related pedestrian amenities, and parks and recreational facilities;
 - (8) Recent occurrence of a disaster; or
 - (9) Any combination of factors that substantially impairs or arrests the sound growth and economic development of government, or adversely affects the public, health, safety, or general welfare due to the redevelopment area's present condition and use.
- (c) *Permitted uses, permitted uses with special requirements, and special exceptions.*
Reserved.
- (d) *Development standards.*
 - (1) *Redevelopment Plan Requirement.* A Redevelopment Plan shall be submitted for approval prior to designating an RD Overlay District, and shall include, without limitation, a capital improvement plan that identifies the

improvements required to achieve the objectives of the plan and its funding sources. The capital improvement plan shall demonstrate that adequate funding will be secured, including the commitment of County resources for implementation.

- (2) Reserved.
- (e) *Consistency with the Comprehensive Plan.* The proposed Redevelopment Plan Area must be consistent with and compliment the Richland County Comprehensive Plan, the land use plan, and the capital improvement plan for the planning area in which it is located. In addition, it is recommended that the Redevelopment Plan be more clearly defined in the Comprehensive Plan update.

Sec. 26-108. EP Environmental Protection Overlay District.

(Ord. 006-10HR; 1-19-10)

- (a) *Purpose.* The EP Overlay District is intended to address general environmental concerns within a designated area. In an effort to address some of the most critical water resource problems that exist within Richland County, environmental protection overlay districts may be initiated by the Public Works Department as necessary and appropriate. (Ord. 006-10HR; 1-19-10)
- (b) *Applicability/establishment.* EP Overlay Districts may be approved and designated by County Council in order to promote the general welfare of Richland County and of the public generally where Richland County seeks to regulate and control development activities adjacent to special protection areas, impaired water bodies within Richland County and/or where TMDLs may have been designated. The EP Overlay District map may be requested from the Public Works Department. (Ord. 006-10HR; 1-19-10)
- (c) *EP Overlay District sub-areas.* Within the EP overlay district, there is a sub-area classification, which is identified as follows: (Ord. 006-10HR; 1-19-10)

Gills Creek Environmental Protection Overlay District (EP-GC District). Richland County seeks to preserve the Gills Creek Floodway in order to protect and improve the water quality, scenic beauty, and wildlife habitat of the creek. The creation of the EP-GC District for Richland County is done in order to establish a mechanism for the accomplishment of these objectives. There is hereby established one (1) EP overlay district in the Gills Creek area of Richland County. The boundaries of the EP-GC District shall be the Gills Creek Floodway as shown on the FEMA Flood Insurance Rate Maps.

- (d) *Development requirements.* Variances and exemptions shall not be permitted within the EP Environmental Protection Overlay Districts; however, the Public Works Department may consider applications for waivers where the applicant demonstrates that alternative protection measures can be provided that exceed the protection afforded by the requirements of this Section. (Ord. 006-10HR; 1-19-10)
 - (1) *Water Quantity Problem Areas.* In EP Environmental Protection Overlay Districts where flooding problems exist, the Public Works Department may require additional design criteria in addition to the minimum design standards as follows: The post-development peak discharge rates shall be restricted to ½ the pre-development rates for the 2, 5, 10, and 25-year storm events or to the downstream system capacity, whichever is less. Additional design procedures are contained in the “Stormwater Design Manual”. (Ord. 006-10HR; 1-19-10)
 - (2) *Water Quality Protection Areas.* In conjunction with the NPDES permitting program, DHEC identifies impaired water bodies bi-annually and reports

them in accordance with Section 303 of the Clean Water Act. If a water body is listed on the 303(d) as an impaired stream or a TMDL has been established. Richland County will require a plan be implemented that uses structural and nonstructural BMPs to reduce the current pollutant loading to either a certain maximum total load or by a percentage. In no case will Richland County approve a land development activity that increases the pollutant loading to an impaired stream. In EP Environmental Protection Overlay Districts where impairments exist, all sites which disturb one (1) acre or more shall have a permanent water quality BMP in place to treat at least the first 1-inch of runoff from the entire site. This volume shall be held for a minimum period of twenty-four (24) hours. (Ord. 006-10HR; 1-19-10)

Sec. 26-109. CRD Corridor Redevelopment Overlay District
(Ord. 019-08HR; 3-18-08)

- (a) *Purpose.* The CRD Overlay District is intended to promote the revitalization of existing underutilized, vacant, or abandoned commercial strips while encouraging reinvestment in and reuse of areas in a manner consistent with the *Comprehensive Plan for Richland County*. Revitalization initiates housing and economic opportunities, which promotes socially vibrant centers of community life through the coordinated efforts of public, private and community organizations.
- (b) *Applicability/Establishment.*
 - (1) The CRD Overlay District may be approved and designated by County Council for any area within the county that has already had a Master Plan approved and adopted by the County Council; provided, however, the standards of such district shall remain optional, as described in subparagraph (2), below.
 - (2) Once a CRD Overlay District is applied to a designated area of the county, the development standards of the underlying district shall remain in place until such time as a property owner applies to the Planning and Development Services Department to have the standards of the CRD Overlay District apply to his/her property. Only one set of standards shall apply to any one parcel of land, and a property owner is not allowed to simultaneously use the development standards of both districts.
 - (3) Development in a CRD Overlay District shall consist of higher density mixed-use building types that accommodate retail, offices, and residential uses. Allowed uses include those uses allowed in the underlying zoning districts. Additional permitted uses and exceptions are listed in subsection (c), below. Development within identified CRD zones shall conform to the form-based standards found in subsection (d), below. The CRD Overlay District has detailed provisions for uses, building types, density, height, street design, design of public spaces, the mix of uses, building design, parking, and other aspects of the human environment.
- (c) *Permitted uses, permitted uses with special requirements, and special exceptions.*
 - (1) The following uses are NOT permitted in the CRD District:
 - a. Car and light truck washes.
 - b. Construction, building, general contractors, with outside storage.
 - c. Go-cart, motorcycle, and similar small vehicle tracks.
 - d. Manufacturing uses.

- e. Freestanding outdoor advertising signs.
 - f. Pawn shops.
 - g. Pay day lending, car title, or check cashing establishments.
 - h. Rental centers.
 - i. Repair and maintenance services, automobile.
 - j. Sexually oriented businesses.
 - k. Truck washes, medium and heavy.
 - l. Truck stops.
 - m. Warehouses, self-storage.
- (2) The following uses ARE permitted, with special requirements:
- a. Automobile rental or leasing. No vehicles for sale or rent may be displayed in any front yard, nor shall such displays be permitted to encroach on any required landscaping areas or buffer yards. All vehicle display/parking areas shall conform to dimensional and landscaping and other design standards set forth for parking areas.
 - b. Bars and Other Drinking Places. In addition to the standards in Section 26-151, “bars and other drinking places”, as a principal use, shall be subject to the standards of the CRD Overlay District and be at least 400 feet from any residential use in a residential zoning district outside of the CRD District.
 - c. Motor Cycle Dealers. Motorcycles may be displayed in a showroom only. No motorcycles for sale or rent may be displayed in outside of a showroom building.
 - d. Motor Vehicle Sales. Vehicles may be displayed in a showroom only. No vehicles for sale or rent may be displayed in outside of a showroom building.
 - e. Drive-thru Windows. Drive-thru windows for retail and office uses, where permitted, must be located to the rear of the building.
- (3) Residential uses permitted in the CRD Overlay District:

- a. The following residential uses, which may not be permitted in some existing base zoning districts, shall be permitted by-right in the CRD Overlay District as part of mixed-use projects, subject to the standards of this district:
 1. Accessory dwellings.
 2. Dwellings, single-family, detached.
 3. Dwellings, single-family, zero lot line, common.
 4. Dwellings, single-family, zero lot line, parallel.
 5. Dwellings, two-family.
 6. Dwellings, multi-family.
- b. Residential uses shall not comprise more than seventy-five (75%) percent of the square footage of a development project in the CRD Overlay District.

(d) Development Standards.

(1) Form-Based Standards:

CRD Overlay District Form-based Standards	
Building Types Allowed	Civic/Institutional House Townhouse Apartment/Loft Mixed-Use Commercial
Permitted Uses	As permitted in underlying zoning district, except as indicated in preceding sections
Max. Density (Units/Acre)	As determined by dimensional standards
Min. Height	2 stories for Mixed-Use buildings
Max. Height	Width of fronting roadway (face-of-curb to face-of-curb) ¹
Open Space Dedication	Yes ²
On-Street Parking	Allowed where permitted by SCDOT; shall be marked
Lighting	Pedestrian-Scaled; 12-16 ft
Curb	Standard
Drainage	Closed and LID ³
Street Trees	40 ft average spacing in planting strip or tree wells ⁴
Sidewalk	5-16 feet both sides ⁵



Civic/Institutional Building



House



Townhouse



Apartment/Loft



Mixed Use Building



Commercial Building

¹ The building height may increase one (1) story above a base height of three (3) stories for every 100 feet in distance from the property line of the nearest site zoned for single-family uses (RS-LD, RS-MD, RS-HD, or similar) that contain existing, single-family dwellings. The maximum height shall be as indicated above. One additional story of height above the maximum is permitted per subsection (d)(4)(a)4[b] for parking behind primary buildings.

² Dedication is required for residential development only

³ Low Impact Development techniques

⁴ Tree wells are required where ground floor retail abuts the sidewalk or right-of-way and on-street parking is provided on the fronting street.

⁵ Sidewalk Width: 6 ft min. for multi-family residential or attached residential uses along thoroughfares or collector streets; 12 ft min. (including area for tree wells) for retail, restaurants, or mixed-uses along streets with on-street parking, ground floor retail, and buildings built to the sidewalk; 16 ft min. (including area for trees wells) for outdoor seating areas along streets with on-street parking, ground floor retail, and buildings built to the sidewalk.

(2) Building Types:

The building types outlined in this Section will provide the predominant form for new CRD development. While it is expected that some new building types will be introduced in this district, these variations should be based upon the types listed in this section. Innovative planning or design ideas for development where the proposed building types are different than those allowed in the CRD Overlay District may be approved subject to review by the Planning Commission.

a. Civic & Institutional Buildings	
1. Building Type Defined	The Civic & Institutional Building type includes public buildings such as libraries, governmental offices, post offices, and schools; semi-public buildings such as museums and hospitals; and private buildings such as churches, and long-term care facilities, and non-profit or charitable offices.
2. General Standards	[a]. Buildings should be of sufficient design to create visual anchors for the community. [b]. Building(s) incidental to the principal structure shall be a minimum of 20 ft behind the front facade of the structure, and if more than one, shall be arranged to create secondary gathering spaces within the lot.
3. Façade Standards	Not applicable
4. Roof	Flat roofs are allowed, but principal buildings adjacent to residential structures are required to have pitched roofs or similar architectural features to ensure compatibility.
5. Dimensional Standards	
[a]. Lot Width ¹ (<i>Minimum</i>)	50 ft
[b]. Front Setback ² (<i>Minimum</i>)	10 ft
[c]. Front Setback ² (<i>Maximum</i>)	n/a
[d]. Front Yard Encroachment ³	10 ft
[e]. Side Setback (<i>Minimum</i>)	10 ft between buildings
[f]. Rear Setback (<i>Minimum</i>)	30 ft
[g]. Rear Setback from Alley ⁴ (<i>Minimum</i>)	n/a
[h]. Accessory Structure Side/Rear Setback (<i>Minimum</i>)	5 ft

¹ For lots less than 60 feet wide and multi-family uses, alley/rear access to all off-street parking areas is required. For lots greater than 60 feet wide, access to off-street parking is permitted from the fronting street or alley.

² Minimum setbacks along major arterials shall be 20 feet.

³ Balconies, stoops, stairs, chimneys, open porches, bay windows, and raised doorways are permitted to encroach into the front setback.

⁴ For lots that provide access to off-street parking from an alley.

	b. Detached House	c. Townhouse	d. Apartment/Loft Building
1. Building Type Defined	<p>The House has four yards (Front/Sides/Rear) though variations include setting the building on one of the side property lines to create a larger side yard on the opposite side (i.e. Charleston Single). The House is flexible in use, accommodating single family uses, multi-family uses up to four units, home occupations, professional offices, and limited retail uses. There are two House types with Alley or with Driveway based on how the lot is accessed with an automobile. In general, within a block, building types should be uniform in their use of driveways or alleys.</p>	<p>The Townhouse typically has 1 yard (Rear) though variations include a small front setback to provide some landscaping. The townhouse is a building with two or more residential units that are located side-by-side. When an entrance is provided at-grade, the townhouse may be used as a live-work unit. The use permitted within the building is determined by the approved site plan.</p>	<p>The Apartment/Loft Building typically has 1 yard (Rear) though variations include a small front setback to provide landscaping. A multiple-unit building with units vertically arranged (generally) and with parking located below or behind the building. Units may be for rental or for sale in condominium ownership or may be designed as continuing care facilities. The ground floor may be available for commercial uses. The uses permitted within the building are determined by the approved site plan.</p>
2. Ground Level Treatment	<p>[a]. Raised Entries: To provide privacy, all residential entrances within 15 of the sidewalk shall be raised from the finished grade (at the building line) a minimum of 1½ feet. [b]. Porches: Useable porches and stoops should form a predominate motif of the building design and be located on the front and/or side of the building. Useable front porches are at least six (6) feet deep and twelve (12) feet in width. [c]. Crawlspace: The crawlspace of buildings shall be enclosed.</p>		
3. Façade	Not applicable	<p>[a]. Detailed Design: All building elevations visible from the street shall provide doors, porches, balconies, and/or windows. A minimum of 60% of front elevations, and a minimum of 30% of side and rear building elevations, as applicable, shall meet this standard. “Percent of elevation” is measured as the horizontal plane (lineal feet) containing</p>	

		doors, porches, balconies, terraces and/or windows. This standard applies to each full and partial building story.
4. Roof and Eaves	<p>[a]. Main roofs on detached house and townhouse buildings shall have a pitch between 8:12 and 12:12. Monopitch (shed) roofs are allowed only if they are attached to the wall of the main building. No monopitch roof shall have a pitch less than 4:12. A pitched roof shall be profiled by eaves a minimum of 6 inches from the building face or with a gutter.</p> <p>[b]. Overhanging eaves may expose rafters. Flush eaves shall be finished by profiled molding or gutters.</p> <p>[c]. All rooftop equipment shall be screened from view.</p> <p>[d]. Apartment/Loft buildings may have roof pitches less than 3:12 and flat roofs, however such roofs will require a parapet wall.</p>	

	b. Detached House	c. Townhouse	d. Apartment/Loft Building
5. Garage	<p>[a]. Garage doors are not permitted on the front elevation of any detached house on a lot less than 50 feet wide.</p> <p>[b]. Garages with front loading bays shall be recessed from the front facade of the house by a minimum of five (5) feet and visually designed to form a secondary building volume. Garage doors shall be a minimum of twenty (20) feet from the back of sidewalk.</p> <p>[c]. At no time shall the width of an attached garage exceed 40% of the total building facade.</p>		[a]. Garage doors are not permitted on the front elevation.
6. Materials	<p>[a]. Building Walls: Residential building walls shall be primarily clad in wood clapboard, cementitious fiber board, wood shingle, wood drop siding, primed board, wood board and batten, brick, stone, stucco, vinyl, or synthetic materials similar and/or superior in appearance and</p>		

	durability. [b]. Roof Materials: Residential roofs shall be clad in wood shingles, standing seam metal, terne, slate, dimensional asphalt shingles or synthetic materials similar and/or superior in appearance and durability.		
7. Dimensional Standards			
[a]. Lot Width ¹ (Minimum)	30 ft	n/a	n/a
[b]. Front Setback ² (Minimum)	10 ft	0 ft	0 ft
[c]. Front Setback ² (Maximum)	n/a	25 ft	25 ft
[d]. Front Yard Encroachment ³	5 ft	5 ft ⁵	8 ft ⁵
[e]. Side Setback (Minimum)	20% of lot width ⁶	10 ft between buildings	10 ft between buildings
[f]. Rear Setback (Minimum)	5 ft	5 ft	5 ft
[g]. Rear Setback from Alley ⁴ (Minimum)	15 ft from centerline	15 ft from centerline	15 ft from centerline

¹ For lots less than 50 feet wide and multi-family uses, alley/rear access to all off-street parking areas is required. For lots greater than 50 feet wide, access to off-street parking is permitted from the fronting street or alley.

² Unless setbacks for specific streets are established by an approved Redevelopment Plan.

³ Balconies, stoops, stairs, chimneys, open porches, bay windows, and raised doorways are permitted to encroach into the front setback.

⁴ For lots that provide access to off-street parking from an alley

⁵ Upper story balconies may encroach into the right-of-way (over sidewalk only) with permission from the County and/or SCDOT.

⁶ In new developments, the entire setback may be allocated to one side with a minimum of 6 feet of total building separation, providing the setback condition is consistent with the block.

	e. Mixed-Use Building	f. Commercial Building
1. Building Type Defined	A multi-story small scale structure which can accommodate a variety of uses. A group of mixed-use buildings can be combined to form a mixed-use neighborhood center. Individual mixed-use buildings can be used to provide some commercial service, such as a neighborhood store, in close proximity to homes. The Mixed-Use Building typically has 1 yard	A single or multi-story medium to large structure which generally accommodates automobile-oriented uses that are found along major thoroughfares. A group of commercial buildings can be combined to form a community center. This building type provides convenient automobile access from the fronting thoroughfare, while minimizing the negative impacts of

	(Rear) though variations include a small front plaza or courtyard to provide public space for outdoor seating as well as a building with complete lot coverage where an alternative to on-site surface parking is provided.	parking lots on an active pedestrian realm. The Commercial Building typically has 1 yard (Rear) though variations include: (1) a small front plaza or courtyard to provide public space for outdoor seating; or (2) a building with complete lot coverage where parking is handled in a manner other than on-site surface parking.
2. Minimum Height	2 Stories	Not Applicable
3. Ground Level Treatment	<p>[a]. Street Walls: The first floors of all mixed-use and commercial buildings shall be designed to encourage and complement pedestrian-style interest and activity by incorporating the following elements:</p> <p>[b]. Canopies/Awnings: A building canopy, awning, or similar weather protection may be provided and should project a minimum of 3-5 feet from the façade.</p> <p>[c]. Blank Walls: Expanses of blank walls may not exceed 20 feet in length. (A "blank wall" is a facade that does not contain transparent windows or doors.)</p> <p>[d]. Ventilation grates or emergency exit doors located at the first floor level in the building facade, which are oriented to any public street, shall be decorative.</p>	
4. Fenestration	<p>[a]. Windows and Doors: The first floor of all buildings fronting directly on a street shall include transparent windows and doors arranged so that the uses inside are visible from and/or accessible to the street on at least 60% of the length of the first floor building elevation along the first floor street frontage.</p> <p>[b]. Building Entrances: A primary entrance facade shall be oriented toward the street, be designed for the pedestrian, and be distinguishable from the rest of the building. Such entrances shall provide a sense of entry and add variety to the streetscape. Additional entrances may be oriented toward side or rear parking lots. Service entrances for shipping and receiving shall be oriented away from the public street.</p>	

	e. Mixed-Use Building	f. Commercial Building
5. Materials	<p>Building Walls: Commercial building walls shall be brick, stone, cementitious fiber board, or wood clapboard. Regular or decorative concrete block and EIFS-type stucco may be used on building walls not visible from a public street or as an accent material only. All accessory buildings shall be clad in materials similar in appearance to the principal structure.</p>	

6. Dimensional Standards		
[a]. Lot Width ¹ (Minimum)	32 ft	32 ft
[b]. Front Setback ² (Minimum)	0 ft	0 ft (10 ft from major arterials)
[c]. Front Setback ² (Maximum)	10 ft	20 ft (minor arterial/collector) 50 ft (major arterial)
[d]. Front Yard Encroachment ³	8 ft ⁵	8 ft ⁵
[e]. Side Setback (Minimum)	0 ft within development, otherwise 5 ft	0 ft within development, otherwise 5 ft
[f]. Rear Setback (Minimum)	0 ft	0 ft
[g]. Rear Setback from Alley ⁴ (Minimum)	0 ft	0 ft

¹ For lots less than 50 feet wide and multi-family uses, alley/rear access to all off-street parking areas is required. For lots greater than 50 feet wide, access to off-street parking is permitted from the fronting street or alley.
² Unless setbacks for specific streets are established by an approved Redevelopment Plan.
³ Balconies, stoops, stairs, chimneys, open porches, bay windows, and raised doorways are permitted to encroach into the front setback.
⁴ For lots that provide access to off-street parking from an alley
⁵ Upper story balconies may encroach into the right-of-way (over sidewalk only) with permission from the County and SCDOT.

(3) Landscaping, Bufferyard, and Screening Standards:

- a. Bufferyards: Where a proposed use in a CRD Overlay District abuts a lower impact residential use in a residential zoning district outside of the CRD District, landscaping and bufferyards shall be provided in accordance with Section 26-176 of this chapter. However, in order to provide a continuous pedestrian transition for residential neighborhoods and commercial areas within CRD developments, institutional, office/commercial, or recreational land use categories shall not be separated from residential land use categories by berms or buffers.
- b. Solid Waste Storage Areas: All trash containment devices – including compactors, dumpsters, commercial roll-out bins, and areas for storing cardboard – shall be located and designed so as not to be visible from the view of nearby streets and properties and shall be placed in the side or rear yards only, away from pedestrian circulation routes.

1. In all cases, trash containment devices shall be enclosed to prevent windblown litter. The enclosure shall be at least as high as the highest point of the container.
 2. The enclosure shall be made of a material that is opaque at the time of installation and compatible with and/or similar to the design and materials of the principal building. Landscaping that will reach at least 6 feet in height at maturity shall be provided around the enclosure where it abuts a single family residential use or zoning district.
- c. Mechanical and Utility Equipment: Mechanical and utility equipment shall be screened from view from nearby streets and properties in the same manner as trash containment areas. If the equipment is not visible off-site, then it need not be screened. The type of screening used shall be determined based on the proposed location of the equipment, existing site conditions, and the type and amount of existing and proposed vegetation on the site.
1. Ground Mounted: Ground mounted equipment shall be located in the rear or side yard and screened.
 2. Roof Mounted: Such equipment located on the roof of the building shall be made invisible from nearby streets and properties through the use of setbacks from the edge of the roof or through the use of a screen exceeding the height of the equipment and using building materials and design which are compatible with those used for the exterior of the building.
- (4) Parking/Loading Standards: Except as otherwise provided in this section, parking and loading facilities shall be provided as required by Section 26-173 and Section 26-174 of this chapter. However, due to the intended pedestrian nature of the CRD Overlay District area, minimum parking requirements are reduced, parking maximums established, on-street parking encouraged, and bicycle parking required.
- a. Off-Street parking:
1. Parking Ratios for Motor Vehicle Parking:

Use Type	Auto Parking Spaces ¹	
	Minimum Required	Maximum Permitted
Residential	1 per unit	2 per unit
Lodging	1 per room or suite	
Office/Service Uses	1 per 1000 sq ft	3 per 1000 sq ft
Retail Uses	1 per 1000 sq ft	3 per 1000 sq ft
Restaurants	1 per 4 seats	1 per 2 seats
Entertainment/ Recreation Uses	1 per 1000 sq ft	6 per 1000 sq ft
Theaters	1 per 4 seats	
Civic/Institutional (Schools)	1 per 1000 sq ft	
Civic/Institutional (Non-Assembly Uses, e.g. Hospital, Public Safety Station)	1 per 1000 sq ft	
Civic/Institutional Uses (Assembly Uses Only, e.g., Religious Institutions)	1 per 8 seats (or 1 per 12 ft for benches or pews)	

¹ All square footage is in gross square feet.

2. Small retail and service/business uses: Uses involving a gross floor area of less than twenty-five hundred (2,500) square feet shall not require on-site parking, provided that the required parking is available within a six hundred (600) foot radius of the activity.
3. Shared Parking: Shared parking is encouraged for all uses and shall meet the requirements of Section 26-173(e)(2).
4. Location:
 - [a] No off-street parking shall be located within any front yard except parking for disabled or drop off spaces.
 - [b] For non-residential buildings, no more than 33% of the lot width may be allocated to parking on the side of the building. Commercial and Mixed-Use buildings that provide 100% of the parking to the rear of the building shall be permitted one additional story of height above the maximum building height permitted.
 - [c] All off-street parking spaces for townhouse and multi-family buildings shall be in the rear yard only and access to any garages shall be from the rear.

[d] Parking areas in the side yards shall be located a minimum of 10 feet behind the frontage line of the building.

[e] Where primary parking abuts sidewalks or roads within the CRD District, screening, a minimum of four (4) feet in height, shall be erected on the frontage line, where primary parking lots are located. This screening requirement may be met by the use of walls or densely planted vegetation, providing for visual obstruction of the parking area from the abutting road(s).



Where primary parking abuts sidewalks or roads, screening, a minimum of four (4) feet in height, shall be erected on the frontage line.

[f] Primary parking lots (over 24 spaces) and parking garages shall not:

[1] Abut street intersections;

[2] Be located adjacent to squares or parks; or

[3] Occupy lots which terminate a street vista.

5. Paving Material: Surface parking spaces provided in excess of the minimum required shall be paved with porous paving blocks or other engineered, permeable paving material.

6. Connections: Adjacent parking lots shall have vehicular connections and/or shall have vehicular connections from an alley.

7. Transit Stop Provision: Developments that provide a covered transit stop with seating and approved by the Central Midlands Regional Transit Authority (CMRTA) along an existing or planned transit route shall be allowed to reduce their required off-street parking by ten (10) spaces.

b. On-Street parking: On-street parking is encouraged on all streets in CRD Districts. On-street parking shall count toward any minimum parking requirements. The provision of on-street parking on thoroughfare or collector streets within the CRD Overlay District will require the coordination with SCDOT and appropriate County

agencies and may require modification of the existing curblin at the expense of the property owner or developer.

- c. **Bicycle Parking:** Bicycle parking for all non-residential uses and for residential uses of more than four (4) units per building is required. Bicycle parking shall be provided based on the use of the building and the number of motor vehicle parking spaces. Where fewer than 2 bicycle spaces are required, at least two spaces or one rack must be provided.

Use Type	Required Bicycle Parking Spaces per 100 Auto Spaces	Maximum Number of Bicycle Spaces
Multi-family Residential (4 or more units/building only) Office/Business Services Retail Trade (except Lodging) Institutional/Civic (Non-Assembly Uses)	5	20
Lodging Wholesale/Manufacturing/Industrial Institutional/Civic (Assembly Uses Only)	2	20
Institutional/Civic (Schools)	10	No max.

- 1. **Required Racks:** “Inverted U” type racks or other racks that support the bicycle at two points on the bicycle frame are required. A single inverted U rack shall count as two bicycle parking spaces. Long term bicycle parking, which protects the entire bicycle and its components from theft, vandalism, and weather (such as bike lockers, locked rooms) may be provided for use by employees, residents, and students and may count toward fulfillment of the bicycle parking requirements.



Example of an “Inverted U” bicycle rack. This rack will hold two bikes.

Photo by City of Charlotte

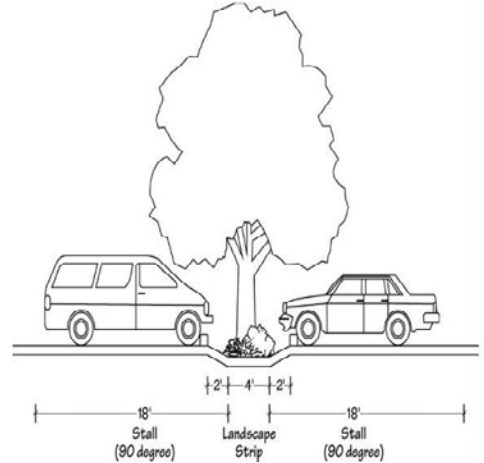
- 2. **Bicycle Rack Siting and Dimensions:**
 - [a] Racks shall be secured to the ground on a hard surface such as concrete, asphalt, or unit pavers.
 - [b] Each bicycle parking space shall provide six (6) feet by two (2) feet in area per bicycle plus the area needed for access.

- [c] Bicycle racks shall be located no closer than five (5) feet from any wall or three (3) feet from face of curb to provide adequate space for access and maneuvering.
 - [d] At least four (4) feet between parallel racks shall be provided for access.
 - [e] Bicycle racks installed on sidewalks shall provide for a clear, unobstructed width of at least five (5) feet for pedestrians and shall be installed parallel to the curb.
 - [f] Racks should be placed along a major building approach line and clearly visible from the approach and no more than 50 feet from building entrances or no further than the closest motor vehicle parking space, whichever is less. Rack placement should allow for visual monitoring by persons within the building and/or persons entering the building.
 - [g] If required bicycle parking is not visible from the street or main building entrance, a sign shall be posted at the main entrance indicating the location of the parking.
 - [h] Uses with several major, actively used entrances shall locate a portion of the required bicycle parking at each entrance.
- d. Loading: Loading areas shall be to the rear of the principal building and may adjoin alleys or parking areas.
- e. Parking Area Landscaping: Parking lots shall be landscaped in accordance with the standards in Section 26-176(g), Vehicular Surface Area Landscaping, except as specified below.
1. Vehicle Surface Area Interior Landscaping: Vehicle parking areas are to be planted with one (1) large shade tree for every five (5) parking spaces.
 2. Bioretention: Required Vehicle Surface Area Interior Landscaping (Section 26-176(g)(3)) may be substituted with one or more consolidated bioretention areas with minimum side dimensions measuring at least 38 X 12 feet each. Bioretention areas shall be designed and landscaped to trap and mitigate runoff from paved surfaces consistent with the description and intent of EPA Storm Water Technology Fact

Sheet - Bioretention (EPA 832-F-99-012, September 1999), or equivalent. Bioretention areas may be sited anywhere in the parking lot that is convenient to capture stormwater and manage parking lot traffic and facilitate pedestrian use, including adjacent to and connecting with vegetated areas on the perimeter of a parking lot. Bioretention areas shall be considered part of the minimum required open space.

3. A portion of a parking space may be landscaped instead of paved, as follows:

[a] The landscaped area may include up to 2 feet of the front of the parking space as measured from a line parallel to the direction of the bumper of a vehicle using the space, as shown at right;



[b] Landscaping must be ground cover plants; and

[c] The landscaping may count towards any parking lot interior landscaping requirements and toward any overall site landscaping requirements. However, the landscaped area does not count toward perimeter landscaping requirements.

Required parking landscaped areas may include up to 2 feet of the front of a parking space as measured from a line parallel to the direction of the bumper of a vehicle using the space, as shown.

4. Garbage Receptacles: For every 100 parking spaces, one garbage receptacle shall be provided and centrally located in parking areas.

f. Parking Structures:

1. Liner Buildings Required: The ground-level of a parking structure shall be wrapped by retail, office or some other active use along at least the primary façade. All levels of a structured parking facility shall be designed and screened in such a way as to minimize visibility of parked cars from surrounding streets.

2. **High-Quality Materials:** Parking structure facades shall be treated with high quality materials and given vertical articulation and emphasis compatible to the principal structure. The façade should be designed to visually screen cars. In no instance will rails or cabling alone be sufficient to meet this screening requirement.
 3. **Clear Entries:** Pedestrian entries shall be clearly visible. The vertical circulation should not be located in the center of the structure or so that it is difficult or circuitous to locate.
 4. **Vents and Utility Openings:** In addition to the above requirements, in the event that any openings for ventilation, service, or emergency access are located at the first floor level in the building façade, then they shall be an integral part of the overall building design. These openings as well as pedestrian and vehicular entrances shall be designed to minimize visibility of parked cars. The remainder of the street level frontage shall be either commercial space or an architecturally articulated façade designed to minimize the visibility of parked cars.
- g. **Circulation Drives:** Along major thoroughfares, a circulation drive may be permitted around the front of the building but may not encroach into the front setback or any required landscape area. If provided, this drive shall be designed to be the minimal width required for one-way circulation (not to exceed 12 feet in width) and shall be constructed using alternative paving treatments such as pavers or stamped concrete.

(5) **Sidewalk and pedestrian amenities:**

- a. **Sidewalks:** Sidewalks shall be constructed along both sides of all streets in CRD overlay districts.
 1. Sidewalks on local streets shall be a minimum of 5 feet in width.
 2. Sidewalks on collectors or arterials shall be a minimum of 6 feet in width. Sidewalks should be a minimum of 8 feet in front of retail uses within 10 feet of the right-of-

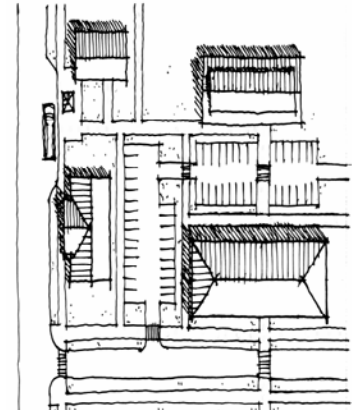


Typical sidewalks in mixed-use commercial areas should be 12-16 feet wide to encourage outdoor seating while providing adequate passing clearance

way. Sidewalks located in a mixed-use area with sidewalk-fronting, ground-floor retail and on-street parking may extend from the back of curb to the buildings and/or plaza areas and shall be a minimum of 12 feet wide. When outdoor, café-seating is expected, the sidewalk shall be a minimum of 16 feet wide.

b. Pedestrian Network:

1. Developers shall provide a complete network of pedestrian paths that interconnect building entrances, parking, transit stops, public sidewalks and crosswalks, adjacent properties, adjoining off-street paths, and other key destinations on or adjacent to the site. If no immediate benefit can be derived from pedestrian links between adjoining properties, a future at-grade link shall be provided for through a construction easement to the adjoining property.

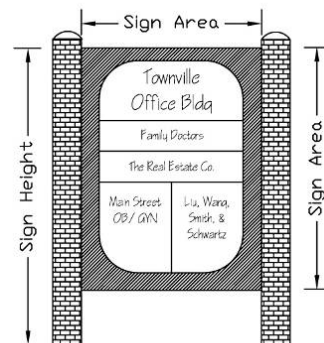


Provide a complete network of pathways and sidewalks to buildings and through parking areas

2. Pedestrian pathways shall be provided from buildings to the sidewalk and through parking areas to ensure safe, direct, and convenient pedestrian access to building entrances and off-street parking.

(6) Signs: Sign standards shall be governed by Section 26-180 of this Chapter with the following exceptions:

- a. Existing signs not conforming to the standards above shall be governed by the provisions of sub-section 26-180(o), Non-conforming Signs. Furthermore, all existing non-conforming signs must be removed in order to utilize the CRD Overlay provisions.
- b. No permanent detached pole signs shall be permitted in the CRD District.
- c. Ground mounted or monument signs are allowed as follows:



1. Not to exceed 5 feet in height and forty (40) square feet in area per side.
 2. Up to an additional fifteen (15) square feet of sign area is permitted for a monument sign that has a rock or brick base and a routed or sandblasted sign that is made out of wood.
 3. Located behind the right-of-way and out of any sight distance triangle prescribed by SCDOT and Richland County Public Works.
- d. No outdoor advertising signs will be permitted.
- e. Signs are allowed to project nine (9) feet into the required setback or one-half the width of the required setback, whichever is less. A minimum overhead clearance of eight (8) feet from the sidewalk must be maintained.
- (7) Recreation/Open Space Standards: All CRD developments that include residential units shall be required to dedicate open space. The amount of useable open space required for dedication shall be determined using the Open Space Dedication Matrix below. Unless otherwise specified below, the requirements of Section 26-186 of this chapter shall apply. (Ord. No. 003-12HR; 1-17-12)
- a. Open Space Dedication Requirements: This matrix has been developed with regard to the availability of accessible open space in close proximity to the proposed development. Credits are granted to developments within a ¼ mile (5 minute) walk (along sidewalks or other pedestrian access) to existing, publicly dedicated open space (parks, greenways, etc.). Developments that are adjacent to existing publicly dedicated open space are granted a fifty (50%) percent reduction in required dedication.

		Required Open Space
REQUIRED OPEN SPACE PER RESIDENTIAL UNIT	Base open space required	200 sq ft per residential unit
	Within ¼ mile of public park	100 sq ft per residential unit
	Adjacent to public park	None required
Mixed-Use Development		2% of Lot or Development

b. Payment in Lieu of Dedication of Open Space:

1. The County Council may, at its discretion, accept either an equitable amount of land in another location within ½ mile of the development site or a fee paid to the County in lieu of dedication. A combination of recreational open space dedication and payments-in-lieu of dedication may be permitted. The following formula shall be used to determine the fee:

$$\frac{\text{Post Development Appraised Value of Entire Development} \times \text{Required Recreational Open Space Dedication}}{\text{Payment in Lieu Dedication Fee}}$$

2. The Post Development Appraised Value of the entire development shall be established by an appraiser who is a member of the American Institute of Real Estate Appraisers.
3. Payments-in-lieu-of-dedication shall be approved as part of the development plan. Any disagreement in the amount of required payment shall be resolved by conducting a professional appraisal of the fair market value of the property. The professional appraiser shall be mutually agreed upon by the developer and County. An appraiser shall be appointed by the County should an agreement not be reached. All payments made in lieu of dedication shall be made at the time of preliminary plat approval. Failure to submit the required fee along with such applications will delay approval of such submissions until payment is rendered. All funds received for payment in lieu of dedication shall be deposited in a special fund or line item to be used only for the acquisition, development, or redevelopment of public recreation space within the CRD Overlay District or other approved location.
4. Reasons for payments-in-lieu-of-dedication may include, but are not limited to, proximity to existing public parks and/or existing topographic or geographic conditions.

c. Open Space Improvement Standards:

1. Inaccessible Land: No more than 25% of open space may be provided in “inaccessible land”, including: any land where no zoning or building permits may be issued (such as dedicated easements and rights-of-way – except those existing only to protect underground utilities such as water or sewer lines – wetlands, bodies of water, etc., as determined by County

Planning staff); and, any land with a post-development slope greater than 3:1, which would severely limit its usefulness as open space.

2. Natural Areas: Significant stands of trees, streambed areas, and other valuable topographic features shall be preserved within the required open space areas where practical. Areas noted on the adopted Redevelopment Plan as open space should be preserved and dedicated where practical and feasible and may be left unimproved in accordance with the plan (e.g., greenways).
3. Location: The design and location of public open space on a site is perhaps the most important determinant in a successful pedestrian environment. To ensure that public open space is well-used, it is essential to locate and design it carefully.

- [a] Public open space should be fronted by streets and buildings to encourage their use and patrol their safety.



Public open space may be raised from the street grade and/or have on-street parking along its perimeter to help define its edges

- [b] The space should be located where it is visible and easily accessible from homes and public areas (building entrances, streets, sidewalks). No residential unit shall be more than one thousand (1,000) feet from any dedicated open space.

- [c] Take views and sun exposure into account in design and location.

- [d] The space should be well-buffered from moving cars so that users can enjoy and relax in the space.



An "outdoor room" is created by surrounding an open plaza or greenspace with buildings.

- [e] The space may be visible from streets or internal drives but should not be wholly exposed to them.

- [f] Partially enclose the space with building walls, freestanding walls, landscaping, raised planters, or on-street parking to help buffer it and create comfortable "outdoor rooms".

4. **Public Seating:** Publicly accessible places to sit in the public realm are important not only as basic amenities, but also in encouraging casual social interaction. Seating can be both formal and informal, including both park benches on the tops of garden walls or monumental stairs at the entrance to public buildings. Planter walls should be set at a maximum height of 2½ feet to allow for their use as seating. Moveable chairs and sidewalk cafes are strongly encouraged in public open spaces in the CRD Overlay District.
5. **Minimum Amenities:** The following requirements apply to squares, plazas and other urban open spaces in the CRD Overlay District:

- [a] One (1) tree (3 inch caliper minimum measured 6" above the ground at installation) to be planted in at least 350 square feet of soil for every 1,000 square feet of provided open space.



Photo by Col Jensen & Stone

Provide amenities such as landscaping and seating in open space to encourage its use.

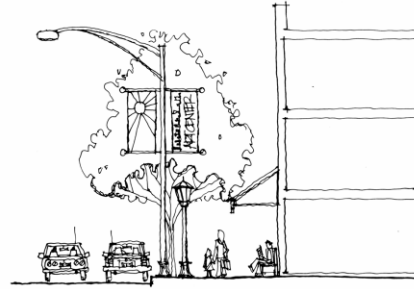
- [b] A minimum of twenty-five (25) linear feet of seating should be provided for every 1,000 square feet of open space. Seating should be more than 12 inches and less than 30 inches in height and not less than 16 inches in depth. Seating more than 28 inches in depth and accessible from two sides should count double. Moveable chairs are encouraged and each count as 2 ½ linear feet of suggested seating.
- [c] At least half of the open space should be at street level.
- [d] Playground equipment, statues, and fountains, if provided, should be located toward the interior of squares and parks.
- [e] One (1) water tap for each five thousand (5,000) square feet of each landscaped open space.
- [f] One (1) garbage receptacle for each five thousand (5,000) square feet of each physically separated open space.

- (8) Building Design and Operation Standards:
- a. Lots and Buildings:
 - 1. Lot Frontage: All lots shall front a street, square or common open space. (Exception: Buildings which are interior to a site that has buildings that otherwise meet the frontage requirement).
 - 2. Corner Lots: Buildings located at street intersections must place the main building, or part of the building, at the corner.
 - 3. Setbacks: A building may be set back to create an “outdoor room” or patio/café seating.
 - 4. Adjacent Lots: For similarly used properties, the grade of adjacent lots should match where the properties meet. If there is a significant grade difference, development should create an attractive transition using creative grading and landscaping or a decorative retaining wall, incorporating vehicular and pedestrian cross-access. Avoid using a blank or unscreened concrete retaining wall or rock covered slope.
 - 5. Termination of Vistas: Important street vistas (such as along gateways and primary pedestrian streets) should terminate in a focal point, such as a building or other architectural or landscape feature.
 - 6. General Building Design Standards:
 - [a] Entryway: The main entrance of all principal structures shall open to a road, square, or common open space of at least twenty (20) square feet in area.
 - [b] Architectural Style: The building design standards of this Chapter intentionally do not mandate a particular style and permit a wide variety of architectural expressions. However, when a design exhibits a known architectural style (i.e., Colonial, Victorian, Classical Revival) the details shall be consistent with that style unless the local architectural vernacular of Richland County provides an alternate precedent for a detail or element.
- (9) Streets: Streets in the CRD Overlay District should permit the comfortable use of the street by motorists, cyclists, and pedestrians. Pavement widths, design speeds, and the number of vehicle lanes should be minimized without

compromising safety. The specific design of any given street must consider the buildings which front on the street and the relationship of the street to the area's street network.

- a. **Connectivity:** Streets shall interconnect within a development and with adjoining development. Street stubs should be provided with development adjacent to open land to provide for future connections.

- b. **Streetscape Design:** All new development or expansions to existing development shall be required to build or upgrade their street frontage in accordance with the following standards or standards established in an adopted Redevelopment Plan:



A typical mixed-use streetscape in a commercial area with on-street parking, lighting, street trees, seating, and sidewalks.

- 1. **On-Street Parking:** All on-street parking should be parallel. Angle parking is permitted in front of high traffic retail locations and where the posted speed is 25 mph or less.

- 2. **Access Management:** Developments should minimize or eliminate curb cuts (driveways) along arterials. In general, curb cuts should be spaced no closer than 600 feet apart.

- [a] Where possible, vehicular access should be shared with the adjacent properties and/or alleys should be utilized for access. Developments that share access may reduce their required Vehicle Surface Area Interior Landscaping requirements by twenty-five (25%) percent.

- [b] Where a development is sited at a corner location, primary access shall be from the secondary street.

- [c] All lots, parcels, or any other division of land adjacent to an arterial roadway may be allowed driveways or street connections in accordance with the following table:

Parcel Frontage (feet)	Number of Driveways Allowed
< 600	1
601-1200	2
>1201	3

3. Curb-Return Radii: Curb radii shall be designed to reduce pedestrian crossing times along all streets requiring sidewalks. In general, curb radii should not exceed twenty (20) feet.
4. Curbs and Drainage: Standard curbing is required along all streets with on-street parking. All drainage grates, if provided, must be safe for bicyclists (grating must be perpendicular or diagonal to the street centerline).
5. Street Trees/Planting Strips: Street trees shall be planted between the street and the sidewalk for all new development. Trees shall be planted in planting strips or in tree wells with tree grates located between the curb and the sidewalk. Street trees shall substitute for required Street Protective Yard requirements (Section 26-176(e)), except where buildings are set back more than forty (40) feet from the right-of-way, in which case street trees and Street Protective Yards shall be required.
 - [a] Shade trees shall be installed at a minimum average distance of forty (40) feet on-center. Where overhead utilities exist prior to development, ornamental trees shall be substituted.
 - [b] Planting strips shall have minimum width of six (6) feet where ornamental trees are to be used and eight (8) feet where shade trees are required.
 - [c] Trees shall be planted in tree wells with tree grates in areas of mixed-use development where street frontages contain ground floor retail uses and on-street parking.
 - [d] A consistent variety and species of street trees shall be maintained by street, but adjacent streets shall use different species for variety and as a precaution against blight.
6. Outdoor Seating: Where uses such as outdoor seating for cafés and restaurants use the public sidewalk, there shall be a minimum of four (4) feet of clearance for adequate passing distance by pedestrians.
7. Street Lighting: Street furnishings in residential and retail areas shall include decorative, pedestrian-scale street lights no taller than twelve (12) to eighteen (18) feet.

8. Roadway Design: The road standards for the CRD Overlay District may be different from those set forth in Sec. 26-181 of this chapter, but must be approved by the county engineer during the CRD Overlay District review process. Reduced roadway widths are encouraged for traffic calming and due to a pedestrian-oriented approach to travel in a CRD Overlay District.
 9. Alleys: Alleys are encouraged at the rear of building lots within the CRD District, except when topography or physical features makes such alleyways impractical. Dead end alleys are prohibited.
 10. Street furnishings: Street furnishings shall be included in the CRD District streetscapes. Such furnishings shall include, but not be limited to: pedestrian scale decorative street lights, benches, trash cans, and bicycle parking racks.
 11. Traffic Impact Assessment: A Traffic Impact Assessment, conducted by a registered engineer, must accompany a submission for all CRD Overlay District developments with an estimated trip generation of 3,000 vehicles per day or greater during an average weekday based on a five day national average as defined in the ITE Trip Generation Manual. The plan shall analyze the multi-modal transportation impacts of the proposed development and include proposals for handling all impacts noted. (Typically, the following developments meet or exceed the 3,000 vehicles per day threshold: 300 residential units; 55,000 square feet of retail; 250,000 square feet of office space; 350 room hotel.) (Ord. 038-09HR; 7-21-09)
 12. Utilities: To the extent possible, utilities (and associated pedestals, cabinets, junction boxes, and transformers), including electric, cable, telephone, and natural gas service, shall be located within alley right-of-ways, or behind buildings. Domestic water service and sanitary sewer must be located in such a way to cause the least impact to the streetscape planting strip and required street trees. Unless otherwise approved by the Planning Commission and the County Council, all utilities shall be placed underground.
- (e) Site Plan. The CRD site plan shall include all aspects of the spatial relationships proposed for the development, including:

- (1) Layout and dimensions of lots, setbacks, roadways, alleys, open spaces and all information required to define the relationships within the streetscapes;
 - (2) Street Sections; and
 - (3) Building elevations.
- (f) Consistency with the Comprehensive Plan. The proposed Redevelopment Plan Area must be consistent with and compliment the *Richland County Comprehensive Plan*, the land use plan, and the capital improvement plan for the planning area in which it is located. In addition, it is recommended that the Redevelopment Plan be more clearly defined in the Comprehensive Plan update.

Sec. 26-110. DBWP Decker Boulevard/Woodfield Park Neighborhood Redevelopment Overlay District.

(Ord. 005-09HR; 2-17-09)

- (a) *Purpose.* The DBWP Neighborhood Overlay District is intended to promote the revitalization of the existing vacant, neglected or abandoned residential property in this area. This is sought through encouraging the reinvestment in and reuse of these locations in a manner that promotes the infill for housing, consistent with the Comprehensive Plan for Richland County. This infill revitalization initiates many housing and economic opportunities and promotes more socially active and environmentally responsible communities in conjunction with public, private and community organizations.
- (b) *Applicability/Establishment.*
 - (1) The DBWP Neighborhood Overlay District may be approved and designated by County Council for any area within the county that has already had a Master Plan approved and adopted by the County Council; provided, however, the standards of such district shall remain optional, as described in subparagraph (2), below.
 - (2) Once a DBWP Neighborhood Overlay District is applied to a designated area of the county, the development standards of the underlying district shall remain in place until such time as a property owner applies to the Planning and Development Services Department to have the standards of the DBWP Neighborhood Overlay District apply to his/her property. Only one set of standards shall apply to any one parcel of land, and a property owner is not allowed to simultaneously use the development standards of both districts.
- (c) *Permitted uses.* In addition to uses permitted in the underlying zone, the following uses are permitted in the DBWP Neighborhood Overlay District:
 - (1) *Residential.*
 - a. One single-family detached dwelling and one accessory structure (which may contain a dwelling unit) per lot is allowed.
 - b. Duets, Triplexes, attached Single Family Dwellings, townhomes and other single and multi-family dwelling units (up to four) that meet required overlay setback standards [see subsection (e) (1) below].
 - c. Home occupations are allowed if the use is clearly secondary to the use of the dwelling for residential purposes, and does not change the residential character of the dwelling.

- (2) *Commercial/Employment.* Small-scale commercial and mixed use development is allowed, subject to special standards. Commercial/employment uses may be mixed vertically or horizontally with residential uses. First floor space of a multi-floor building (live/work units) shall be restricted to non-residential use, if such building is located on a corner lot or is on a lot that is contiguous to a commercial use, in areas of predominately commercial uses, along Decker Boulevard and where the following roads run northeast to their intersections with Dupont Drive: Foxcroft Road, Omega Drive, Quiet Lane, Robin Nest Road, Castle Pinckney Road, Coral Vine Lane, and Cermack Street, Percival Road, and East Boundary Road.

All sites shall have frontage onto a collector or arterial street. Hours of operation shall be limited from 6:00 am to 10:00 pm. The uses displayed below and individually listed in Table 26-V-0 are permitted, with the exception that an individual use shall not exceed one thousand to five thousand (1,000 - 5,000) square feet in gross floor area:

- a. Daytime Child Care Facilities
- b. Food establishments
- c. Business, Professional and Personal Services (including specific repair services)
- d. Light Retail
- e. Other uses similar to those listed in a.- d., above (subject to approval by the Planning Staff and Planning Commission).

- (3) *Civic/Institutional.* Civic or institutional uses listed in table 26-V-0 shall be integrated vertically or horizontally with residential. Locations are restricted to parcels that exist along streets detailed for commercial/employment use.

(d) *Minimum lot area:* 5,400 square feet, or as determined by DHEC, but in no case shall it be less than 5,400 square feet.

(e) *Design Standards.* Design Standards are adopted to ensure the physical character of projects within the DBWP and to allow the optional development and redevelopment of land consistent with current neighborhood character, along with a traditional neighborhood design approach, to guide this district under smart growth principles.

- (1) *Compact Design.* In order to create a compact design that encourages the Traditional Neighborhood Design (TND) approach, the following standards of density and dimensions will be included in any DBWP proposal. The setbacks for residential dwelling units and mixed residential development

(excluding open spaces) shall be determined as follows:

a. *Building Setback, Front.*

1. Single-family detached residences shall have a building setback with a minimum of ten (10) feet and a maximum of fifteen (15) feet.
2. Single-family attached residences, multi-family residences, and mixed use buildings shall have a building setback with a minimum of five (5) feet and a maximum of ten (10) feet; provided, however, if the building is on a major arterial road, a ten (10) foot setback is required.

b. *Building Setback, Rear - Residential.* The principal building on lots devoted to any residential use, including mixed-use, shall be setback no less than five (5) feet from the rear lot line.

c. *Side Setbacks.*

1. Provisions (through plan review) for zero lot-line single-family and multi-family dwellings shall be made, provided that a reciprocal access easement is recorded for both lots and townhouses or other attached dwellings, and provided that all dwellings have pedestrian access to the rear yard through means other than the principal structure.
2. Mixed uses require a side setback at a minimum of five (5) feet between parcels.

d. *Green Space.*

1. Green Space shall be required regardless if the residential use is located in an existing, expanded, or new structure.
2. The amount of green space must encompass at least ten percent (10%) of the effective lot area.

(2) *Architectural Standards for New Structures.* A variety of architectural features and building materials is encouraged to give each building or group of buildings a distinct character that is consistent with the maintained existing DBWP housing stock and blends TND techniques.

a. *Guidelines for New Structures.*

1. *Height.* New structures within the DBWP district shall be no

more than three (3) stories for single-family residential, or five (5) stories for multi-family residential, or mixed use.

Exceptions: If the multi-family or mixed-use development is located adjacent to residentially designated parcels and the maximum building height allowed for the commercial district exceeds that allowed for the adjacent residential district, the maximum building height shall be fifty-two (52) feet. For those areas of parcels within fifty (50) feet of any property with a general plan density designation of ten units per acre or less, the building massing shall step down to thirty (30) feet to address the scale of the adjacent development.

2. *Entries and Facades.*

- [a] The architectural features, materials, and the articulation of a facade of a building shall be continued on all sides visible from a public street or courtyard.
- [b] The front facade of the principal building on any lot in the DBWP district shall face onto a public street.
- [c] The front facade shall not be oriented to face directly toward a parking lot.
- [d] Porches, pent roofs, roof overhangs, hooded front doors, or other similar architectural elements shall define the front entrance to all residences.
- [e] Porches: usable porches and stoops should form a predominate motif of the building design for single residential buildings and be located on the front and/or side of the building. Usable front porches are at least six (6) feet deep and twelve (12) feet in width.
- [f] Raised entries are required to provide privacy, all residential entrances within fifteen (15) feet of the sidewalk shall be raised from the finished grade (at the building line) a minimum of 1½ feet.
- [g] For multi-family and multi-use buildings, a minimum of fifteen percent (15%) of the front facade on the ground floor shall be transparent, consisting of window or door openings allowing views into and out of the interior.

3. *Design Requirements.* In order to encourage the compatibility of new infill duplex and attached single-family development with the surrounding neighborhood, all new infill shall utilize at least (4) of the following design features:
 - [a] Dormers.
 - [b] Recessed entries.
 - [c] Cupolas.
 - [d] Bay or bow windows.
 - [e] Garages.
 - [f] Window shutters.
 - [g] Roof with pitch greater than nominal eight (8) to twelve (12).
 - [h] Off-sets on building face or roof (minimum 12 inches).
 - [i] Gables.
 - [j] Covered porch or entry with pillars or posts.
 - [k] Eaves (minimum 6 inches).
 - [l] Garage set at least ten (10) feet behind the front face of the primary dwelling unit.
 - [m] Exterior window trim that is a minimum of four (4) inches in width.
- b. *Garages and Accessory Dwelling Units.* One (1) detached garage (that may or may not include a dwelling unit) or one (1) detached accessory dwelling unit may be placed on a single-family detached residential lot, provided that the accessory dwelling unit shall not exceed eight hundred (800) square feet and is set off to the side or back of the principal building.
- c. *Exterior signage.* A comprehensive sign program is required for the entire DBWP Neighborhood Overlay District to establish a uniform theme. Signs shall share a common style (e.g., size, shape, material). In the mixed-use area, signs shall be wall signs or cantilever signs. Cantilever signs shall be mounted perpendicular to the building face

and shall not exceed two (2) square feet. Wall signs shall be sized and placed to fit within the character of the architectural elements.

- d. *Parking requirements.* On-street parking shall count toward any minimum parking requirements.
 1. In residential areas, parking may be provided on-site. One (1) off-street parking space with unrestricted ingress and egress shall be provided for each dwelling unit.
 2. Multi-family residential development must provide one (1) parking space for every dwelling unit and an additional one (1) parking space for every third bedroom.
 3. In any designated mixed-use area, all parking lots shall be located at the rear or side of a building. The parking lot shall not exceed a maximum depth of sixty-two (62) feet, (two-way aisle with parking on both sides), not including required landscaping. If located at the side, screening shall be provided as specified in Landscaping and Screening Standards.
 4. Access for service vehicles should provide a direct route to service and loading dock areas, while avoiding movement through parking areas and roads throughout the district.
 5. All parking over the minimum requirements shall be paved with pervious paving material. The reduction of impervious surfaces through the use of interlocking pavers is required for parking areas of periodic uses.
 6. Joint use parking. Where at least two (2) uses either within a mixed use development or on adjacent parcels that each require parking, have different peak parking demands during different times of the day, shared parking is required. Where this is applied, the landscaping requirements may be reduced by five percent (5%). Shared parking shall meet the requirements of Section 26-173(e)(2).
- (3) *Bicycle Parking.* Bicycle parking for all non-residential uses and for residential uses of more than four (4) units per building is required. A minimum of five (5) bicycle spaces per fifty (50) parking/auto spaces (or percentage thereof), with a maximum of ten (10), is required.
- (4) *Outdoor lighting.*
 - a. Street lighting shall be provided along street frontage for projects

greater than one (1) acre. Smaller, column street-lights should be used. Street-lights shall be installed on both sides of the street at intervals of no greater than seventy-five (75) feet. A pole or pedestal mounted luminaire, ten to twelve (10-12) feet in height with a full spectrum bulb, not more than one hundred seventy-five (175) watts. Street lighting design shall meet the minimum standards developed by the Illumination Engineering Society.

- b. Exterior lighting shall be directed downward in order to reduce glare onto adjacent properties.

(5) *Landscaping and Screening Standards.* Overall composition and location of landscaping shall complement the scale of the development and its surroundings. In general, larger, well-placed contiguous planting areas shall be preferred to smaller, disconnected areas.

- a. *General Screening.* Where screening is required by section 26-176 of this chapter, it shall be at least three (3) feet in height, unless otherwise specified. Required screening shall be at least fifty percent (50%) opaque throughout the year.

- b. *Street trees.* A minimum of one (1) deciduous tree, with full maturity between twenty to forty (20-40) feet in height, per thirty (30) feet of street frontage, or fraction thereof, shall be required. Trees should preferably be located between the sidewalk and the curb, within the landscaped area of a boulevard, or in tree wells installed in pavement or concrete. If placement of street trees within the right-of-way will interfere with utility lines, trees may be planted within the front yard setback adjacent to the sidewalk. Species of trees as well as the planting standards are located in the Richland County Development Design Manual.

- c. *Landscaping.* All areas of a site not occupied by buildings, required parking, driveways, walkways or service areas shall be landscaped according to an approved landscape plan in accordance with section 26-176 of this chapter.

- d. *Installation and Maintenance of Landscaping Materials.*

1. All landscaping is to consist of natural (native) landscaping material to be installed to current international society of arboriculture standards (ISA) landscaping planting standards.
2. Maintenance and replacement of landscape materials shall be the responsibility of the property owner. Landscape maintenance should incorporate environmentally sound

management practices, including the use of water and energy-efficient irrigation systems such as drip irrigation, and pruning primarily for plant health and public safety, replacing dead materials annually.

e. *Parking Area Landscaping and Screening.*

1. All parking and loading areas fronting public streets or sidewalks, and all parking and loading areas abutting residential districts or uses, shall provide:
 - [a] A landscaped area at least five (5) feet wide along the public street or sidewalk.
 - [b] Screening at least three (3) feet in height and not less than fifty percent (50%) opaque.
 - [c] One tree for each twenty-five (25) linear feet of parking lot frontage.
2. The corners of parking lots, “islands,” and all other areas not used for parking or vehicular circulation shall be landscaped. Vegetation can include turf grass, native grasses or other perennial flowering plants, vines, shrubs or trees. Such spaces may include architectural features such as benches, kiosks or bicycle parking.

Section 26-111. CC Crane Creek Neighborhood District.

(Ord. 018-10HR; 5-4-10)

- (a) *Purpose.* The purpose of the Crane Creek Neighborhood District (CC) is to implement the policies and goals of the adopted *Crane Creek Master Plan*, and to:
 - (1) Improve the image of the Crane Creek community;
 - (2) Preserve existing single-family neighborhoods;
 - (3) Develop local retail services and limit industrial zone expansion;
 - (4) Create a walkable community with viable pedestrian and bike trails;
 - (5) Increase community recreational facilities; and
 - (6) Preserve existing wetlands and create a community open space network.

- (b) *Applicability/Establishment.* The CC Crane Creek Neighborhood District, through the use of CC Neighborhood District sub-districts, may be approved and designated by County Council for that area of the county that is within the Crane Creek Neighborhood Master Plan, such plan having been adopted by the County Council. The provisions of this Section shall apply to all parcels of land and rights of way, or portions thereof, within the boundaries of the CC Neighborhood District. No change in the boundary of the CC Neighborhood District shall be authorized, except by the County Council, pursuant to procedures in Section 26-52.

- (c) *CC districts.* The CC Neighborhood District contains four (4) additional sub-district classifications designed to meet the development goals for unique zones within the district. These sub-districts are categorized by the mixture and intensity of uses allowed. Each of these sub-districts is subject to unique form-based design standards.
 - (1) *Requirements.* Development in the CC sub-districts shall conform to the standards in the subsections that follow. Each sub-district has detailed provisions for uses, building type and design, density, height, the design of public spaces, the mix of uses, and other aspects of the built environment.

 - (2) *Sub-district classification.*
 - a. *CC-1, Residential:* The CC-1 sub-district permits the development of residential communities that conserve the natural and environmentally sensitive features within the Crane Creek Master Plan area.

 - b. *CC-2, Neighborhood Mixed Use:* The CC-2 sub-district permits a mixture of uses that create a land use transition between existing residential neighborhoods and potential commercial areas that abut this area. The zone allows a variety of building types, including civic/institutional, townhouses, detached single-family housing, loft

dwelling units, and commercial/office with encouragement of mixed-use buildings that meet a variety of daily needs of residents in surrounding neighborhoods.

- c. *CC-3, Activity Center Mixed Use:* The CC-3 sub-district permits higher density mixed-use buildings than CC-2. The zone allows a variety of building types, including civic/institutional, loft dwelling units, townhouses, and detached single-family housing, and commercial/office, with encouragement of mixed-use buildings that serve the larger community and are appropriate for an activity center.
- d. *CC-4, Industrial:* The CC-4 sub-district minimizes the potential negative impacts of existing and future industrial uses on adjacent land uses by encouraging additions or enhancements to site buffers, landscaping, open space, and other site elements. This sub-district is intended to accommodate wholesaling, distribution, storage, processing, and light manufacturing which are controlled operations that are relatively clean, quiet, and free of objectionable or hazardous elements, such as smoke, noise, odor or dust. In addition, such uses operate and/or have storage within open or enclosed structures, and generate no nuisances.
- e. *Site Plan Review.* All site development plan applications shall be accompanied with materials required by the Zoning Administrator in Section 26-53 for major land development, as well as these additional items:
 - 1. A *Shared Parking Analysis* for use of shared parking, if applicable. See Section 26-111 (d) (9) b. 1. of this document for requirements.
 - 2. A *Signage Master Plan*. For all multi-tenant or multi-owner commercial or mixed use developments greater than twenty-five thousand (25,000) gross square feet, a signage master plan shall be submitted, reviewed and approved at the time of review of the site development plan. See Section 26-111 (d) (10) a. of this document for specific standards. The signage master plan shall include the following information:
 - [a] The location of each proposed sign and existing sign that is to remain, and a table indicating the location, type, height, and sign area of each sign.
 - [b] A computation of the maximum permitted number of signs, maximum permitted total sign area, and maximum permitted area for individual signs permitted under this Section.

- [c] A computation, excluding window signs and incidental signs, of the total proposed number of signs and the total sign area of such signs.
 - f. *Site Plan Review.* Review of the site plan shall be consistent with the procedures for major land development review as provided in Section 26-53.
 - g. *Appeals and Variances.* Appeals of decisions by the Development Review Team and requests for variances shall follow the procedures identified in Sections 26-57 and 26-58.
- (d) *Property Development Standards.*
- (1) *Mixed-use developments.* The CC-2 and CC-3 sub-districts authorize and encourage mixing of complementary uses. Mixed-use developments shall consist of two or more types of uses as permitted in this Section.
 - a. Uses in a mixed-use development shall be combined either vertically within the same building, or placed side by side on the same parcel.
 - b. Examples of a mixture of complementary uses include, but are not limited to, the following specifically permitted uses:
 - 1. Loft dwelling units located over office, retail, and service uses.
 - 2. Live-work unit.
 - 3. Office uses located over or beside compatible retail and service uses.
 - (2) *Supplemental Use Standards.* The following supplemental use standards apply to all uses listed below when developed within any of the CC sub-districts:
 - a. *Parking structures.*
 - 1. At a minimum, the primary façade of the first floor of above-ground parking structures shall be occupied by retail/office space or designed with similar design elements of upper floors of neighboring buildings.
 - 2. All levels of a parking structure shall be designed to minimize visibility of parked cars from surrounding streets.
 - 3. Pedestrian entries and exits shall be clearly visible from the street and interior of the parking deck.

- b. *Multi-use trails.* Multi-use trails that meet these standards shall be eligible for a density bonus provided in Section 26-111 (d) (12).
 - 1. The location of multi-use trails shall be compatible with the Proposed Circulation Plan of the Crane Creek Master Plan and shall be approved by the Zoning Administrator and Development Review Team.
 - 2. The multi-use trail shall not be gated or otherwise restricted for access by the public.

(3) *Crane Creek Standards Summary Table.*

	CC-1 – Residential	CC-2 – Neighborhood Mixed Use	CC-3 – Activity Center Mixed Use	CC-4 – Industrial
Building Type	Single-Family, Detached Dwelling			
	Townhouse			
	Civic/Institutional			
		Loft Dwelling Units		
		Live-Work Units		
		Commercial/Office		
		Mixed-use, nonresidential		
Minimum Open Space	As required in Section 26-186. The requirements of Section 26-111 (d) (11) do not apply.	10% of development acreage. The requirements of Section 26-111 (d) (11) apply.		
Sidewalk	5 feet			
Drainage	Open Swale or Closed	Closed and LID		
Minimum Height	None	30 feet for mixed use buildings.		None
Maximum Height	45 feet	45 feet	75 feet (only applies to Loft Dwelling, Commercial/Office, and Mixed Use, non-residential)	75 feet

LID – Low Impact Development Techniques

(4) *General Building Design Standards.*

- a. All lots shall face or be oriented towards street, square, or open spaces.
- b. Principal building entrances shall be oriented to public streets.

(5) *Development Standards for Building Types.* The following building types shall provide the principal form for new development. These requirements do not mandate particular architectural or design features. Such building types shall maintain consistency with the purpose of the CC District identified in Section 26-111 (a). In this paragraph (5), maximum base density is the maximum density allowed when no bonus density incentives are pursued. Bonus density refers to the maximum density allowed when bonus density incentive(s) are pursued.

a. *Single-family, detached residential.*

1. Maximum density:

[a] Base: 3 du/acre.

[b] Bonus: 4.5 du/acre.

2. Minimum setbacks:

[a] Front: 25 feet.

[b] Rear: 20 feet (from principal structure).

[c] Side: 6.5 feet.

Minimum setback requirements may be reduced provided that the proposed setbacks are no less than the setbacks of adjacent single-family dwellings on the same block face. Where zero lot line developments are permitted, the side setback shall meet the special requirements for such developments as set forth in Section 26-151.

3. Maximum building height shall be 45 feet.

4. Maximum impervious surface ratio: 40% for single-family residential, mid-size lot.

5. Landscaping of lots for single-family, detached dwellings shall be consistent with Section 26-176, except as stated below:

[a] Tree preservation and replacement shall result in at least six (6) hardwood trees per acre (minimum 2-inch caliper dbh).

[b] All landscape materials required by this ordinance shall be maintained by the property owner or property owners' association.

b. *Townhouse.*

1. Maximum density:
 - [a] Base: 6 du/ acre.
 - [b] Bonus: 9 du/ acre.
2. Minimum Setbacks:
 - [a] Front: 15 feet
 - [b] Rear: 5 feet.
 - [c] Side: 0 feet.
3. Minimum spacing between buildings is 15 feet.
4. Maximum building height shall be 45 feet.
5. Maximum impervious surface ratio: 65% of the parcel.
6. Dwellings shall have vehicular access from the rear along a common alley.

c. *Live-Work Units.*

1. Maximum density:
 - [a] Base: 6 du/acre.
 - [b] Bonus: 9 du/acre.
2. Minimum Setbacks.
 - [a] Front yard setback: 15 feet
 - [b] Rear: 20 feet.
 - [c] Detached side: 6.5 feet.
 - [d] Attached side: 0 feet
3. Minimum spacing between buildings: 15 feet.
4. The minimum building height shall be 30 feet and the maximum 45 feet.

5. Maximum impervious surface ratio: 75% of the parcel.
 6. Dwellings shall have vehicular access from the rear along a common alley.
- d. *Loft Dwelling Units*, on upper stories of mixed-use residential buildings.
1. Maximum density:
 - [a] Base: 8 du/acre.
 - [b] Bonus: 12 du/acre.
 2. Minimum setback:
 - [a] Front yard: 15 feet
 - [b] Side: 0 feet.
 - [c] Rear: 50 feet.
 3. Minimum building spacing: 15 feet.
 4. The minimum building height minimum shall be 30 feet.
 5. The maximum building height shall be 45 feet in CC-2 and 75 feet in CC-3.
 6. Maximum building size: 25,000 square feet.
 7. Maximum impervious surface ratio: 80% of the parcel.
 8. Minimum number of dwelling units in a building is two (2).
 9. Residential units must be accessed from entrances that are separated from the entrance for commercial space.
 10. Open space requirements as listed in Section 26-111 (d) (11).
 11. Landscaping of the site shall be consistent with the requirements of Section 26-176, with the following additions:
 - [a] Front yards shall consist of landscaped areas or sod.
 - [b] Parking areas shall be screened from view from public streets by buildings, evergreen hedge, fence or wall not less than four (4) feet in height.

12. Streets and circulation:
 - [a] Private streets must meet the standards of public streets.
 - [b] Streets shall include safe, lighted pedestrian ingress and egress facilities.
 13. Parking shall be as required in Section 26-111 (d) (9).
- e. *Commercial and Office Uses.*
1. Minimum setbacks:
 - [a] Front yard: 25 feet.
 - [b] Rear: 20 feet.
 - [c] Side: 0 feet for structures attached at side lot lines; otherwise, a minimum spacing of 15 feet between structures.
 2. Land Use Transition: Commercial buildings that are more than 45 feet in height shall not be closer than the building height from a single-family detached residence, and shall provide a 20-foot transitional buffer adjacent to single-family residential that is designed pursuant to a buffer plan approved by the Zoning Administrator that meets the standards of a planted buffer in Section 26-176.
 3. The maximum building height shall be 45 feet in CC-2 and 75 feet in CC-3.
 4. Minimum commercial building size: 1,500 square feet.
 5. Maximum commercial building size:
 - [a] CC-3: 25,000 square feet on a ground floor.
 - [b] CC-2: 5,000 square feet on a ground floor; 15,000 square feet total.
 6. Maximum impervious surface ratio:
 - [a] Eighty-five percent (85%) in CC-3.
 - [b] Seventy-five percent (75%) in CC-2.
 7. Minimum open space per Section 26-111 (d) (11).

- 8. Commercial density:
 - [a] CC-2: 5,000 square feet per acre.
 - [b] CC-3, as follows:

	<u>Base density</u>	<u>Bonus</u>
	(square feet/gross acre)	
i. Retail uses	15,000	20,000
ii. Office/ service uses	20,000	25,000

- 9. Parking as required in Section 26-111 (d) (9).
- f. *Mixed-use Buildings, Non Residential.* Mixed-use buildings shall contain a combination of commercial retail, commercial services, civic, or office uses. No residential uses shall be included.
- 1. Minimum setbacks:
 - [a] Front yard: 25 feet.
 - [b] Rear: 50 feet.
 - [c] Side: 0 feet for structures attached at side lot lines; otherwise a minimum spacing of 5 feet between structures that share a side property line.
 - 2. Land Use Transition. Mixed-use buildings that are more than 45 feet in height shall not be closer than the building height from a single-family, detached residence and shall provide a 20-foot transitional buffer adjacent to single-family residential that is designed pursuant to a buffer plan approved by the Zoning Administrator that meets the standards of a planted buffer in Section 26-176.
 - 3. Maximum building size: 25,000 square feet on ground floor.
 - 4. The maximum building height shall be 45 feet in CC-2 and 75 feet in CC-3.
 - 5. Maximum building length: 250 feet.
 - 6. Maximum impervious surface ratio: 75% of the parcel.
 - 7. Minimum open space: 10% of the development or phase.
 - 8. Parking as required in Section 26-111 (d) (9).

- g. *Civic/Institutional Uses:*
1. Minimum setbacks:
 - [a] Front yard: 25 feet.
 - [b] Rear: 15 feet.
 - [c] Side: 15 feet.
 2. Minimum spacing between buildings: 15 feet.
 3. Maximum building size: 25,000 square feet on ground floor.
 4. Maximum impervious surface ratio: 75% of the parcel.
 5. The maximum building height shall be 45 feet in CC-2 and 75 feet in CC-3.
 6. Land Use Transition. Civic uses that are more than 45 feet in height shall not be closer than the building height from a single-family, detached residence and shall provide a 25-foot transitional buffer adjacent to single family residential that is designed pursuant to a buffer plan approved by the Zoning Administrator that meets the standards of a planted buffer in Section 26-176.
 7. Open Space shall meet the requirements of Section 26-111 (d) (11).
 8. *Signs.* Signs for civic/institutional uses shall follow the standards for commercial signs found in Section 26-180 and other requirements as stipulated in Section 26-111 (d) (10).
 9. Parking as required in Section 26-111 (d) (9).
- h. *Industrial Uses:*
1. Minimum setbacks:
 - [a] Front yard: 15 feet.
 - [b]. Rear: 15 feet.
 - [c] Side: 15 feet.
 2. Minimum spacing between buildings: 15 feet.

3. Maximum building size: 100,000 square feet with maximum 50,000 square feet on ground floor.
 4. Maximum impervious surface ratio: 75% of the parcel.
 5. Land Use Transition. No building shall be constructed closer than the building height from a single-family, detached residence. Parcels that abut single-family residential uses shall provide a 25-foot transitional buffer that is designed pursuant to a buffer plan approved by the Zoning Administrator that meets the standards of a planted buffer in Section 26-176.
 6. Open Space shall meet the requirements of Section 26-111 (d) (11).
 7. *Signs.* Signs for civic/institutional uses shall follow the standards for commercial signs found in Section 26-180 and other requirements as stipulated in Section 26-111 (d) (10).
 8. All uses shall be completely screened from adjacent roads and residentially zoned or used properties.
 9. Parking as required in Section 26-111 (d) (9).
- (6) *Access Management Standards.* It is the intent of this paragraph (6) to improve traffic flow and help create a walkable community with viable pedestrian and bike trails. To achieve these goals, developments shall provide inter-parcel access, joint driveways, cross-access drives and access easements, and minimize curb cuts (driveways), all as stipulated below:
- a. *Driveways.* Establishments of driveways shall be consistent the regulations of Section 26-175, unless otherwise stated below.
 1. *Intersection Access Control.* Driveways are not permitted in the controlled access zones of intersections. See Figure 7, below, for greater clarification.

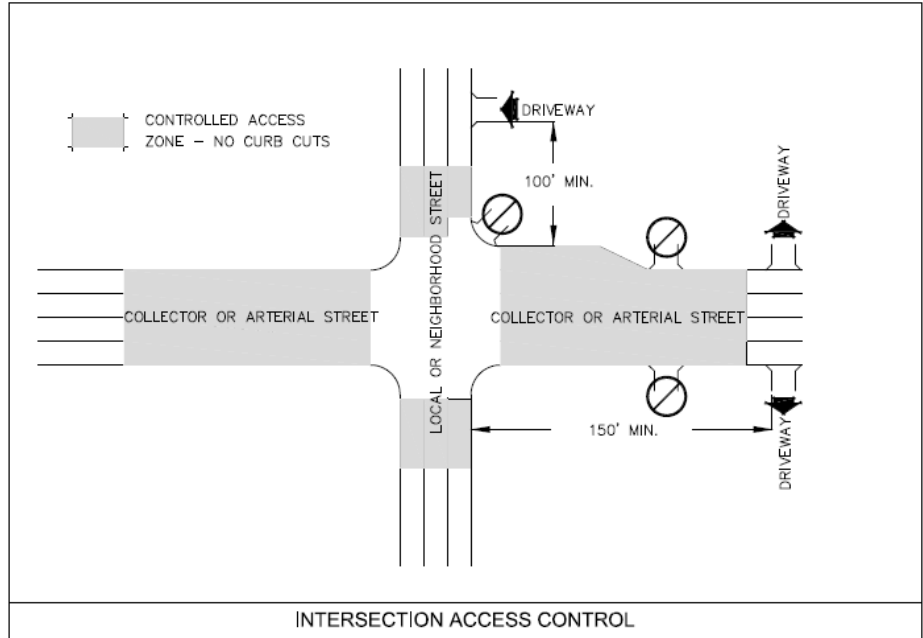


Figure 7

2. Abutting non-residential developments on collectors and arterials shall provide a cross-access drive and sidewalk access to allow circulation between sites.
 - b. Driveways that enter a collector or arterial road must have a single entrance and two (2) exit lanes.
 - c. Driveways on collector streets or local streets should align with driveways (if any) on the opposite side of the street.
- (7) *Interparcel Easements and Inter-parcel Access.*
 - a. Abutting non-residential developments within CC-2 and CC-3 sub-districts shall provide a cross-access drive and sidewalk access to facilitate the flow of pedestrian and other traffic.
 - b. Joint driveways and cross-access easements shall be established for multi-parcel, non-residential development wherever feasible along boulevards. The building site shall incorporate the following:
 1. A continuous cross-access drive connecting adjacent parcels along the thoroughfare.
 2. Joint driveways and cross-access easements shall be constructed in accordance with the 2003, or later, version of the *Manual of Uniform Traffic Control Devices (MUTCD)*.

- (8) *Transition Yards.* Land use transitions are required as outlined previously in this Section and shall be in conformity with Section 26-176. The following additional requirements shall apply:
- a. Each CC-1 development that abuts property zoned for single-family residential use shall provide a thirty (30) foot evergreen vegetative transitional buffer adjacent to residentially zoned property.
 - b. Property within the CC-4 sub-district shall meet the following additional requirements:
 1. Buildings abutting a residentially zoned parcel shall have a minimum setback of one (1) foot for each foot of building height, as measured from the base of the building; provided however, the minimum required setback shall be twenty-five (25) feet and the maximum required setback shall be fifty (50) feet. In addition, parcels that abut single-family residential districts shall provide a 25-foot transitional buffer that is designed pursuant to a buffer plan approved by the Zoning Administrator that meets the standards of a planted buffer in Section 26-176.
 2. Mechanical and utility equipment shall be screened.
 3. Open space requirements shall be designed so as to provide additional separation between the buildings and abutting property.
- (9) *Parking Standards.* Standards for parking shall be consistent with Section 26-173, except as otherwise stipulated in this paragraph (9). Shared parking, off-street parking, and bicycle facilities are encouraged to support the development of a built environment that accommodates motorized vehicles as well as pedestrian and bicycle traffic.
- a. *Off-Street Parking.* The minimum number of parking spaces required for each use in each of the CC sub-districts shall be as follows, except where modified by on-street parking [see Section 26-111 (d) (9) d.] or shared parking standards as stipulated in subparagraph b., below.
 - b. *Shared Parking.* Shared parking is allowed; and if used, shall meet the following requirements:
 1. A shared parking analysis, which shall be determined as follows:

- [a] Determine the minimum amount of parking required for each separate use described in the below “Table of Parking Standards”.
- [b] Multiply the parking requirement for each use by the corresponding percentage for each of the time periods described in the below “Table of Parking Ratios by Use and Time of Day for Shared Parking Arrangements”.
- [c] Sum the total parking requirements for all uses for each of the five (5) time periods described in the below “Table of Parking Ratios by Use and Time of Day for Shared Parking Arrangements”.
- [d] The parking requirement for the time period having the largest required total number of parking spaces based on the use as described in the below “Table of Parking Ratios by Use and Time of Day for Shared Parking Arrangements” shall be the minimum required number of parking spaces for the mixed-use development.

Table of Parking Standards		
Use	Minimum Spaces Required	Maximum Spaces Allowed
Residential – single family detached and attached (townhouses) and mixed use	1.0 per dwelling unit	N/A
Live-Work Unit	2.0 per dwelling unit	4.0 per 1000 gross square feet
Lodging	1.0 per room or suite	N/A
Office/Service Uses	1.0 per 1000 gross square feet	4.0 per 1000 gross square feet
Retail Uses	2.0 per 1000 gross square feet	4.0 per 1000 gross square feet
Industrial		
Restaurants	1.0 per 4 seats	1.0 per 2 seats
Mixed-Use Development	1.5 per 1000 gross square feet	3.0 per 1000 gross square feet
Entertainment/Recreation Uses	As required in Section 26-173.	
Theaters	1.0 per 4 seats	
Civic/Institutional (Schools)	As required in Section 26-173.	
Civic/Institutional (non-assembly Uses)	1.0 per 350 gross floor area	1 per 250 gross floor area
Civic/Institutional Uses (assembly uses only)	1.0 per 4 seats	1.0 per 3 seats

Table of Parking Ratios by Use and by Time of Day for Shared Parking Arrangements					
Uses	Weekdays		Weekends		Night Time
	6 a.m. to 5 p.m.	5 p.m. to 1 a.m.	6 a.m. to 5 p.m.	5 p.m. to 1 a.m.	1 a.m. to 6 a.m.
Office	100%	10%	10%	5%	5%
Retail/Commercial/Mixed-Use	60%	90%	100%	70%	5%
Hotel/Motel	75%	100%	75%	100%	75%
Restaurant	50%	100%	100%	100%	10%
Entertainment/Recreational	40%	100%	80%	100%	10%
Place of Worship	50%	50%	100%	100%	10%

Examples of Shared Parking Calculations:							
A building with 2,500 sq. ft. of retail space and a building with 5,000 sq. ft of office space / or a 3 story building with 2,500 of retail on the ground floor with 2 floors of office above	Minimum Number of Spaces Required by Each Use Separately		Weekdays		Weekends		Night Time
			6 a.m. to 5 p.m.	5 p.m. to 1 a.m.	6 a.m. to 5 p.m.	5 p.m. to 1 a.m.	1 a.m. to 6 a.m.
5,000 sq. ft. of office	3 per 1,000 sq. ft of GFA	15	15	2	2	1	1
2,500 sq. ft. of retail	4.5 per 1,000 sq. ft GFA	11	7	10	11	8	1
Total		26	22	12	13	9	1
Required Shared Parking		22					

Any subsequent change in land uses within the participating developments shall require proof that adequate parking will be available. Prior to any change in use, the owner must apply to the Zoning Administrator for an evaluation and confirmation of the reduction. If the Zoning Administrator finds that the parking reduction is no longer justified, the Zoning Administrator shall notify the owner to construct the number of parking spaces necessary to meet the required level.

- c. *Vehicular surface area landscaping.* Interior parking lot landscaping and screening shall meet the guidelines established in Section 26-176 (g), except as directed below:
 1. Where a parking lot of five (5) or more spaces is adjacent to a street or a parcel developed with single-family residences, the perimeter of the parking lot shall be screened by a minimum four (4) foot high, dense evergreen hedge in a ten (10) foot wide landscape strip lined with trees, or screened by a wall or fence not less than four (4) feet high. Such buffer shall provide adequate space for pedestrian crossing, meeting the requirements of Section 26-176.
 2. Parking lots shall incorporate landscaped areas covering a minimum of fifteen percent (15%) of the surface area in compliance with Section 26-176.
 3. Landscaped areas in parking lots shall be depressed below paved surfaces and designed with flush curbs or curb inlets to

absorb stormwater runoff. Each parking space shall provide a wheel stop and depressed areas shall be surrounded by painted lines or flush curbing to separate landscaping from driving aisles.

- d. *On-Street Parking.* On Street Parking is encouraged where appropriate in the CC-2 and CC-3 sub-districts. Provisions for on-street parking within the CC district shall be coordinated with SCDOT and appropriate County agencies and may require alterations to existing curb line at cost to the property owner or developer. On-street parking may count towards minimum parking requirements of a parcel when it is located along the street frontage of that parcel.
 - e. *Bicycle Parking.* Bicycle parking shall be provided for all multi-family residential buildings with more than four (4) units as well as all non-residential and mixed-use buildings.
 - 1. *Required Spaces.* Uses that require up to fifty (50) off-street parking spaces for motorized vehicles shall provide at least two (2) bicycle spaces, plus a minimum of one (1) additional bicycle space for each additional fifty (50) parking spaces required for motorized vehicles. A maximum of ten (10) bicycle spaces shall be provided per building.
 - 2. Bicycle racks shall be installed along a major building approach line and be clearly visible from the street at least fifty (50) feet prior to the building entrance.
 - 3. Bicycle racks installed on sidewalks shall be installed parallel to the curb and allow for a ten (10) foot clearance for pedestrians utilizing the sidewalk.
 - 4. The design of bicycle parking fixtures shall be approved by the Zoning Administrator.
 - f. *Environmental Controls - BMPs.* Stormwater management design shall incorporate BMPs designed to protect water quality as provided in Section 26-64.
- (10) *Signage.* Signs in all CC sub-districts shall be authorized in accordance with Section 26-180.
- a. Multi-tenant developments shall prepare a Master Signage Plan that identifies the signage allocation among the tenants in accordance with the following standards.

1. The maximum aggregate sign area allowed for a multi-tenant development shall be consistent with the limitations provided as follows:

Gross square feet of tenant space	Total sign area, not including window signs
0-10,000	150 square feet
10,001-50,000	250 square feet
50,001-100,000	400 square feet
100,001 – 200,000	600 square feet
Over 200,000	1,000 square feet

2. Each use or tenant in a CC-2 or CC-3 sub-district shall be permitted one (1) wall sign per street frontage, not to exceed one (1) square foot in area for each linear foot of street frontage. Wall signs may not be located on a building wall that has no public entrance, except for corner buildings facing roadways.
3. Each use or tenant in a CC-2 or CC-3 sub-district shall be permitted marquee signs, canopy signs, or hanging canopy signs not to exceed twelve (12) square feet in area per sign. The lowest point of a marquee sign, canopy sign, or hanging sign must be a minimum of eight (8) feet above the adjacent ground or sidewalk elevation.

b. *Ground-mounted signs.*

1. Ground-mounted signs in all CC sub-districts shall consist of no more than two (2) sign faces, limited to thirty-two (32) square feet per side and six (6) feet in height.
2. Supporting structures for ground-mounted signs shall be constructed of material compatible with the primary building material used on the façade of the principal building.
3. No more than one (1) ground-mounted sign is permitted for each principal driveway entrance. Such ground-mounted sign shall be placed within twenty-five (25) feet from the edge of the principal driveway entrance, but not within the sight visibility triangle formed by the intersection for the driveway and the public street.
4. Each freestanding commercial, mixed-use, or civic development is permitted one (1) ground-mounted sign per frontage abutting on a public street.

- c. Illuminated signs shall be consistent with the regulations as stated in Section 26-177 and the following:
 - 1. Digital signs are prohibited.
 - 2. Externally illuminated signs are permitted, provided that their light source shall be directed downward so as not to cast glare upwards or towards adjacent properties.

(11) *Open Space Standards.*

- a. *Categories of open space.* Open space is required in all CC sub-districts and shall consist of any of the following categories of land:
 - 1. *Primary Conservation Areas.* Primary Conservation Areas include streams, required stream buffers, wetlands designated by the National Wetlands Inventory, 100-year floodplain, slopes exceeding twenty-five percent (25%), areas of exposed rock, and private cemeteries and burial grounds. These areas shall be left in a natural and undisturbed state, except for the fewest perpendicular crossings of essential access roads, pedestrian pathways, multi-use trails, and utility lines.
 - 2. *Secondary Conservation Areas.* Secondary Conservation Areas include land in water supply watersheds, aquifer recharge areas identified in the Richland County Comprehensive Plan, riparian and wetland buffers exceeding the minimum required width, slopes exceeding fifteen percent (15%), significant habitat areas as identified in the Richland County Comprehensive Plan, soils unsuitable for septic tanks, prime agricultural soils, mature hardwood forest, meadows, farm fields, pastures, and other areas of scenic value.
 - 3. *Active Recreation Area.* Active recreation areas include greenways, trails, bikeways, paths, tennis, volleyball, handball, squash, bocce and basketball courts, ball fields, tracks, golf courses, swimming pools, clubhouses, equestrian facilities, beaches, docks, amphitheaters, stages, band shells, walkways, public squares, public lawns, picnic shelters and areas, open landscaped areas, and other land containing outdoor recreation features and facilities as determined by the Zoning Administrator. Lakes and ponds are allowed in outdoor recreation areas, but shall not be counted as open space.

- b. *Open space design standards.*
1. All primary conservation areas of a site shall be set aside as open space and shall meet the requirements of the Richland County Conservation Overlay District (Section 26-105).
 2. A density bonus shall be provided for multi-use trail development as provided in Section 26-111 (d) (12).
 3. Secondary conservation areas shall be set aside as open space to the maximum degree possible.
 4. No more than fifty percent (50%) of required open space may consist of primary conservation areas.
 5. A minimum of twenty-five percent (25%) of required open space shall be used for passive parks, greenways, trails, squares, or greens, and shall be open to the general public.
 6. No more than ten percent (10%) of required open space may be areas of impervious surface.
 7. At least fifty percent (50%) of required open space within a single development shall be located in a contiguous tract.
 8. *Interconnected Open Space Network.* It is the intent of this subparagraph b. that the protected conservation areas, open spaces, greenways, bikeways, trails, sidewalks and outdoor recreation areas within a development that provide open space be continuous with compatible areas containing similar features on abutting property. The design of developments shall provide for maximum connections, providing pedestrian and bike access to off-site and on-site attractions, such as public trails, paths, parks, wildlife refuges, public facilities (such as community centers, schools, libraries, fire and police stations, senior centers, and utility easements), and institutions (such as churches, museums, and other cultural facilities).
 9. Each open space area must comprise an area of at least five hundred (500) square feet with a minimum dimension of twenty (20) feet of width or depth.
 10. Best Management Practices (BMPs). Active recreation areas, such as golf courses, playing fields, swimming pools and tennis courts, shall employ applicable BMPs and shall not be permitted in primary conservation areas.

- c. *Public seating.* It is the intent of this Subsection (11) to provide open space areas that promote a walkable environment and interaction among community members. The provision of both formal and informal public seating amenities is encouraged. Park benches, movable chairs and tables, and seating in the form of garden walls and monumental stairs are encouraged in open spaces, subject to approval by the Zoning Administrator.
- d. *Ownership, Maintenance and Control of Open Space.* Open space within a development shall be held in unitary ownership or control and be perpetually administered and maintained by one (1) or a combination of the methods below:
 - 1. *Fee simple dedication.* Open space within developments may be offered for dedication to the public at the time of application. The county may, but shall not be required to, accept undivided open space.
 - 2. *Property owners' association.* The undivided open space and associated facilities may be held in common ownership by an association of property owners. Membership in the association shall be mandatory for all purchasers of property and their successors. The association shall be responsible for administration of common facilities and property and shall permanently maintain the undivided open space.
 - 3. *Private conservation organization.* The owner of open space may transfer easements to a land trust or other conservation-oriented, nonprofit organization with legal authority to accept such easements, subject to approval of the Zoning Administrator.
- e. *Maintenance of Open Space.* Open space areas shall be maintained in a manner that prevents them from being nuisances to health or safety.
 - 1. Open spaces shall be kept free from the accumulation of litter and debris.
 - 2. Landscaped areas shall be kept free from dead or diseased trees and other vegetation.
 - 3. Hardscaped areas and appliances, such as recreational equipment and fountains, shall be maintained deeming them suitable for their intended uses and so as to be free of hazards.
- f. *Liens by Richland County.* In the event that the party responsible for maintenance of the open space fails to maintain all or any portion of such area as enumerated, upon ninety (90) days notice served to the

owner, Richland County may assume responsibility for the maintenance and may enter the premises and take corrective action, including the provision of extended maintenance. The costs of said corrective action and maintenance by Richland County may be charged to the owner, property owners' association, or to the individual property owners that make up the property owners' association and may included administrative costs and penalties. Such costs shall become a lien on the owners' properties until paid in full.

- (12) *Bonus Density Incentives.* It is the intention of this subsection to promote superior performance in the conservation of open space and natural resources, creation of mixed use development, and the provision of public services, including but not limited to, the dedication of public land and construction of multi-use trails consistent with the Crane Creek Master Plan. As such, the developer shall be entitled to additional density of use, in addition to that otherwise allowed, as provided in the table that follows:

Site Feature*	Authorized Bonus Density**
a. Multi-use trail is provided that is consistent with the Proposed Circulation Plan in the Crane Creek Master Plan.	One dwelling unit or 1,000 square feet of commercial space per 100 yards of trail.
b. Preservation of Open Space above and beyond that which is required.	One dwelling unit for each acre of dedicated open space that exceeds 10 percent of gross acreage of tract that is not in a primary conservation area.
c. Dedication of land for public facilities other than roads and required open spaces, such as a school, fire station, library, senior center, park, or other use approved by the Planning Commission.	Additional four dwelling units or 5,000 square feet of commercial space per acre of dedicated land.

* Developments qualifying for a multi-use trail density bonus under both a. and b. shall only be awarded a bonus for trail space under either a. or b., but not both.

** Maximum densities listed in Section 26-111(d)(5) shall apply.

- (e) Permitted Uses and Permitted Uses with Special Requirements for the CC Neighborhood District.

- (1) *General.* The Table of Permitted Uses and Permitted Uses with Special Requirements for the CC Neighborhood District that follows, contains a listing of uses that may be permitted in one or more of the various sub-districts. Uses are listed in ten (10) functional categories. The categories in order of their listing are: residential uses; accessory uses and structures; recreational uses; institutional, educational and civic uses; business, professional and personal services; retail trade and food services; wholesale trade; transportation, information, warehousing, waste management, and utilities; manufacturing, mining, and industrial uses; and other uses. If a use is not listed, then the use is NOT permitted.

- (2) *Symbols used.* The districts in which a particular use is permitted (with or without special requirements), are indicated by a “P” or “SR” in the sub-district column(s) opposite the listed use.
- (3) *Meaning of symbols.* The meaning of the symbols in the Table of Permitted Uses, Permitted Uses with Special Requirements, and Special Exceptions for the CC Neighborhood District are as follows:
 - a. *P.* Means the indicated use is permitted in the indicated sub-district.
 - b. *SR.* Means the indicated use is permitted provided special additional standards set forth in this Section are met. These standards are contained in Section 26-111 (e) (7).
- (4) *North American Industry Classification System (NAICS).* The North American Industry Classification System, United States Manual – 2002 Edition (NAICS) was utilized in the preparation of the Table of Permitted Uses, Permitted Uses with Special Requirements, and Special Exceptions for the CC Neighborhood District. The listing of the numerical references (in the NAICS) utilized is found in Appendix I. This listing and the 2002 NAICS manual shall be consulted as a guide for the purpose of interpretation by the Zoning Administrator when necessary. The NAICS number in the appendix refers to the corresponding NAICS classification for that particular use. Listings with a “000000” in the NAICS column do not correspond to any classification manual, but rather are identified uses of local significance.
- (5) *Relationship to other laws.* The listing of a use in the Table of Permitted Uses and Permitted Uses with Special Requirements for the CC Neighborhood District in no way relieves that use of having to meet all local, state, and federal laws pertaining to the establishment and operation of that use.
- (6) *Table of Permitted Uses and Permitted Uses with Special Requirements for the CC Neighborhood District.* See Table below:

TABLE OF PERMITTED USES AND PERMITTED USES WITH SPECIAL REQUIREMENTS FOR THE CC NEIGHBORHOOD DISTRICT

USE TYPES	CC-1	CC-2	CC-3	CC-4
<u>Residential Uses</u>				
Accessory Dwellings	P	P	P	
Common Area Recreation and Service Facilities	P	P	P	
Continued Care Retirement Communities	P	P	P	
Dwellings, Conventional or Modular			P	
Multi-Family, Not Otherwise Listed		P	P	

USE TYPES	CC-1	CC-2	CC-3	CC-4
Single-Family, Detached	P	P	P	
Single-Family, Zero Lot Line, Common	P	P	P	
Single-Family, Zero Lot Line, Parallel	P	P	P	
Two-Family		P	P	
Group Homes (9 or Less)	SR	SR	SR	
Group Homes (10 or More)			P	
Rooming and Boarding Houses		P	P	
<u>Accessory Uses and Structures</u>				
Accessory Uses and Structures (Customary) – See Also Sec. 26-185	P	P	P	
Home Occupations	P	P	P	
Swimming Pools	P	P	P	
Yard Sales	P	P	P	
<u>Recreational Uses</u>				
Athletic Fields		P	P	
Batting Cages			P	
Billiard Parlors			P	
Bowling Centers			P	
Clubs or Lodges			P	
Country Clubs with Golf Courses	P	P	P	
Dance Studios and Schools		P	P	
Golf Courses		SR	SR	SR
Golf Courses, Miniature			P	
Golf Driving Ranges (Freestanding)			SR	SR
Martial Arts Instructional Schools		P	P	
Physical Fitness Centers		P	P	
Public or Private Parks	SR	SR	SR	SR
Public Recreation Facilities	SR	SR	SR	SR
Riding Stables				P
Shooting Ranges, Indoor				P
Skating Rinks		P	P	
Swim and Tennis Clubs		P	P	
Swimming Pools		P	P	
<u>Institutional, Educational and Civic Uses</u>				
Ambulance Services, Emergency			P	
Animal Shelters				P
Auditoriums, Coliseums, Stadiums			P	P
Bus Shelters	SR	SR	SR	SR
Cemeteries, Mausoleums				SR
Colleges and Universities			P	

USE TYPES	CC-1	CC-2	CC-3	CC-4
Community Food Services		P	P	P
Day Care, Adult, Home Occupation (5 or Fewer)	SR	SR	SR	
Day Care Centers, Adult		P	P	
Day Care, Child, Family Day Care, Home Occupation (5 or Fewer)	SR	SR	SR	
Day Care, Child, Licensed Center		P	P	
Fire Stations	P	P	P	P
Government Offices		P	P	P
Hospitals			P	P
Individual and Family Services, Not Otherwise Listed			P	
Libraries	P	P	P	
Museums and Galleries			P	
Nursing and Convalescent Homes		P	P	
Places of Worship	SR	P	P	
Police Stations, Neighborhood	P	P	P	P
Post Offices		P	P	
Postal Service Processing & Distribution				P
Schools, Administrative Facilities		P	P	
Schools, Business, Computer and Management Training		P	P	
Schools, Fine Arts Instruction		P	P	
Schools, Junior Colleges			P	
Schools, Including Public and Private, Having a Curriculum Similar to Those Given in Public Schools)	SR	P	P	
Schools, Technical and Trade (Except Truck Driving)			P	
Schools, Truck Driving				P
Zoos and Botanical Gardens	SR	SR	SR	P
<u>Business, Professional and Personal Services</u>				
Accounting, Tax Preparation, Bookkeeping, and Payroll Services		P	P	
Advertising, Public Relations, and Related Agencies		P	P	
Automatic Teller Machines			P	
Automobile Parking (Commercial)			P	
Automobile Rental or Leasing			P	
Automobile Towing, Not Including Storage				P

USE TYPES	CC-1	CC-2	CC-3	CC-4
Automobile Towing, Including Storage Services				P
Banks, Finance, and Insurance Offices		P	P	
Barber Shops, Beauty Salons, and Related Services		P	P	
Bed and Breakfast Homes/Inns		P	P	
Building Maintenance Services, Not Otherwise Listed			P	P
Car and Light Truck Washes (See also Truck Washes)			P	P
Carpet and Upholstery Cleaning Services			P	P
Computer Systems Design and Related Services		P	P	P
Clothing Alterations/Repairs; Footwear Repairs		P	P	
Construction, Building, General Contracting, with Outside Storage				P
Construction, Building, General Contracting, without Outside Storage				P
Construction, Special Trades, with Outside Storage				SR
Construction, Special Trades, without Outside Storage		P	P	P
Engineering, Architectural, and Related Services		P	P	P
Exterminating and Pest Control Services				P
Funeral Homes and Services		P	P	
Furniture Repair Shops and Upholstery		P	P	P
Hotels and Motels			P	
Janitorial Services				P
Kennels				SR
Landscape and Horticultural Services				P
Laundromats, Coin Operated		P	P	
Laundry and Dry Cleaning Services, Non-Coin Operated		P	P	
Legal Services (Law Offices, Etc.)		P	P	
Linen and Uniform Supply			P	P
Locksmith Shops		P	P	
Management, Scientific, and Technical Consulting Services		P	P	
Massage Therapists			P	
Medical/Health Care Offices		P	P	
Medical, Dental, or Related Laboratories			P	P

USE TYPES	CC-1	CC-2	CC-3	CC-4
Motion Picture Production/Sound Recording				P
Office Administrative and Support Services, Not Otherwise Listed		P	P	P
Packaging and Labeling Services		P	P	P
Pet Care Services (Excluding Veterinary Offices and Kennels)		SR	P	
Photocopying and Duplicating Services		P	P	
Photofinishing Laboratories		P	P	
Photography Studios		P	P	
Picture Framing Shops		P	P	
Professional, Scientific, and Technical Services, Not Otherwise Listed		P	P	
Publishing Industries				P
Real Estate and Leasing Offices		P	P	
Rental Centers, with Outside Storage				P
Rental Centers, without Outside Storage			P	P
Repair and Maintenance Services, Appliance and Electronics			SR	P
Repair and Maintenance Services, Automobile, Major				P
Repair and Maintenance Services, Automobile, Minor			P	P
Repair and Maintenance Services, Boat and Commercial Trucks, Large				P
Repair and Maintenance Services, Boat and Commercial Trucks, Small				P
Repair and Maintenance Services, Commercial and Industrial Equipment				P
Repair and Maintenance Services, Home and Garden Equipment			P	P
Repair and Maintenance Services, Personal and Household Goods			P	P
Repair and Maintenance Services, Television, Radio, or Other Consumer Electronics			P	P
Research and Development Services			P	P
Security and Related Services				P
Septic Tank Services				P
Tanning Salons			P	
Tattoo Facilities			P	
Taxidermists				P
Theaters, Live Performances			P	

USE TYPES	CC-1	CC-2	CC-3	CC-4
Theaters, Motion Picture, Other Than Drive-Ins			P	
Tire Recapping				P
Travel Agencies (without Tour Buses or Other Vehicles)		P	P	
Truck (Medium and Heavy) Washes				P
Vending Machine Operators				P
Veterinary Services (Non-Livestock, May Include Totally Enclosed Kennels Operated in Connection with Veterinary Services)		SR	SR	
Watch and Jewelry Repair Shops		P	P	
Weight Reducing Centers		P	P	
<u>Retail Trade and Food Services</u>				
Antique Stores (See Also Used Merchandise Shops and Pawn Shops)		P	P	
Appliance Stores			P	
Art Dealers		P	P	
Arts and Crafts Supply Stores		P	P	
Auction Houses			P	P
Automotive Parts and Accessories Stores			P	
Bakeries, Retail			P	
Bars and Other Drinking Places		SR	SR	
Bicycle Sales and Repair		P	P	
Book, Periodical, and Music Stores		P	P	
Building Supply Sales with Outside Storage				P
Building Supply Sales without Outside Storage			P	P
Camera and Photographic Sales and Service		P	P	
Candle Shops		P	P	
Candy Stores (Confectionery, Nuts, Etc.)		P	P	
Caterers, No On Site Consumption		P	P	
Clothing, Shoe, and Accessories Stores		P	P	
Coin, Stamp, or Similar Collectibles Shops		P	P	
Computer and Software Stores		P	P	
Convenience Stores (with Gasoline Pumps)			P	P
Convenience Stores (without Gasoline Pumps)		P	P	
Cosmetics, Beauty Supplies, and Perfume Stores		P	P	

USE TYPES	CC-1	CC-2	CC-3	CC-4
Department, Variety or General Merchandise Stores		P	P	
Direct Selling Establishments, Not Otherwise Listed			P	P
Drugstores, Pharmacies, with Drive-Thru			P	
Drugstores, Pharmacies, without Drive- Thru		P	P	
Electronic Shopping and Mail Order Houses				P
Fabric and Piece Goods Stores		P	P	
Flea Markets, Indoor				P
Floor Covering Stores			P	
Florists		P	P	
Food Stores, Specialty, Not Otherwise Listed		P	P	
Formal Wear and Costume Rental		P	P	
Fruit and Vegetable Markets		P	P	
Furniture and Home Furnishings		P	P	
Garden Centers, Farm Supplies, or Retail Nurseries		P	P	P
Gift, Novelty, Souvenir, or Card Shops		P	P	
Grocery/Food Stores (Not Including Convenience Stores)		P	P	
Hardware Stores		P	P	
Health and Personal Care Stores, Not Otherwise Listed		P	P	
Hobby, Toy, and Game Stores		P	P	
Home Centers		P	P	
Home Furnishing Stores, Not Otherwise Listed			P	
Jewelry, Luggage, and Leather Goods (May Include Repair)		P	P	
Liquor Stores			P	
Meat Markets		P	P	
Miscellaneous Retail Sales – Where Not Listed Elsewhere, and Where All Sales and Services are Conducted within an Enclosed Building			P	
Musical Instrument and Supplies Stores (May Include Instrument Repair)		P	P	
News Dealers and Newsstands		P	P	
Office Supplies and Stationery Stores		P	P	
Optical Goods Stores		P	P	

USE TYPES	CC-1	CC-2	CC-3	CC-4
Outdoor Power Equipment Stores				P
Paint, Wallpaper, and Window Treatment Sales			P	
Pet and Pet Supplies Stores		P	P	
Record, Video Tape, and Disc Stores		P	P	
Restaurants, Cafeterias		P	P	
Restaurants, Full Service (Dine-In Only)		P	P	
Restaurants, Limited Service (Delivery, Carry Out)		P	P	
Restaurants, Limited Service (Drive-Thru)			P	
Restaurants, Snack and Nonalcoholic Beverage Stores			P	
Service Stations, Gasoline			P	P
Sporting Goods Stores		P	P	
Television, Radio or Electronic Sales		P	P	
Tire Sales			P	
Tobacco Stores		P	P	
Truck Stops				P
Video Tape and Disc Rental		P	P	
Warehouse Clubs and Superstores			P	
Wholesale Trade				
Apparel, Piece Goods, and Notions				P
Beer/Wine/Distilled Alcoholic Beverages				P
Books, Periodicals, and Newspapers				P
Chemicals and Allied Products				P
Drugs and Druggists' Sundries				P
Durable Goods, Not Otherwise Listed				P
Electrical Goods				P
Farm Products, Raw Materials				P
Farm Supplies				P
Flowers, Nursery Stock, and Florist Supplies				P
Furniture and Home Furnishings				P
Groceries and Related Products				P
Hardware				P
Jewelry, Watches, Precious Stones				P
Machinery, Equipment and Supplies				P
Market Showrooms (Furniture, Apparel, Etc.)				P
Metal and Minerals				P
Motor Vehicles				P

USE TYPES	CC-1	CC-2	CC-3	CC-4
Motor Vehicles, New Parts and Supplies				P
Motor Vehicles, Tires and Tubes				P
Motor Vehicles, Used Parts and Supplies				P
Nondurable Goods, Not Otherwise Listed				P
Paints and Varnishes				P
Paper and Paper Products				P
Plumbing & Heating Equipment and Supplies				P
Professional and Commercial Equipment and Supplies				P
Sporting and Recreational Goods and Supplies (Except Sporting Firearms and Ammunition)			P	P
Sporting Firearms and Ammunition			P	P
Timber and Timber Products				P
Tobacco and Tobacco Products				P
Toys and Hobby Goods and Supplies				P
<u>Transportation, Information, Warehousing, Waste Management, and Utilities</u>				
Antennas	SR	SR	SR	SR
Bus Facilities, Urban				P
Charter Bus Industry				P
Courier Services, Central Facility				P
Courier Services, Substations				P
Limousine Services				P
Power Generation, Natural Gas Plants, and Similar Production Facilities				P
Radio and Television Broadcasting Facilities (Except Towers)				P
Radio, Television, and Other Similar Transmitting Towers				P
Rail Transportation and Support Facilities				P
Remediation Services				P
Taxi Service Terminals				P
Truck Transportation Facilities				P
Utility Company Offices				P
Utility Lines and Related Appurtenances	P	P	P	P
Utility Service Facilities (No Outside Storage)				P
Utility Substations	SR	SR	SR	SR

USE TYPES	CC-1	CC-2	CC-3	CC-4
Warehouses (General Storage, Enclosed, Not Including Storage of Any Hazardous Materials or Waste as Determined by Any Agency of the Federal, State or Local Government)				P
Warehouses, Self-Storage				P
Warehouses, Self-Storage				P
Waste Treatment and Disposal, Non-Hazardous				P
Water Treatment Plants, Non-Governmental, Public				P
<u>Manufacturing, Mining, and Industrial Uses</u>				
Apparel				P
Bakeries, Manufacturing				P
Beverage, Other Than Soft Drink and Water, and Tobacco				P
Beverage, Soft Drink and Water				P
Cement and Concrete Products				P
Chemicals, Basic				P
Chemical Products, Not Otherwise Listed				P
Clay Products				P
Computer, Appliance, and Electronic Products				P
Dairy Products				P
Dolls, Toys, and Games				P
Fabricated Metal Products				P
Food Manufacturing, Not Otherwise Listed				P
Furniture and Related Products				P
Glass and Glass Products				P
Jewelry and Silverware				P
Leather and Allied Products (No Tanning)				P
Leather and Hide Tanning and Finishing				P
Lime and Gypsum Products				P
Machinery				P
Manufacturing, Not Otherwise Listed				P
Medical Equipment and Supplies				P
Office Supplies (Not Paper)				P
Paint, Coating, and Adhesives				P
Paper Products (Coating and Laminating)				P
Paper Products (No Coating and Laminating)				P

USE TYPES	CC-1	CC-2	CC-3	CC-4
Petroleum and Coal Products Manufacturing				P
Primary Metal Manufacturing				P
Printing and Publishing				P
Pulp, Paper, and Paperboard Mills				P
Rubber and Plastic Products				P
Seafood Product Preparation and Packaging				P
Signs				P
Soap, Cleaning Compounds, and Toilet Preparations				P
Sporting and Athletic Goods				P
Textile Mills				P
Textile Product Mills				P
Transportation Equipment				P
<u>Other Uses</u>				
Buildings, High Rise, 4 or 5 Stories			P	P
Buildings, High Rise, 6 or More Stories				P

- (7) *Permitted uses with special requirements listed by zoning district.*
- a. Antennas - (All Districts)
 - b. Automobile Towing, including Storage Services - (CC-4)
 - c. Barber shops, beauty salons, and related services - (CC-1)
 - d. Bars and Other Drinking Places - (CC-2, CC-3)
 - e. Bus Shelters - (All Districts)
 - f. Cemeteries and Mausoleums - (CC-4)
 - g. Construction, Special Trades with Outside Storage - (CC-4)
 - h. Daycare, Adult, Home Occupation (5 or fewer) - (CC-1, CC-2, CC-3)
 - i. Daycare, Child, Family Daycare, Home Occupation (5 or fewer) - (CC-1, CC-2, CC-3)
 - j. Golf Courses - (CC-2, CC-3, CC-4)
 - k. Golf Driving Ranges (Freestanding) - (CC-3, CC-4)
 - l. Group homes (nine persons or less) - (CC-1, CC-2, CC-3)
 - m. Kennels - (CC-4)
 - n. Pet Care Services (excluding veterinary office and kennels) - (CC-2)
 - o. Places of Worship - (CC-1)
 - p. Public or Private Parks - (All Districts)
 - q. Public Recreation Facilities - (All Districts)
 - r. Repair and Maintenance Services, Appliance and Electronics - (CC-3)
 - s. Schools, including Public and Private, having a curriculum similar to those given in public schools) - (CC-1)
 - t. Utility Substations - (All Districts)

- u. Veterinary Services (non-livestock, may include totally enclosed kennels operated in connection with veterinary services) - (CC-2, CC-3)
- v. Zoos and Botanical Gardens - (CC-1, CC-2, CC-3)

(8) *Standards.* The development standards listed herein are additional to other requirements of this chapter. These development standards are use-specific and apply to those uses designated with an “SR” in the Table of Permitted Uses and Permitted Uses with Special Requirements for the CC Neighborhood District [see Section 26-111 (e) (6), above].

a. *Antennas.*

1. Use districts: All Districts.
2. In residential districts, no antenna shall be permitted between the front of a principal structure and any adjacent public road. In the case of corner lots, no antenna shall be permitted between the side of a principal structure and the road. No dish type antenna more than eighteen (18) inches in diameter shall be placed on the roof or other portion of a building so as to be visible from any adjacent property.
3. In nonresidential districts, antennas may be placed at any location that is not visible from any adjacent public road. Antennas may be placed on top of a principal structure less than thirty (30) feet in height, provided that screening is provided with materials compatible with the principal structure at least equal in height to the antenna. Antennas may be placed on top of a flat roofed structure that exceeds thirty (30) feet in height. Antennas erected on any pitched roof structure, regardless of height of the structure, must be screened with materials compatible with the principal structure. The screening shall not be less than the height of the antenna. In these districts, dish type antennas measuring less than three (3) feet in diameter may be placed at any location on a principal structure, except for the building façade or any road oriented side wall.

b. *Automobile Towing, including Storage Services.*

1. Use district: Crane Creek-4.

2. All outside storage shall be completely screened from adjacent roads and residentially zoned or used properties.
- c. *Barber shops, beauty salons, and related services.*
1. Use districts: Crane Creek-1.
 2. No more than four (4) workstations are permitted.
 3. Signage shall be limited to a single sign, not to exceed three (3) square feet and not containing internal lighting. Such signage shall be attached to the building.
- d. *Bars and Other Drinking Places.*
1. Use districts: Crane Creek-2; Crane Creek-3.
 2. Lots used for drinking places shall be located no closer than four hundred (400) feet from any other lot used as a drinking place, and shall be no closer than six hundred (600) feet to any lot which contains a school (public or private) or a place of worship.
 3. Bars and other drinking places shall provide adequate off-street parking at a rate of twelve (12) spaces for each one thousand (1,000) square feet of gross floor area.
 4. Parking areas related to the establishment of a bar or other drinking place shall be located no closer than thirty (30) feet to the property line of residentially zoned or used property.
 5. A minimum six (6) foot high opaque fence shall be erected adjacent to the property line of abutting residentially zoned or used property.
- e. *Bus shelters.*
1. Use districts: All Districts.
 2. Any person wishing to erect and maintain a bus shelter shall obtain a permit for each shelter from the Planning Department. Each permit shall cost fifty (\$50.00) dollars and shall be valid for one (1) year. The permit may be renewed upon payment of the fifty (\$50.00) dollar renewal fee.

3. A shelters may only be located at a designated bus stop that is presently being served by a public transit authority, and only one (1) bus shelter shall be allowed per bus stop location.
4. If the shelter is proposed to be located within a SCDOT right-of-way, the location of the shelter must be approved by SCDOT prior to obtaining a permit from the Richland County Planning Department.
5. Design plans for the bus shelter shall be submitted for review and a building permit obtained. The bus shelter must be built to the current and future editions of the International Building Code for commercial structures, except that plumbing and mechanical elements are not required, and the bus shelter must be able to withstand sustained three (3) second wind gusts of up to 95 MPH. All normal review and permit fees apply, along with normal inspections.
6. The shelter shall be designed so that it will present an attractive appearance and not detract from the adjacent surroundings. It shall be illuminated and provide protection from weather elements. The shelter design shall include the following:
 - [a] Each shelter shall consist of an aluminum or steel framework suitable for supporting transparent wall panels and opaque roof panels. The shelter must have a rear wall section, two (2) side panels, and a roof. The transparent wall section must be of tempered glass.
 - [b] At a minimum, each shelter must have a six (6) foot bench, a bus route and schedule holder, a trash receptacle, and be illuminated during hours of darkness. The shelter must be installed on and attached to a concrete foundation.
 - [c] Each bus shelter must be erected in accordance with ADA specifications and requirements. The permittee is responsible to meet the ADA standards and any complaints of nonconformance must be rectified by permittee at his/her expense within thirty (30) days of notification by the Planning department. Under this subsection, ADA compliance includes, but is not limited to, sidewalk

on ramps, tactile warnings, and signage or directional arrows indicating handicap accessibility.

[d] Advertising on the shelter shall be limited to the outward side of the side wall panels, and may provide a lighting source contained within the panel cabinet. Only two (2) advertisements will be allowed per shelter, and each advertisement will be limited to a maximum poster dimension of 4' wide by 6' high.

[e] The general dimensions of a typical shelter will be at a minimum 9' long by 6' wide by 8' high.

7. The route number shall be displayed prominently on the bus shelter.
8. Each bus shelter shall make available printed bus schedules, and shall display a large regional map that includes the bus route.
9. Bus shelters shall be maintained in good repair and the person whose name is on the permit application shall be responsible for the cleaning, repairing or replacement of any part thereof, including advertising materials, sidewalks, walkways, curbs or foundations encompassed by the bus shelter. Such work as is necessary to relocate, alter or maintain the bus shelter will be done in such a manner that it will not in any way interfere with or endanger the safety of the general public in their use of the roads.

f. *Cemeteries and Mausoleums.*

1. Use districts: Crane Creek -4.
2. A minimum of three (3) contiguous acres shall be required to establish a cemetery or a mausoleum not located on the same tract of land as a place of worship.
3. Primary access to the facility shall be from a collector or thoroughfare road.

g. *Construction, building, general contracting, without outside storage.*

1. Use districts: Crane Creek-4.

2. All outside storage shall be completely screened from adjacent roads and residentially zoned or used properties.
- h. *Daycare, Adult, Home Occupations (5 or fewer).*
1. Use districts: Crane Creek-1; Crane Creek-2; Crane Creek-3.
 2. An adult day care, home occupation, with five (5) or fewer attendees must be operated in an occupied residence.
 3. Client pick-up and drop-off shall not obstruct traffic flow on adjacent public roads.
 4. All other state and federal regulations shall be met.
- i. *Daycare, Child, Family Daycare, Home Occupations (5 or fewer).*
1. Use districts: Crane Creek-1; Crane Creek-2; Crane Creek-3.
 2. A child family day care home occupation must be operated in an occupied residence.
 3. Any outdoor play area shall be fenced or otherwise enclosed on all sides and shall not include driveways, parking areas, or land otherwise unsuited for children's play space.
 4. Client pick-up and drop-off shall not obstruct traffic flow on adjacent public roads.
 5. All other state and federal regulations shall be met.
- j. *Golf Courses.*
1. Use districts: Crane Creek-2; Crane Creek-3; Crane Creek-4.
 2. There shall be a minimum fifty (50) foot setback between clubhouses or other non-course facilities and adjacent residentially zoned or used property.
- k. *Golf Driving Ranges (Freestanding).*
1. Use districts: Crane Creek-2; Crane Creek-3.

2. Fencing, netting, or other control measures shall be provided around the perimeter of the driving area to prevent balls from leaving the property.
 3. No equipment, machinery, or mechanical device of any kind shall be operated within two hundred (200) feet of any residentially zoned or used property.
 4. Operations shall not begin before 9:00 a.m. nor continue after 10:00 p.m.
- l. *Group homes (nine persons or less).*
 1. Use districts: Crane Creek-1; Crane Creek-2; Crane Creek-3.
 2. Location approval is subject to Section 6-29-770 of the South Carolina Code of Laws, as amended.
 - m. *Kennels.*
 1. Use district: Crane Creek-4.
 2. Any building (which is part of a kennel) housing animals shall be located a minimum of one hundred and fifty (150) feet from any residentially zoned or used property.
 3. Fenced outdoor runs are allowed for use only during the hours of 6:00 a.m. to 10:00 p.m.; however, no animal may be kept in the run for boarding purposes, and pens for the animals must be located indoors. Feeding of animals must be conducted indoors and is prohibited in the runs.
 3. All animal refuse and food must be kept in airtight containers and disposed of on a regular basis. Animal wastes shall not be stored any closer than fifty (50) feet from any property line or surface waters.
 - n. *Pet Care Services (excluding veterinary office and kennels).*
 1. Use districts: Crane Creek-2.
 2. All pet care services shall be conducted inside an enclosed structure.

- o. *Places of Worship.*
 - 1. Use district: Crane Creek–1.
 - 2. Facilities for a place of worship located on a site of three (3) acres or more shall have primary access to the facility from a collector of thoroughfare road.
 - 3. No parking space or drive shall be located closer than twenty (20) feet to a residence not associated with the place of worship. No parking area may be located in the front setback.
 - 4. The front setback shall be the same as permitted in the respective district, but shall not be less than the lesser setback of any existing homes on adjacent lots. The side and rear setbacks shall be thirty (30) feet.

- p. *Public or private parks.*
 - 1. Use districts: All Districts.
 - 2. Overflow parking shall be designated on the site plan and shall be kept available to handle all traffic from special events.
 - 3. All parks greater than ten (10) acres shall have primary access to a collector or thoroughfare road.

- q. *Public recreation facilities.*
 - 1. Use districts: All Districts.
 - 2. Overflow parking shall be designated on the site plan and shall be kept available to handle all traffic from special events.
 - 3. All recreation facilities greater than ten (10) acres shall have primary access to a collector or thoroughfare road.
 - 4. Lights shall be positioned and shielded so as not to shine onto adjacent properties.
 - 5. Loud speaker systems shall not be operated before 8:00 a.m. or after 10:00 p.m.

- r. *Repair and maintenance service, appliance and electronics.*
 - 1. Use districts: Crane Creek-3.
 - 2. No outside storage of appliances, equipment, or parts shall be permitted.

- s. *Schools, including public and private schools, having a curriculum similar to those given in public schools.*
 - 1. Use districts: Crane Creek-1.
 - 2. The minimum lot size for a school shall be two (2) acres.
 - 3. Parking and active recreation areas shall not be located within any required setback.
 - 4. Primary access shall be provided from a collector or a thoroughfare road.

- t. *Utility substations.*
 - 1. Use districts: All Districts.
 - 2. All buildings shall observe accessory building setbacks. Transformer stations shall observe the principal building setback regulations.
 - 3. Equipment that produces noise or sound in excess of seventy (70) decibels shall be located no closer than one hundred (100) feet to the nearest residence.
 - 3. Transformer stations shall be screened from adjacent properties and from roads with a vegetative screen that, at a minimum, meets the standards listed in Section 26-176(h).

- u. *Veterinary services (non-livestock, may include a totally enclosed kennel operated in connection with veterinary services).*
 - 1. Use districts: Crane Creek-2; Crane Creek-3.
 - 2. Veterinary services shall not include provisions for kennels or boarding of animals not undergoing treatment.
 - 3. All buildings used in the operation shall be soundproofed and air-conditioned.

4. Outside activity shall be limited to six (6) hours per day or fewer.
 5. Where the lot is adjacent to a residential zoning district or residential use, a side yard of not less than ten (10) feet shall be maintained.
 6. All animal refuse and food must be kept in airtight containers and disposed of on a regular basis.
- v. *Zoos and Botanical Gardens.*
1. Use districts: Crane Creek-1; Crane Creek-2; Crane Creek-3.
 2. There shall be a minimum one hundred (100) foot setback between all activities associated with the use and any adjacent residential property.
 3. All zoos and botanical gardens shall have primary access to collector or thoroughfare roads.

Secs. 26-112 - 26-130. Reserved.

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Sec. 26-131. Table of Area, Yard, and Height Requirements.

- (a) *General.* The Table of Area, Yard, and Height Requirements, found in this section contains a listing of the principal development standards for the general use zoning districts. Standards are listed for minimum lot area, minimum lot width, structure size, setback, and height. Reference should be made to the specific use district regulations found in Sections 26-84 through 26-101 of this chapter for the complete listings of applicable development standards for each district. Standards for the PDD, TC, RD, CRD, DBWP, and CC districts are not listed in this table since developments in these districts are regulated primarily through the development review process. Development within overlay districts, unless otherwise specified, generally adheres to the requirements for the underlying general use zoning district. (Ord. 009-12HR; 2-21-12)
- (b) *Table of area, yard, and height requirements.* The table (Table 26-V-1) below lists the general dimensional and area requirements for the zoning districts set forth in this article. See also the subsections for each district for additional detailed dimensional and area requirements. (Ord. 009-12HR; 2-21-12)

**TABLE 26-V-1
TABLE OF AREA, YARD, AND HEIGHT REQUIREMENTS**

DISTRICT	MINIMUM LOT AREA (Square Feet Each)		MAXIMUM DENSITY	MINIMUM LOT WIDTH (Feet)	MAXIMUM LOT COVERAGE/GFA	PRINCIPAL SETBACK STANDARDS (Feet)			MAXIMUM HEIGHT (Feet)
	First Unit	Add. Unit				Front	Side	Rear	
TROS (043-07HR; 5-1-07)	None	None	None	None	None	25	20	20	45
RU	33,000	NA	1/Lot	120	None	40	20	50	45
RR	33,000	NA	1/ Lot	120	None	40	20	50	45
RS-E	20,000	NA	1/Lot	100	None	35	10	30	45
RS-LD	12,000	NA	1/Lot	75	None	25	See Sec. 26-89	20	45
RS-MD	8,500	NA	1/Lot	60	None	25	See Sec. 26-90	20	45
RS-HD	5,000	NA	1/Lot	50	None	25	See Sec. 26-91	20	45
MH	7,260	NA	6 Units/Acre	60	None	25	8	20	35
RM-MD	NA	NA	8 Units/Acre	50	None	25	7	20	45
RM-HD	NA	NA	16 Units/Acre	50	None	25	7	20	See Sec. 26-94
OI	NA	NA	16 Units/Acre	See Sec. 26-95	None	25	7	20	See Sec. 26-95
NC	NA	NA	8 Units/Acre	None	See Sec. 26-96	25	None	10	See Sec. 26-96
RC	22,000	NA	NA	50	See Sec. 26-97	25	None	20	45
GC	NA	NA	16 Units/Acre	None	None	25	None	10	See Sec. 26-98
M-1	None	None	None	None	None	25	None	10	None
LI	None	None	None	None	None	25	None	10	None
HI	None	None	None	None	None	25	None	10	None

Secs. 26-132 – 26-140. Reserved.

Sec. 26-141. Table of Permitted Uses, Permitted Uses with Special Requirements, and Special Exceptions.

- (a) *General.* The Table of Permitted Uses, Permitted Uses with Special Requirements, and Special Exceptions that follows, contains a listing of uses that may be permitted in one or more of the various zoning districts established by this article. Uses are listed in alphabetical order in eleven functional categories. The categories in order of their listing are: agricultural uses; residential uses; accessory uses and structures; recreational uses; institutional, educational and civic uses; business, professional and personal services; retail trade and food services; wholesale trade; transportation, information, warehousing, waste management, and utilities; manufacturing, mining, and industrial uses; and, other uses.
- (b) *Symbols used.* The districts in which a particular use is permitted (with or without special requirements), are indicated by a “P”, “SR”, or “SE” in the district column(s) opposite the listed use. Blank spaces in the district column under any proposed use indicates that the use is NOT permitted in that particular zoning district.
- (c) *Meaning of symbols.* The meaning of the symbols in the Table of Permitted Uses, Permitted Uses with Special Requirements, and Special Exceptions are as follows:
 - (1) *P.* Means the indicated use is permitted in the indicated district.
 - (2) *SR.* Means the indicated use is permitted provided special additional standards set forth in this chapter are met. These standards are contained in Article VI., Supplemental Use Standards.
 - (3) *SE.* Means the indicated use is permitted in the indicated district, subject to approval of a special exception by the board of zoning appeals (Section 26-56 of this chapter). Minimum conditions that must be met in order for the board to grant a special exception are listed in Article VI., Supplemental Use Standards.
- (d) *North American Industry Classification System (NAICS).* The North American Industry Classification System, United States Manual – 2002 Edition (NAICS) was utilized in the preparation of the Table of Permitted Uses, Permitted Uses with Special Requirements, and Special Exceptions. The listing of the numerical references (in the NAICS) utilized is found in Appendix I. This listing and the 2002 NAICS manual shall be consulted as a guide for the purpose of interpretation by the zoning administrator when necessary. The NAICS number in the appendix refers to the corresponding NAICS classification for that particular use. Listings with a “000000” in the NAICS column do not correspond to any classification manual, but rather are identified uses of local significance.

- (e) *Relationship to other laws.* The listing of a use in the Table of Permitted Uses, Permitted Uses with Special Requirements, and Special Exceptions in no way relieves that use of having to meet all local, state, and federal laws pertaining to the establishment and operation of that use.
- (f) *Table of Permitted Uses, Permitted Uses with Special Requirements, and Special Exceptions.* See Table 26-V-2.

**TABLE 26-V-2
TABLE OF PERMITTED USES, PERMITTED USES WITH SPECIAL REQUIREMENTS, AND SPECIAL EXCEPTIONS**

USE TYPES	TROS	RU	RR	RS-E	RS-LD	RS-MD	RS-HD	MH	RM-MD	RM-HD	OI	NC	RC	GC	M-1	LI	HI
<u>Agricultural Uses</u>																	
Animal Production		P													P		
Animal Production Support Services		P													P		
Crop Production		P													P		
Crop Production Support Services		P													P	P	P
Fish Hatcheries		P													P		
Forestry		P													P		
Forestry Support Services		P													P	P	P
Poultry Farms		SR													P		
Produce Stands		SR													P		
Swine Farms															P		
Veterinary Services (Livestock)		P													P		
<u>Residential Uses</u>																	
Accessory Dwellings		SR	SR	SR	SR	SR	SR		P	P					SR		
Common Area Recreation and Service Facilities		P	P	P	P	P	P	P	P	P	P	P	P	P			
Continued Care Retirement Communities		SE	SE						SR	SR	SR		SR	SR			
Dormitories										P	SE			SE			
Dwellings, Conventional or Modular																	
Duets									SR	SR							
Multi-Family, Not Otherwise Listed									P	P				P			
Single-Family, Detached		P	P	P	P	P	P	P	P	P							
Single-Family, Zero Lot Line, Common						SE	SE		SR	SR				SR			
Single-Family, Zero Lot Line, Parallel				SR	SR	SR	SR		SR	SR							
Townhouses (Ord. No. 036-15; 7-28-15)									SR	SR							
Two-Family									P	P							

USE TYPES	TROS	RU	RR	RS-E	RS-LD	RS-MD	RS-HD	MH	RM-MD	RM-HD	OI	NC	RC	GC	M-1	LI	HI
Dwellings, Manufactured Homes on Individual Lots		SR	SR	SR				SR							SE		
Fraternity and Sorority Houses									P	P	P			P			
Group Homes (9 or Less)		SR	SR	SR	SR	SR	SR	SR	SR	SR							
Group Homes (10 to 15) (Ord No.044-12HR; 9-11-12)		SR								SE	SE	SE	SE	SE			
Manufactured Home Parks								SR									
Rooming and Boarding Houses										SE	SE	SE	SE	P			
Special Congregate Facilities											SE			SE			
<u>Accessory Uses and Structures</u>																	
Accessory Uses and Structures (Customary) – See Also Sec. 26-185		P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Home Occupations		SR	SR	SR	SR	SR	SR	SR	SR	SR	SR	SR	SR	SR			
Swimming Pools		SR	SR	SR	SR	SR	SR	SR	SR	SR	SR	SR	SR	SR			
Yard Sales		SR	SR	SR	SR	SR	SR	SR	SR	SR	SR	SR	SR	SR			
<u>Recreational Uses</u>																	
Amusement or Water Parks, Fairgrounds														SR	SR	SR	
Amusement Arcades												P	P	P	P		
Athletic Fields	SR	SE	SE	SE	SE	SE	SE	SE	SE	SE	P	SR	SR	P	P		
Batting Cages														SR	SR	SR	
Billiard Parlors														P	P		
Bowling Centers														P	P		
Clubs or Lodges (Ord No.054-08HR; 9-16-08)		SE									P	P	P	P	P		
Country Clubs with Golf Courses	SR	SR	SE	SE	SE	SE	SE	SE	SE	SE				SR	SR	SR	
Dance Studios and Schools											P	P	P	P	P		
Go-Cart, Motorcycle and Similar Small Vehicle Tracks														SR	P		P
Golf Courses	SR													SR	SR	SR	

USE TYPES	TROS	RU	RR	RS-E	RS-LD	RS-MD	RS-HD	MH	RM-MD	RM-HD	OI	NC	RC	GC	M-1	LI	HI
Golf Courses, Miniature													P	P	P	P	
Golf Driving Ranges (Freestanding)	SR												SR	SR	SR	SR	
Hunt Clubs		P															
Marinas and Boat Ramps														P	P		
Martial Arts Instructional Schools											P	P	P	P	P		
Physical Fitness Centers											P	P	P	P	P	P	
Public or Private Parks	SR	SR	SR	SR	SR	SR	SR	SR	SR	SR	SR	SR	SR	SR	SR	SR	SR
Public Recreation Facilities	SR	SR	SR	SR	SR	SR	SR	SR	SR	SR	SR	SR	SR	SR	SR	SR	SR
Racetracks and Drag Strips																	SE
Riding Stables	P	P													P		
Shooting Ranges, Indoor														P	P	P	P
Shooting Ranges, Outdoor		SE															SE
Skating Rinks														P	P		
Swim and Tennis Clubs	SR	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	P	P	SE	
Swimming Pools	SR	SR	SR	SR	SR	SR	SR	SR	SR	SR	SR	SR	SR	SR			
<u>Institutional, Educational and Civic Uses</u>																	
Ambulance Services, Emergency		P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Ambulance Services, Transport											P		P	P	P	P	
Animal Shelters														SR	SR	SR	
Auditoriums, Coliseums, Stadiums											P			P	P	P	
Bus Shelters/Bus Benches (Ord. 053-09HR; 11-3-09)	SR	SR	SR	SR	SR	SR	SR	SR	SR	SR	SR	SR	SR	SR	SR	SR	SR
Cemeteries, Mausoleums (Ord. 069-10HR)		SR									SR	SR	SR	SR	SR	SR	SR
Colleges and Universities											P		P	P			
Community Food Services											P	P	P	P	P	P	
Correctional Institutions		SE													P	SE	SE
Courts											P	P	P	P			

USE TYPES	TROS	RU	RR	RS-E	RS-LD	RS-MD	RS-HD	MH	RM-MD	RM-HD	OI	NC	RC	GC	M-1	LI	HI
Day Care, Adult, Home Occupation (5 or Fewer) (Ord. 008-09HR; 2-17-09)		SR	SR	SR	SR	SR	SR	SR	SR	SR	SR			SR			
Day Care Centers, Adult (Ord. 008-09HR; 2-17-09)		SR									SR	SR	SR	SR	SR		
Day Care, Child, Family Day Care, Home Occupation (5 or Fewer) (Ord No. 054-08HR; 9-16-08; (Ord. 008-09HR; 2-17-09)		SR	SR	SR	SR	SR	SR	SR	SR	SR	SR			SR			
Day Care, Child, Licensed Center (Ord. 008-09HR; 2-17-09)		SR									SR	SR	SR	SR	SR		
Fire Stations		P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Government Offices											P	P	P	P	P	P	
Hospitals											P		P	P			
Individual and Family Services, Not Otherwise Listed											P	P	P	P	P		
Libraries		SR	SR	SR	SR	SR	SR	SR	SR	SR	P	P	P	P	P		
Museums and Galleries											P	P	P	P	P		
Nursing and Convalescent Homes		SE	SE						P	P	P	P	P	P			
Orphanages		SE	SE						SE	SE	P	P	P				
Places of Worship		SR	SR	SE	SE	SE	SE	SE	SR	SR	P	P	SR	P	P	P	P
Police Stations, Neighborhood		P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Post Offices											P	P	P	P	P	P	P
Postal Service Processing & Distribution														P	P	P	
Schools, Administrative Facilities											P	P	P	P	P	P	
Schools, Business, Computer and Management Training											P	P	P	P	P	P	
Schools, Fine Arts Instruction											P	P	P	P	P	P	
Schools, Junior Colleges											P	P	P	P	P	P	

USE TYPES	TROS	RU	RR	RS-E	RS-LD	RS-MD	RS-HD	MH	RM-MD	RM-HD	OI	NC	RC	GC	M-1	LI	HI
Schools, Including Public and Private, Having a Curriculum Similar to Those Given in Public Schools)		SR	SR	SR	SR	SR	SR	SR	SR	SR	P	P	P	P			
Schools, Technical and Trade (Except Truck Driving)											P	P	P	P	P	P	
Schools, Truck Driving														P	P	P	P
Zoos and Botanical Gardens		SE									SE		SE	SR	SR		
<u>Business, Professional and Personal Services</u>																	
Accounting, Tax Preparation, Bookkeeping, and Payroll Services											P	P	P	P	P	P	
Advertising, Public Relations, and Related Agencies											P	P	P	P	P		
Automatic Teller Machines											P	P	P	P	P	P	P
Automobile Parking (Commercial)											P	P	P	P	P	P	P
Automobile Rental or Leasing														P	P	P	P
Automobile Towing, Not Including Storage													P	P	P	P	P
Automobile Towing, Including Storage Services															P	P	P
Banks, Finance, and Insurance Offices											P	SR	SR	P	P	P	
Barber Shops, Beauty Salons, and Related Services		SR							SR	SR	P	P	P	P	P	P	
Bed and Breakfast Homes/Inns (Ord. 020-10HR; 5-4-10)		SR	SR						SR	SR	SR	SR	SR	SR			
Body Piercing Facilities														SR			
Building Maintenance Services, Not Otherwise Listed														P	P	P	P

USE TYPES	TROS	RU	RR	RS-E	RS-LD	RS-MD	RS-HD	MH	RM-MD	RM-HD	OI	NC	RC	GC	M-1	LI	HI
Car and Light Truck Washes (See also Truck Washes)													SR	P	P	P	P
Carpet and Upholstery Cleaning Services														P	P	P	P
Computer Systems Design and Related Services											P	P	P	P	P	P	P
Clothing Alterations/Repairs; Footwear Repairs											P	P	P	P	P		
Construction, Building, General Contracting, with Outside Storage															SR	SR	P
Construction, Building, General Contracting, without Outside Storage											P	P	P	P	P	P	P
Construction, Heavy, with Outside Storage															SR	SR	P
Construction, Heavy, without Outside Storage															P	P	P
Construction, Special Trades, with Outside Storage															SR	SR	P
Construction, Special Trades, without Outside Storage											P	P	P	P	P	P	P
Employment Services											P	P	P	P	P	P	
Engineering, Architectural, and Related Services											P	P	P	P	P	P	
Exterminating and Pest Control Services													P	P	P	P	
Funeral Homes and Services											P	P	P	P	P	P	
Furniture Repair Shops and Upholstery													P	P	P	P	P
Hotels and Motels													P	P	P	P	
Janitorial Services													P	P	P	P	P
Kennels		SR									SR		SR	SR	SR	SR	
Landscape and Horticultural Services		P												P	P	P	
Laundromats, Coin Operated												P	P	P	P	P	

USE TYPES	TROS	RU	RR	RS-E	RS-LD	RS-MD	RS-HD	MH	RM-MD	RM-HD	OI	NC	RC	GC	M-1	LI	HI
Laundry and Dry Cleaning Services, Non-Coin Operated											P	P	P	P	P	P	P
Legal Services (Law Offices, Etc.)											P	P	P	P	P		
Linen and Uniform Supply														P	P	P	P
Locksmith Shops												P	P	P	P		
Management, Scientific, and Technical Consulting Services											P	P	P	P	P	P	
Massage Therapists											P	P	P	P	P		
Medical/Health Care Offices											P	P	P	P	P		
Medical, Dental, or Related Laboratories											P	P	P	P	P	P	
Motion Picture Production/Sound Recording														P	P	P	
Office Administrative and Support Services, Not Otherwise Listed											P	P	P	P	P	P	
Packaging and Labeling Services											P	P	P	P	P	P	P
Pet Care Services (Excluding Veterinary Offices and Kennels)											P	SR	SR	P	P	P	
Photocopying and Duplicating Services											P	P	P	P	P	P	P
Photofinishing Laboratories											P	P	P	P	P	P	P
Photography Studios											P	P	P	P	P		
Picture Framing Shops											P	P	P	P	P		
Professional, Scientific, and Technical Services, Not Otherwise Listed											P	P	P	P	P	P	
Publishing Industries														P	P	P	P
Real Estate and Leasing Offices											P	P	P	P	P		
Recreational Vehicle Parks and Recreation Camps		SR															
Rental Centers, with Outside Storage														SR	P	P	P

USE TYPES	TROS	RU	RR	RS-E	RS-LD	RS-MD	RS-HD	MH	RM-MD	RM-HD	OI	NC	RC	GC	M-1	LI	HI
Rental Centers, without Outside Storage													P	P	P	P	P
Repair and Maintenance Services, Appliance and Electronics													SR	SR	SR	SR	P
Repair and Maintenance Services, Automobile, Major															P	P	P
Repair and Maintenance Services, Automobile, Minor													P	P	P	P	P
Repair and Maintenance Services, Boat and Commercial Trucks, Large															P		P
Repair and Maintenance Services, Boat and Commercial Trucks, Small															P	P	P
Repair and Maintenance Services, Commercial and Industrial Equipment															P	P	P
Repair and Maintenance Services, Home and Garden Equipment														P	P	P	
Repair and Maintenance Services, Personal and Household Goods												P	P	P	P	P	
Repair and Maintenance Services, Television, Radio, or Other Consumer Electronics												P	P	P	P	P	
Research and Development Services											SR			P	P	P	P
Security and Related Services														P	P	P	
Septic Tank Services													P		P		P
Tanning Salons												P	P	P	P		
Tattoo Facilities (Ord 010-07HR; 2-20-07) and (Ord No. 054-08HR; 9-16-08)														P			
Taxidermists													P	P	P	P	
Theaters, Live Performances														P	P		

USE TYPES	TROS	RU	RR	RS-E	RS-LD	RS-MD	RS-HD	MH	RM-MD	RM-HD	OI	NC	RC	GC	M-1	LI	HI
Theaters, Motion Picture, Other Than Drive-Ins												SE	P	P	P	P	
Theaters, Motion Picture, Drive-Ins													SE	SE	P	SE	
Tire Recapping															P		P
Travel Agencies (without Tour Buses or Other Vehicles)											P	P	P	P	P		
Traveler Accommodations, Not Otherwise Listed													P	P	P		
Truck (Medium and Heavy) Washes														P	P	P	P
Vending Machine Operators															P	P	P
Veterinary Services (Non-Livestock, May Include Totally Enclosed Kennels Operated in Connection with Veterinary Services)											SR	SR	P	P	P	P	
Watch and Jewelry Repair Shops											P	P	P	P	P		
Weight Reducing Centers											P	P	P	P	P		
Retail Trade and Food Services																	
Antique Stores (See Also Used Merchandise Shops and Pawn Shops)											P	P	P	P	P		
Appliance Stores														P	P		
Art Dealers											P	P	P	P	P		
Arts and Crafts Supply Stores												P	P	P	P		
Auction Houses													P	P	P	P	
Automotive Parts and Accessories Stores													P	P	P	P	
Bakeries, Retail												P	P	P	P	P	
Bars and Other Drinking Places											SE	SE	SR	SR	SR	SR	
Bicycle Sales and Repair												P	P	P	P	P	
Boat and RV Dealers, New and Used (Ord No. 024-15HR; 6-16-15)														P	P	P	

USE TYPES	TROS	RU	RR	RS-E	RS-LD	RS-MD	RS-HD	MH	RM-MD	RM-HD	OI	NC	RC	GC	M-1	LI	HI
Book, Periodical, and Music Stores											P	P	P	P	P		
Building Supply Sales with Outside Storage													P	P	P	P	P
Building Supply Sales without Outside Storage													P	P	P	P	P
Camera and Photographic Sales and Service												P	P	P	P		
Candle Shops												P	P	P	P		
Candy Stores (Confectionery, Nuts, Etc.)												P	P	P	P		
Caterers, No On Site Consumption											P	P	P	P	P	P	
Cigar Bars												SR		SR	SR	SR	
Clothing, Shoe, and Accessories Stores												P	P	P	P		
Coin, Stamp, or Similar Collectibles Shops												P	P	P	P		
Computer and Software Stores												P	P	P	P		
Convenience Stores (with Gasoline Pumps)												P	P	P	P	P	P
Convenience Stores (without Gasoline Pumps)												P	P	P	P	P	P
Cosmetics, Beauty Supplies, and Perfume Stores												P	P	P	P		
Department, Variety or General Merchandise Stores												P	P	P	P		
Direct Selling Establishments, Not Otherwise Listed														P	P	P	
Drugstores, Pharmacies, with Drive-Thru											P		P	P	P	P	
Drugstores, Pharmacies, without Drive-Thru											P	P	P	P	P	P	

Electronic Shopping and Mail Order Houses														P	P	P	P
USE TYPES	TROS	RU	RR	RS-E	RS-LD	RS-MD	RS-HD	MH	RM-MD	RM-HD	OI	NC	RC	GC	M-1	LI	HI
Fabric and Piece Goods Stores												P	P	P	P		
Flea Markets, Indoor													P	P	P	P	
Flea Markets, Outdoor													P	P	P	P	
Floor Covering Stores													P	P	P		
Florists												P	P	P	P		
Food Service Contractors												P	P	P	P		
Food Stores, Specialty, Not Otherwise Listed												P	P	P	P		
Formal Wear and Costume Rental												P	P	P	P		
Fruit and Vegetable Markets												P	P	P	P	P	
Fuel Sales (Non- Automotive)															SR		SR
Furniture and Home Furnishings													P	P	P		
Garden Centers, Farm Supplies, or Retail Nurseries												P	P	P	P		
Gift, Novelty, Souvenir, or Card Shops												P	P	P	P		
Grocery/Food Stores (Not Including Convenience Stores)												P	P	P	P		
Hardware Stores												P	P	P	P		
Health and Personal Care Stores, Not Otherwise Listed												P	P	P	P		
Hobby, Toy, and Game Stores												P	P	P	P		
Home Centers														P	P		
Home Furnishing Stores, Not Otherwise Listed												P	P	P	P		
Jewelry, Luggage, and Leather Goods												P	P	P	P		

(May Include Repair)																	
Liquor Stores												P	P	P	P		
USE TYPES	TROS	RU	RR	RS-E	RS-LD	RS-MD	RS-HD	MH	RM-MD	RM-HD	OI	NC	RC	GC	M-1	LI	HI
Manufactured Home Sales (Ord No. 024-14HR; 6-16-15)														SR	SR	SR	
Meat Markets												P	P	P	P		
Miscellaneous Retail Sales – Where Not Listed Elsewhere, and Where All Sales and Services are Conducted within an Enclosed Building												P	P	P	P		
Motor Vehicle Sales – Car and Truck – New and Used (Ord No. 024-15HR; 6-16-15)													P	P	P	P	
Motorcycle Dealers, New and Used (Ord No. 024-15HR; 6-16-15)													P	P	P	P	
Musical Instrument and Supplies Stores (May Include Instrument Repair)												P	P	P	P		
News Dealers and Newsstands												P	P	P	P		
Office Supplies and Stationery Stores											P	P	P	P	P		
Optical Goods Stores											P	P	P	P	P		
Outdoor Power Equipment Stores													P	P	P		
Paint, Wallpaper, and Window Treatment Sales												P	P	P	P		
Pawnshops														P	P		
Pet and Pet Supplies Stores												P	P	P	P		
Record, Video Tape, and Disc Stores												P	P	P	P		
Restaurants, Cafeterias												SR	SR	SR	SR	SR	SR
Restaurants, Full Service (Dine-In Only)												SR	SR	SR	SR	SR	SR
Restaurants, Limited Service (Dine-In)												SR	SR	SR	SR	SR	SR

USE TYPES	TROS	RU	RR	RS-E	RS-LD	RS-MD	RS-HD	MH	RM-MD	RM-HD	OI	NC	RC	GC	M-1	LI	HI
Restaurants, Limited Service (Delivery, Carry Out <u>Only</u>)											P	P	P	P	P	P	
Restaurants, Limited Service (Drive-Thru)													P	P	P	P	
Restaurants, Snack and Nonalcoholic Beverage Stores											P	P	P	P	P	P	
Service Stations, Gasoline													P	P	P	P	
Sporting Goods Stores												P	P	P	P		
Television, Radio or Electronic Sales													P	P	P		
Tire Sales													P	P	P		
Tobacco Stores												P	P	P	P		
Truck Stops														P	P	P	P
Used Merchandise Stores												P	P	P	P		
Video Tape and Disc Rental												P	P	P	P		
Warehouse Clubs and Superstores														P	P		
Wholesale Trade																	
Apparel, Piece Goods, and Notions														P	P	P	P
Beer/Wine/Distilled Alcoholic Beverages														SR	P	P	P
Books, Periodicals, and Newspapers														P	P	P	P
Chemicals and Allied Products															P	P	P
Drugs and Druggists' Sundries														SR	P	P	P
Durable Goods, Not Otherwise Listed														SR	P	P	P
Electrical Goods														SR	P	P	P
Farm Products, Raw Materials															P	P	P
Farm Supplies															P	P	P
Flowers, Nursery Stock, and Florist Supplies													P	P	P	P	P

USE TYPES	TROS	RU	RR	RS-E	RS-LD	RS-MD	RS-HD	MH	RM-MD	RM-HD	OI	NC	RC	GC	M-1	LI	HI
Furniture and Home Furnishings														SR	P	P	P
Groceries and Related Products														P	P	P	P
Hardware														P	P	P	P
Jewelry, Watches, Precious Stones														P	P	P	P
Lumber and Other Construction Materials														SR	P		P
Machinery, Equipment and Supplies														SR	P	P	P
Market Showrooms (Furniture, Apparel, Etc.)														SR	P	P	P
Metal and Minerals															P	P	P
Motor Vehicles															P	P	P
Motor Vehicles, New Parts and Supplies														SR	P	P	P
Motor Vehicles, Tires and Tubes														SR	P	P	P
Motor Vehicles, Used Parts and Supplies															P	P	P
Nondurable Goods, Not Otherwise Listed														SR	P	P	P
Paints and Varnishes														SR	P	P	P
Paper and Paper Products														P	P	P	P
Petroleum and Petroleum Products															SR		SR
Plumbing & Heating Equipment and Supplies														SR	P	P	P
Professional and Commercial Equipment and Supplies														P	P	P	P
Scrap and Recyclable Materials															SE	SE	SE
Sporting and Recreational Goods and Supplies (Except Sporting Firearms and Ammunition)														P	P	P	P
Sporting Firearms and Ammunition														SR	P	P	P
Timber and Timber Products															P	P	P
Tobacco and Tobacco Products														SR	P	P	P

USE TYPES	TROS	RU	RR	RS-E	RS-LD	RS-MD	RS-HD	MH	RM-MD	RM-HD	OI	NC	RC	GC	M-1	LI	HI
Toys and Hobby Goods and Supplies														P	P	P	P
<u>Transportation, Information, Warehousing, Waste Management, and Utilities</u>																	
Airports or Air Transportation Facilities and Support Facilities															P	P	P
Antennas		SR	SR	SR	SR	SR	SR	SR	SR	SR	SR	SR	SR	SR	SR	SR	SR
Bus Facilities, Interurban													P	P	P	P	P
Bus Facilities, Urban													P	P	P	P	P
Charter Bus Industry														P	P	P	P
Courier Services, Central Facility															P	P	P
Courier Services, Substations											P		P	P	P	P	P
Landfills and Structural Fill Sites (Ord. 071-14HR; 12-9-14)		SE															SE
Limousine Services														P	P	P	P
Materials Recovery Facilities (Recycling)															P	P	P
Power Generation, Natural Gas Plants, and Similar Production Facilities																	P
Radio and Television Broadcasting Facilities (Except Towers)											P		P	P	P	P	
Radio, Television, and Other Similar Transmitting Towers (038-12HR; 6-19-12)		SE									SE	SE	SE	SE	SE	SE	SE
Rail Transportation and Support Facilities																	P
Recycling Collection Stations																	P
Remediation Services															P		P
Scenic and Sightseeing Transportation													P	P	P	P	P
Sewage Treatment Facilities, Private																	P
Sludge, Non-Hazardous (Ord. 071-14HR; 12-9-14)																	SR
Taxi Service Terminals													P	P	P	P	P

USE TYPES	TROS	RU	RR	RS-E	RS-LD	RS-MD	RS-HD	MH	RM-MD	RM-HD	OI	NC	RC	GC	M-1	LI	HI
Truck Transportation Facilities															P	P	P
Utility Company Offices											P	P	P	P	P	P	
Utility Lines and Related Appurtenances	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Utility Service Facilities (No Outside Storage)														P	P	P	P
Utility Substations	SR	SR	SR	SR	SR	SR	SR	SR	SR	SR	SR	SR	SR	SR	SR	SR	SR
Warehouses (General Storage, Enclosed, Not Including Storage of Any Hazardous Materials or Waste as Determined by Any Agency of the Federal, State or Local Government)											SR	SR	SR	SR	P	P	P
Warehouses, Self-Storage													SR	SR	SR	SR	P
Waste Collection, Hazardous																	SE
Waste Collection, Other																	P
Warehouses, Self-Storage													SR	SR	SR	SR	P
Waste Collection, Solid, Non-Hazardous																	P
Waste Treatment and Disposal, Hazardous																	SE
Waste Treatment and Disposal, Non-Hazardous																	P
Water Treatment Plants, Non-Governmental, Public															P	P	P
<u>Manufacturing, Mining, and Industrial Uses</u>																	
Animal Food																	P
Animal Slaughtering and Processing																	P
Apparel															P	P	P

USE TYPES	TROS	RU	RR	RS-E	RS-LD	RS-MD	RS-HD	MH	RM-MD	RM-HD	OI	NC	RC	GC	M-1	LI	HI
Bakeries, Manufacturing														P	P	P	P
Beverage, Other Than Soft Drink and Water, and Tobacco																	P
Beverage, Soft Drink and Water															P	P	P
Borrow Pits		SE	SE												SE	SE	P
Cement and Concrete Products																	P
Chemicals, Basic																	P
Chemical Products, Not Otherwise Listed																	P
Clay Products																	P
Computer, Appliance, and Electronic Products														P	P	P	P
Dairy Products															P	P	P
Dolls, Toys, and Games															P	P	P
Fabricated Metal Products															P	SE	P
Food Manufacturing, Not Otherwise Listed															P	P	P
Furniture and Related Products															P	P	P
Glass and Glass Products															P	SE	P
Jewelry and Silverware															P	P	P
Leather and Allied Products (No Tanning)															P	P	P
Leather and Hide Tanning and Finishing																	P
Lime and Gypsum Products																	P
Machinery															P	SE	P
Manufacturing, Not Otherwise Listed															P	SE	P
Medical Equipment and Supplies														P	P	P	P
Mining/Extraction Industries																	P
Office Supplies (Not Paper)															P	P	P
Paint, Coating, and Adhesives																	P

USE TYPES	TROS	RU	RR	RS-E	RS-LD	RS-MD	RS-HD	MH	RM-MD	RM-HD	OI	NC	RC	GC	M-1	LI	HI
Paper Products (Coating and Laminating)																	P
Paper Products (No Coating and Laminating)															P	P	P
Petroleum and Coal Products Manufacturing																	SR
Primary Metal Manufacturing																	P
Printing and Publishing														P	P	P	P
Pulp, Paper, and Paperboard Mills																	P
Rubber and Plastic Products																	P
Seafood Product Preparation and Packaging																	P
Signs														P	P	P	P
Soap, Cleaning Compounds, and Toilet Preparations															P	P	P
Sporting and Athletic Goods															P	P	P
Textile Mills																	P
Textile Product Mills															P	SE	P
Transportation Equipment															P	SE	P
Wood Products, Chip Mills																	P
Wood Products, Excluding Chip Mills															P	P	P
Other Uses																	
Sexually Oriented Businesses														SR			SR
Buildings, High Rise, 4 or 5 Stories										SR	SR			SR			
Buildings, High Rise, 6 or More Stories										SE	SE			SE			
Shipping Containers used as an Accessory Structure (Ord. 025-14HR; 5-20-14)		SR												P	P	P	P

Secs. 26-142 – 26-150. **Reserved**

ARTICLE VI. SUPPLEMENTAL USE STANDARDS

Sec. 26-151. Permitted uses with special requirements.

- (a) *Purpose.* Permitted uses with special requirements are uses permitted by right in a certain zoning district, provided that the specific standards set forth in this article are met. The specified standards are intended to ensure that these uses fit the intent of the districts within which they are permitted, and that these uses are compatible with other development within the district. All permitted uses with special requirements shall comply with the following:
- (1) All properties and structures containing permitted uses with special requirements shall conform to all applicable development standards.
 - (2) Permitted uses with special requirements shall comply with all applicable local, state, and federal regulations and standards, and shall be properly licensed and permitted.
- (b) *Permitted uses with special requirements listed by zoning district.*
- (1) Accessory Dwellings - (RU, RR, RS-E, RS-LD, RS-MD, RS-HD, M-1)
 - (2) Amusement or Water Parks, Fairgrounds - (GC, M-1, LI)
 - (3) Animal Shelters - (GC, M-1, LI)
 - (4) Antennas - (All Districts)
 - (5) Athletic Fields - (TROS, NC, RC) (Ord. 043-07HR; 5-1-07)
 - (6) Banks, Finance, and Insurance Offices – (NC, RC)
 - (7) Barber Shops, Beauty Salons, and Related Services - (RU, RM-MD, RM-HD)
 - (8) Bars and other Drinking Places - (RC, GC, M-1, LI)
 - (9) Batting Cages - (GC, M-1, LI)
 - (10) Bed and Breakfast Homes/Inns - (RU, RR, RM-MD, RM-HD, OI, NC, RC, GC) (Ord. 020-10HR; 5-4-10)
 - (11) Beer/Wine/Distilled Alcoholic Beverages – (GC)

- (12) Body Piercing Facilities – (GC) (Ord. 033–07HR; 4-3-07)
- (13) Buildings, High-Rise, Four (4) or Five (5) Stories – (RM-HD, OI, GC)
- (14) Bus Shelters/Bus Benches - (All Districts) (Ord. 053–09HR; 11-3-09)
- (15) Car and Light Truck Washes- (RC)
- (16) Cemeteries and Mausoleums - (RU, OI, NC, RC, GC, M-1, LI, HI) (Ord. 069-10HR; 11-16-10)
- (17) Cigar Bars
- (18) Continued Care Retirement Communities - (RM-MD, RM-HD, OI, RC, GC)
- (19) Construction, Building, General Contracting, with Outside Storage - (M-1, LI)
- (20) Construction, Building, Heavy, with Outside Storage - (M-1, LI)
- (21) Construction, Special Trades, with Outside Storage - (M-1, LI)
- (22) Country Clubs with Golf Courses - (TROS, RU, GC, M-1, LI)
- (23) Day Care, Adult, Home Occupation (5 or fewer) – (RU, RR, RS-E, RS-LD, RS-MD, RS-HD, MH, RM-MD, RM-HD, OI, GC) (Ord No. 008-09HR; 2-17-09)
- (24) Day Care Centers, Adult - (RU, OI, NC, RC, GC, M-1) (Ord No. 008-09HR; 2-17-09)
- (25) Day Care, Child, Family Day Care, Home Occupation (5 or fewer) - (RU, RR, RS-E, RS-LD, RS-MD, RS-HD, MH, RM-MD, RM-HD, OI, GC) (Ord No. 054-08HR; 9-16-08) (Ord No. 008-09HR; 2-17-09)
- (26) Day Care Centers, Child, Licensed Centers - (RU, OI, NC, RC, GC, M-1) (Ord No. 008-09HR; 2-17-09)
- (27) Duets
- (28) Drugs and Druggists’ Sundries – (GC)
- (29) Durable Goods, Not Otherwise Listed – (GC)
- (30) Dwellings, Manufactured Homes on Individual Lots - (RU, MH)

- (31) Dwellings, Manufactured Homes on Individual Lots - (RR, RS-E)
- (32) Dwellings, Single Family, Zero Lot Line, Common and Parallel - (Common: RM-MD, RM-HD, GC; Parallel: RS-E, RS-LD, RS-MD, RS-HD, RM-MD, RM-HD) (Ord. 029-13HR; 6-18-13)
- (33) Electrical Goods – (GC)
- (34) Fuel Oil Sales (Non-Automotive) - (M-1, HI)
- (35) Furniture and Home Furnishings – (GC)
- (36) Golf Courses - (TROS, GC, M-1, LI) (Ord. 043–07HR; 5-1-07)
- (37) Golf Driving Ranges (Freestanding) - (TROS, RC, GC, M-1, LI) (Ord. 043–07HR; 5-1-07)
- (38) Go-Cart, Motorcycle, and Similar Small Vehicle Tracks - (GC)
- (39) Group Homes (9 or Less) - (RU, RR, RS-E, RS-LD, RS-MD, RS-HD, MH, RM-MD, RM-HD)
- (40) Group Homes (10 to 15) – (RU) (Ord. No. 044-12HR; 9-11-12)
- (41) Home Occupations - (RU, RR, RS-E, RS-LD, RS-MD, RS-HD, MH, RM-MD, RM-HD, OI, NC, RC, GC)
- (42) Kennels - (RU, OI, RC, GC, M-1, LI)
- (43) Libraries – (RU, RR, RS-E, RS-LD, RS-MD, RS-HD, MH, RM-MD, RM-HD)
- (44) Lumber and Other Construction Materials – (GC)
- (45) Machinery, Equipment and Supplies – (GC)
- (46) Manufactured Home Sales – (GC, M-1, LI) (Ord. No. 024-15HR; 6-16-15)
- (47) Manufactured Home Parks – (MH) (Ord. No. 065-13HR; 11-19-13)
- (48) Market Showrooms - (GC)
- (49) Motor Vehicles, New Parts and Supplies – (GC)
- (50) Motor Vehicles, Tires and Tubes – (GC)

- (51) Nondurable Goods, Not Otherwise Listed – (GC)
- (52) Paints and Varnishes – (GC)
- (53) Pet Care Services – (NC, RC)
- (54) Petroleum and Coal Products Manufacturing - (HI)
- (55) Petroleum and Petroleum Products - (M-1, HI)
- (56) Places of Worship – (RU, RR, RM-MD, RM-HD, RC)
- (57) Plumbing and Heating Equipment and Supplies – (GC)
- (58) Poultry Farms – (RU)
- (59) Produce Stands – (RU)
- (60) Public or Private Parks- (All Districts)
- (61) Public Recreation Facilities- (All Districts)
- (62) Recreational Vehicle Parks and Recreation Camps – (RU)
- (63) Rental Centers, With Outside Storage – (GC)
- (64) Repair and Maintenance Service, Appliance and Electronics - (RC, GC, M-1, LI)
- (65) Restaurants, Cafeterias; Restaurants, Full Service (Dine-In Only)
- (66) Research and Development Services – (OI)
- (67) Schools, Including Public and Private Schools, Having a Curriculum Similar to Those Given in Public Schools - (RU, RR, RS-E, RS-LD, RS-MD, RS-HD, MH, RM-MD, RM-HD)
- (68) Sexually Oriented Businesses - (GC, HI) (Ord. 089-08HR; 12-16-08)
- (69) Shipping Containers – (RU) (Ord. 025-14; 5-20-14)
- (70) Sludge, Non-Hazardous – (HI) (Ord. 071-14HR; 12-9-14)
- (71) Sporting Firearms and Ammunition – (GC)

- (72) Swim and Tennis Clubs – (TROS) (Ord. 043-07HR; 5-1-07)
 - (73) Swimming Pools - (TROS, RU, RR, RS-E, RS-LD, RS-MD, RS-HD, MH, RM-MD, RM-HD, OI, NC, RC, GC) (Ord. 043-07HR; 5-1-07)
 - (74) Tobacco and Tobacco Products – (GC)
 - (75) Townhouse – (RS-MD, RS-HD) (Ord. No. 036-15HR; 7-28-15)
 - (76) Utility Substations - (All Districts)
 - (77) Veterinary Services (Non-Livestock, May Include Totally Enclosed Kennels Operated in Connection with Veterinary Services) - (OI, NC)
 - (78) Warehouses (General Storage, Enclosed, Not Including Storage of Any Hazardous Materials or Waste as Determined by Any Agency of the Federal, State, or Local Government) - (OI, NC, RC, GC)
 - (79) Warehouses (Self Storage) - (RC, GC, M-1, LI)
 - (80) Yard Sales - (RU, RR, RS-E, RS-LD, RS-MD, RS-HD, MH, RM-MD, RM-HD, OI, NC, RC, GC)
 - (81) Zoos and Botanical Gardens – (GC, M-1)
- (c) *Standards.* The development standards listed herein are additional to other requirements of this chapter. These development standards are use-specific and apply to those uses designated with an “SR” in the Table of Permitted Uses, Permitted Uses with Special Requirements, and Special Exceptions (Table 26-V-2. Section 26-141).
- (1) *Accessory dwellings.*
 - a. Use districts: Rural; Rural Residential; Residential, Single-Family, Estate; Residential, Single-Family, Low Density; Residential, Single-Family, Medium Density; Residential, Single-Family, High Density, M-1 Light Industrial.
 - b. Accessory dwellings shall be located only on lots containing one single-family detached structure. (However, other conforming accessory structures may also be located on the lot).
 - c. Only one accessory dwelling shall be permitted per single-family dwelling.

- d. If the accessory dwelling is located within the same structure as the principal dwelling, the principal dwelling shall not be altered in any way so as to appear from a public or private road to be multi-family housing.
- e. A manufactured home may not be used as an accessory dwelling.
- f. The gross floor area of the accessory dwelling shall not exceed five hundred (500) square feet or contain more than one-fourth of the heated floor area of the principal single-family dwelling, whichever is greater.

(2) *Amusement or waterparks, fairgrounds.*

- a. Use districts: General Commercial; M-1 and LI Light Industrial.
- b. The minimum lot size for an amusement park, waterpark, or fairground shall be five (5) acres.
- c. No principal building or structure shall be located within fifty (50) feet of any property line.
- d. Security fencing, a minimum of six (6) feet in height, shall be provided along the entire boundary of the park activities.
- e. No amusement equipment, machinery, or mechanical device of any kind may be operated within two hundred (200) feet of any residentially zoned property.

(3) *Animal shelters.*

- a. Use districts: General Commercial; M-1 and LI Light Industrial.
- b. Any building (which is part of an animal shelter) housing animals shall be located a minimum of one hundred and fifty (150) feet from any residentially zoned or developed property.
- c. Fenced outdoor runs are allowed for use during the hours of 6:00 am to 10:00 p.m.; however, no animal may be kept in the run for boarding purposes, and pens for the animals must be located indoors. Feeding of animals must be conducted indoors and is prohibited in the runs.
- d. All animal refuse and food must be kept in airtight containers and disposed of on a regular basis. Animal wastes shall not be stored

any closer than fifty (50) feet from any property line or surface water.

(4) *Antennas.*

- a. Use districts: All Districts.
- b. In residential districts, no antenna shall be permitted between the front of a principal structure and any adjacent public road. In the case of corner lots, no antenna shall be permitted between the side of a principal structure and the road. No dish type antenna more than eighteen (18) inches in diameter shall be placed on the roof or other portion of a building so as to be visible from any adjacent property.
- c. In nonresidential districts, antennas may be placed at any location that is not visible from any adjacent public road. Antennas may be placed on top of a principal structure less than thirty (30) feet in height, provided that screening is provided with materials compatible with the principal structure at least equal in height to the antenna. Antennas may be placed on top of a flat roofed structure that exceeds thirty (30) feet in height. Antennas erected on any pitched roof structure, regardless of height of the structure, must be screened with materials compatible with the principal structure. The screening shall not be less than the height of the antenna. In these districts, dish type antennas measuring less than three (3) feet in diameter may be placed at any location on a principal structure, except for the building façade or any road oriented side wall.

(5) *Athletic fields.*

- a. Use districts: Traditional Recreation Open Space; Neighborhood Commercial; Rural Commercial. (Ord. 043-07HR; 5-1-07)
- b. All athletic fields shall have primary access to collector or thoroughfare roads.
- c. Lights shall be positioned and shielded so as not to shine onto adjacent properties.
- d. Loud speaker systems shall not be operated before 8:00 a.m. or after 10:00 p.m.

(6) *Banks, finance, and insurance offices.*

- a. Use districts: Neighborhood Commercial; Rural Commercial.
- b. No drive-thru service permitted.

(7) *Barber shops, beauty salons, and related services.*

- a. Use districts: Rural; Residential, Multi-Family, Medium Density; Residential, Multi-Family, High Density.
- b. No more than four (4) workstations are permitted.
- c. Signage shall be limited to a single sign, not to exceed three (3) square feet and not containing internal lighting. Such signage shall be attached to the building.

(8) *Bars and other drinking places.*

- a. Use districts: Rural Commercial; General Commercial; M-1 and LI Light Industrial.
- b. Lots used for drinking places shall be located no closer than four hundred (400) feet from any other lot used as a drinking place, and shall be no closer than six hundred (600) feet to any lot which contains a school (public or private), and shall be no closer than six hundred (600) feet to any lot which contains a place of worship. However, if the place of worship is located in a GC, M-1, or LI zoning district and is located in a mixed-use shopping center, a mall, or an industrial park, the setback does not apply, unless the place of worship was established at that location prior to March 18, 2014. (Ord. 010-14HR; 3-18-14)
- c. Bars and other drinking places shall provide adequate off-street parking at a rate of twelve (12) spaces for each one thousand (1,000) square feet of gross floor area.
- d. Parking areas related to the establishment of a bar or other drinking place shall be located no closer than thirty (30) feet to the property line of residentially zoned or used property.
- e. A minimum six (6) foot high opaque fence shall be erected adjacent to the property line of abutting residentially zoned or used property.

(9) *Batting cages.*

- a. Use districts. General Commercial; M-1 and LI Light Industrial.

- b. No equipment, machinery, or mechanical device of any kind shall be operated within two hundred (200) feet of any residentially zoned property.
- c. Fencing, netting or other control measures shall be provided around the perimeter of the batting area to prevent balls from leaving the designated area.
- d. Lights shall be positioned and shielded so as not to shine onto adjacent properties.
- e. Loud speaker systems shall not be operated before 8:00 a.m. or after 10:00 p.m.

(10) *Bed and breakfast homes/inns.*

- a. Use districts: Rural; Rural Residential; Residential, Multi-Family, Medium Density; Residential, Multi-Family, High Density; Office and Institutional; Neighborhood Commercial; Rural Commercial; General Commercial. (Ord. 020-10HR; 5-4-10)
- b. Bed and breakfast homes/inns shall be located a minimum of one thousand five hundred (1,500) feet from any other bed and breakfast home/inn.
- c. The owner or manager of the home/inn shall reside on the property.
- d. The maximum number of guest rooms provided by the bed and breakfast home/inn shall be nine (9). (Ord. 020-10HR; 5-4-10)
- e. Activities and functions designed to accommodate the guests shall take place within the principal structure.
- f. Off-street parking for bed and breakfast homes/inns shall be provided as required in Section 26-173 of this chapter. Parking shall be provided on the same lot on which the bed and breakfast inn is located, at the rear of the lot, and screened (with vegetation) from adjacent properties and from the road.
- g. In the residential districts, signage shall be limited to a single sign, not to exceed three (3) square feet and not containing internal lighting. Such signage shall be attached to the building.
- h. Exterior lighting shall be residential in nature and shall not be directed toward adjacent properties.

- i. No meals may be served to anyone other than staff and guests registered at the inn.
- j. No exterior alterations, other than those necessary to ensure the safety and accessibility of the structure, shall be made to any building for the purpose of providing a bed and breakfast home/inn.

(11) *Beer/Wine/Distilled Alcoholic Beverages.* (Ord. No. 106-05HR; 12-20-05)

- a. Use districts: General Commercial.
- b. The aggregate gross floor area shall be limited to no more than 12,000 square feet per parcel or per building, whichever is more restrictive.
- c. Materials and/or products shall not be displayed outside the building.
- d. Materials, products, and/or equipment shall not be stored outside the building.
- e. Materials and/or products shall not be processed outside the building.
- f. Lighting shall comply with the requirements of Section 26-177 infra.
- g. Landscaping buffers shall comply with the requirements of Section 26-176 infra.

(12) *Body Piercing Facilities.* (Ord. No. 033-07HR; 4-3-07)

- a. Use districts: General Commercial.
- b. The applicant must receive a license from the South Carolina Department of Health and Environmental Control (SCDHEC) to operate the facility.

(13) *Buildings, high-rise, four (4) or five (5) stories.*

- a. Use districts: Residential, Multi-Family, High Density; Office and Institutional; General Commercial.
- b. The minimum lot size to establish a high-rise building shall be one (1) acre.

- c. The minimum lot width to establish a high-rise building shall be one hundred and fifty (150) feet.
 - d. A high-rise structure shall be set back a minimum of twenty-five (25) feet from all property lines.
 - e. In the RM-HD District, the maximum lot coverage for a high-rise building shall be thirty-five percent (35%). In the GC and OI Districts, the maximum lot coverage for a high-rise building shall be forty-five percent (45%).
 - f. Increase of allowable lot coverage:
 - 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 level in the form of landscaped roof gardens, solariums, recreational spaces and the like made available generally to tenants. In no case shall such an increase in coverage exceed an amount equal to ten percent (10%) of the total lot area upon which the high-rise structure is located.
 - 2. Parking lots or structures to accommodate required parking may be erected to cover not more than thirty percent (30%) of the total lot area in addition to the coverage listed in paragraph e. of this subsection.
 - g. No portion of any high-rise building shall project through imaginary planes leaning inward over the lot from the exterior lot lines of the parcel at angles representing two (2) feet in height for each one (1) foot of horizontal distance from such lot line.
 - h. Parking and loading facilities shall be provided as required by Section 26-173 and Section 26-174 of this chapter. No parking lots shall be permitted within any required setback.
- (14) *Bus shelters/bus benches.* (Ord. 053-09HR; 11-3-09)
- a. Use districts: All Districts. (Ord. 053-09HR; 11-3-09)
 - b. Any person wishing to erect and maintain a bus shelter or bus bench shall obtain a permit for each shelter from the Planning Department. Each permit for a bus shelter shall cost fifty (\$50.00) dollars and shall be valid for one (1) year. Each permit for a bus bench shall cost twenty-five (\$25.00) dollars and shall be valid for one (1) year. These permits may be renewed upon payment of the fifty (\$50.00) dollar renewal fee for a bus shelter or upon payment

of the twenty-five (\$25.00) dollar renewal fee for a bus bench. (Ord. 053-09HR; 11-3-09)

- c. A shelter or bench may only be located at a designated bus stop that is presently being served by a public transit authority, and only one (1) bus shelter shall be allowed per bus stop location. (Ord. 053-09HR; 11-3-09)
- d. If the shelter or bench is proposed to be located within a SCDOT right-of-way, the location of the shelter must be approved by SCDOT prior to obtaining a permit from the Richland County Planning Department. (Ord. 053-09HR; 11-3-09)
- e. Bus shelters must meet the following additional requirements: (Ord. 053-09HR; 11-3-09)
 - 1. Design plans for the bus shelter shall be submitted for review and a building permit obtained. The bus shelter must be built to the current and future editions of the International Building Code for commercial structures, except that plumbing and mechanical elements are not required, and the bus shelter must be able to withstand sustained three (3) second wind gusts of up to 95 MPH. All normal review and permit fees apply, along with normal inspections. (Ord. 053-09HR; 11-3-09)
 - 2. The shelter shall be designed so that it will present an attractive appearance and not detract from the adjacent surroundings. It shall be illuminated and provide protection from weather elements. The shelter design shall include the following: (Ord. 053-09HR; 11-3-09)
 - [a] Each shelter shall consist of an aluminum or steel framework suitable for supporting transparent wall panels and opaque roof panels. The shelter must have a rear wall section, two (2) side panels, and a roof. The transparent wall section must be of tempered glass. (Ord. 053-09HR; 11-3-09)
 - [b] At a minimum, each shelter must have a six (6) foot bench, a bus route and schedule holder, a trash receptacle, and be illuminated during hours of darkness. The shelter must be installed on and attached to a concrete foundation. (Ord. 053-09HR; 11-3-09)

- [c] Each bus shelter must be erected in accordance with ADA specifications and requirements. The permittee is responsible to meet the ADA standards and any complaints of nonconformance must be rectified by permittee at his/her expense within thirty (30) days of notification by the Planning department. Under this subsection, ADA compliance includes, but is not limited to, sidewalk on ramps, tactile warnings, and signage or directional arrows indicating handicap accessibility. (Ord. 053-09HR; 11-3-09)
 - [d] Advertising on the shelter shall be limited to the outward side of the side wall panels, and may provide a lighting source contained within the panel cabinet. Only two (2) advertisements will be allowed per shelter, and each advertisement will be limited to a maximum poster dimension of 4' wide by 6' high. (Ord. 053-09HR; 11-3-09)
 - [e] The general dimensions of a typical shelter will be at a minimum 9' long by 6' wide by 8' high.
3. The route number shall be displayed prominently on the bus shelter. (Ord. 053-09HR; 11-3-09)
 4. Each bus shelter shall make available printed bus schedules, and shall display a large regional map that includes the bus route. (Ord. 053-09HR; 11-3-09)
 5. Bus shelters shall be maintained in good repair and the person whose name is on the permit application shall be responsible for the cleaning, repairing or replacement of any part thereof, including advertising materials, sidewalks, walkways, curbs or foundations encompassed by the bus shelter. Such work as is necessary to relocate, alter or maintain the bus shelter will be done in such a manner that it will not in any way interfere with or endanger the safety of the general public in their use of the roads. (Ord. 053-09HR; 11-3-09)
- f. Bus benches must meet the following additional requirements: (Ord. 053-09HR; 11-3-09)
1. The bench shall be designed so that it will present an attractive appearance and not detract from the adjacent surroundings. (Ord. 053-09HR; 11-3-09)

2. Benches shall be constructed of durable material and shall be securely fastened to the ground. (Ord. 053-09HR; 11-3-09)
3. Advertising on the bench shall be limited to the forward facing side of the back rest and shall not extend beyond the perimeters of the back rest. (Ord. 053-09HR; 11-3-09)

(15) *Car and light truck washes.*

- a. Use districts: Rural Commercial.
- b. Buildings shall not be less than seventy-five (75) feet from any interior side or rear property line that adjoins a residentially zoned or used property.
- c. The hours of operation shall be limited to the hours between 7:00 a.m. and 10:00 p.m.
- d. Adequate provisions shall be made for the safe and efficient disposal of waste products.

(16) *Cemeteries and mausoleums.*

- a. Use districts: Rural; Office and Institutional; Neighborhood Commercial; Rural Commercial; General Commercial; M-1 and LI Light Industrial; Heavy Industrial. (Ord. 069-10HR; 11-16-10)
- b. A minimum of three (3) contiguous acres shall be required to establish a cemetery or a mausoleum not located on the same tract of land as a place of worship.
- c. Primary access to the facility shall be from a local, collector or thoroughfare road. (Ord. 069-10HR; 11-16-10)

(17) *Cigar bars.*

- a. Use districts: Neighborhood Commercial; General Commercial; M-1 Light Industrial; LI Light Industrial.
- b. The smoking of cigarettes is prohibited.
- c. A walk-in humidor must be located within the premises.
- d. Limited food services or alcoholic beverages that are not sold directly by the businesses are prohibited.

- e. At least fifty-one (51) percent of the bar's revenue must be from the on-site sale of tobacco products.
- f. The bar area shall not cover more than twenty-five (25) percent of floor area, excluding the humidor, kitchen, storage area(s), and offices.
- g. A full floor plan of the cigar bar must be provided to the Richland County Zoning Administrator.

(18) *Continued care retirement communities.*

- a. Use districts: Residential, Multi-Family, Medium Density; Residential, Multi-Family, High Density; Office Institutional; Rural Commercial; General Commercial.
- b. The minimum lot size to establish a continued care retirement community shall be one (1) acre.
- c. No parking space or driveway shall be located closer than twenty (20) feet to any other residence not a part of the community.
- d. The front setback shall be the same as permitted in the respective district, but shall not be less than the lesser setback of any existing homes on adjacent lots. The side and rear setbacks shall be twenty (25) feet.
- e. All facilities shall be solely for the use of the residents and their guests.

(19) *Construction, building, general contracting, with outside storage.*

- a. Use districts: M-1 and LI Light Industrial.
- b. All outside storage shall be completely screened from adjacent roads and residentially zoned or used properties.

(20) *Construction, building, heavy, with outside storage.*

- a. Use districts: M-1 and LI Light Industrial.
- b. All outside storage shall be completely screened from adjacent roads and residentially zoned or used properties.

(21) *Construction, special trades, with outside storage.*

- a. Use districts: M-1 and LI Light Industrial.
- b. All outside storage shall be completely screened from adjacent roads and residentially zoned or used properties.

(22) *Country clubs with golf courses.*

- a. Use districts: TROS, Rural; General Commercial; M-1 and LI Light Industrial. (043-07HR; 5-1-07)
- b. There shall be a minimum fifty (50) foot setback between clubhouses, swimming pools, lighted tennis courts, or athletic fields and adjacent residentially zoned or used property.
- c. In the Rural District, club facilities may not be used between 12:00 midnight and 7:00 a.m., Sunday through Thursday and between 1:00 a.m. and 7:00 a.m. on Friday and Saturday nights.

(23) *Day care, adult, home occupation (five or fewer).* (Ord No. 008-09HR; 2-17-09)

- a. Use districts: Rural; Rural Residential; Residential, Single-Family – Estate; Residential, Single-Family - Low Density; Residential, Single-Family – Medium Density; Residential, Single-Family – High Density; Manufactured Home; Residential, Multi-Family – Medium Density; Residential, Multi-Family – High Density; Office and Institutional; General Commercial. (Ord No. 008-09HR; 2-17-09)
- b. An adult day care, home occupation, with five (5) or fewer attendees must be operated in an occupied residence. (Ord No. 008-09HR; 2-17-09)
- c. Client pick-up and drop-off shall not obstruct traffic flow on adjacent public roads.
- d. All other state and federal regulations shall be met.

(24) *Day care centers, adult.*

- a. Use districts: Rural; Office and Institutional; Neighborhood Commercial; Rural Commercial; General Commercial; M-1 Light Industrial. (Ord No. 008-09HR; 2-17-09)
- b. Client pick-up and drop-off shall not obstruct traffic flow on adjacent public roads.

(25) *Day care, child, family day care, home occupation (five or fewer).* (Ord No. 054-08HR; 9-16-08) (Ord No. 008-09HR; 2-17-09)

- a. Use districts: Rural; Rural Residential; Residential, Single-Family – Estate; Residential, Single-Family – Low Density; Residential, Single-Family – Medium Density; Residential, Single-Family – High Density; Manufactured Home; Residential, Multi-Family – Medium Density; Residential, Multi-Family – High Density; Office and Institutional; General Commercial. (Ord No. 008-09HR; 2-17-09)
- b. A child family day care home occupation must be operated in an occupied residence.
- c. Any outdoor play area shall be fenced or otherwise enclosed on all sides and shall not include driveways, parking areas, or land otherwise unsuited for children’s play space.
- d. Client pick-up and drop-off shall not obstruct traffic flow on adjacent public roads.
- e. All other state and federal regulations shall be met.

(26) *Day care centers, child, licensed centers.*

- a. Use districts: Rural; Office and Institutional; Neighborhood Commercial; Rural Commercial; General Commercial; M-1 Light Industrial. (Ord No. 008-09HR; 2-17-09)
- b. Any outdoor play area shall be fenced or otherwise enclosed on all sides and shall not include driveways, parking areas, or land otherwise unsuited for children’s play space.
- c. Client pick-up and drop-off shall not obstruct traffic flow on adjacent public roads.
- d. All other state and federal regulations shall be met.

(27) *Duets.*

- a. Use districts: Residential, Multi-Family, Medium Density; Residential, Multi-Family, High Density.
- b. The off-street parking requirements for duets are as follows:

Minimum: Two and one-half (2.5) spaces for every dwelling unit.

Mid-range: Three (3) spaces for every dwelling unit.

Maximum: Four (4) spaces for every dwelling unit.

- c. Mid-range - to - maximum parking is subject to the water quality treatment requirements of section 26-173.
- d. Off-street parking which exceeds the maximum is subject to the pervious materials requirements of section 26-173.

(28) *Drugs and Druggists' Sundries.* (Ord. No. 106-05HR; 12-20-05)

- a. Use districts: General Commercial.
- b. The aggregate gross floor area shall be limited to no more than 12,000 square feet per parcel or per building, whichever is more restrictive.
- c. Materials and/or products shall not be displayed outside the building.
- d. Materials, products, and/or equipment shall not be stored outside the building.
- e. Materials and/or products shall not be processed outside the building.
- f. Lighting shall comply with the requirements of Section 26-177 infra.
- g. Landscaping buffers shall comply with the requirements of Section 26-176 infra.

(29) *Durable Goods, Not Otherwise Listed.* (Ord. No. 106-05HR; 12-20-05)

- a. Use districts: General Commercial.
- b. The aggregate gross floor area shall be limited to no more than 12,000 square feet per parcel or per building, whichever is more restrictive.
- c. Materials and/or products shall not be displayed outside the building.

- d. Materials, products, and/or equipment shall not be stored outside the building.
- e. Materials and/or products shall not be processed outside the building.
- f. Lighting shall comply with the requirements of Section 26-177 infra.
- g. Landscaping buffers shall comply with the requirements of Section 26-176 infra.

(30) *Dwellings, manufactured homes on individual lots.*

- a. Use districts: Rural, Manufactured Home Park.
- b. Manufactured homes must meet the standards set by the Federal Manufactured Housing Construction and Safety Standards Act of 1974 (which became effective June 15, 1976), as revised and in effect on the date the application is made for a land development permit.
- c. The tongue, axles, transporting lights, and removable towing apparatus must be removed subsequent to final placement.
- d. Manufactured home skirting or a continuous, permanent masonry foundation, unpierced except for openings required by the building code for ventilation, utilities and access, shall be installed under the manufactured home.

(31) *Dwellings, manufactured homes on individual lots.*

- a. Use districts: Rural Residential; Residential, Single-Family, Estate.
- b. Manufactured homes must meet the standards set by the Federal Manufactured Housing Construction and Safety Standards Act of 1974 (which became effective June 15, 1976), as revised and in effect on the date the application is made for a land development permit.
- c. The tongue, axles, transporting lights, and removable towing apparatus must be removed subsequent to final placement.
- d. The manufactured home shall be oriented so that the side containing the front entrance door shall be no more than twenty (20) degrees from parallel to the front property line, except on

corner lots. The front of the manufactured home is that side which has an entrance door leading to a living room, foyer, or hall.

- e. The exterior siding shall consist predominately of vinyl or aluminum horizontal lap siding (that does not exceed the reflectivity of gloss white paint), wood, or hardboard, comparable in composition, appearance, and durability to the exterior siding commonly used in standard residential construction.
- f. A continuous, permanent masonry foundation, unpierced except for openings required by the building code for ventilation, utilities and access, shall be installed under the manufactured home. The foundation shall be excavated and shall be exposed no more than twelve (12) inches above grade.
- g. The pitch of the manufactured home's roof shall have a minimum vertical rise of three feet for each twelve feet of horizontal run (3:12) and the roof shall be finished with a type of roof that is commonly used in standard residential construction.
- h. The manufactured home shall have a length not exceeding four (4) times its width, excluding additions.
- i. There shall be a porch, at the main entrance to the manufactured home, which is a minimum of six (6) feet by six (6) feet in size.

(32) *Dwellings, single family, zero lot line, common and parallel.*

- a. Use districts, Common: Residential, Multi-Family, Medium Density; Residential, Multi-Family, High Density; General Commercial. (Ord. 029-13HR; 6-18-13)

Use districts: Parallel: Residential, Single-Family, Estate; Residential, Single-Family, Low Density; Residential, Single-Family, Medium Density; Residential, Single-Family, High Density; Residential, Multi-Family, Medium Density; Residential, Multi-Family, High Density. (Ord. 029-13HR; 6-18-13)
- b. The lot proposed for zero lot line development must be under the same ownership as the adjacent lot at the time of initial construction, or the owner of adjacent properties must record an agreement or deed restriction, in writing, consenting to the development of zero setback. The maintenance and drainage easement required in subsection e. below must be provided as part of this agreement and deed restriction.

- c. For common lot line dwellings, the dwelling unit shall be placed on one interior side property line with a zero 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 subsection e. below.
- d. The wall of a 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 such court or atrium is enclosed by two (2) walls of the dwelling unit, and a solid wall of at least six (6) feet in height is provided on the zero lot line extending to the front and/or rear of the dwelling unit. Said wall shall be constructed of the same materials as exterior walls of the unit.
- e. A perpetual five (5) foot maintenance easement shall be provided on the lot adjacent to the zero lot line property, which shall be kept clear of structures. This easement shall be shown on the plat and incorporated into each deed transferring title to the property. Roof overhangs and footings may penetrate the easement on the adjacent lot a maximum of twenty-four (24) inches, but the roof shall be so designed that water runoff from the dwelling placed on the lot line is controlled by gutters or other approved methods.

(33) *Electrical Goods.* (Ord. No. 106-05HR; 12-20-05)

- a. Use districts: General Commercial.
- b. The aggregate gross floor area shall be limited to no more than 12,000 square feet per parcel or per building, whichever is more restrictive.
- c. Materials and/or products shall not be displayed outside the building.
- d. Materials, products, and/or equipment shall not be stored outside the building.
- e. Materials and/or products shall not be processed outside the building.
- f. Lighting shall comply with the requirements of Section 26-177 infra.
- g. Landscaping buffers shall comply with the requirements of Section 26-176 infra.

(34) *Fuel oil sales, non-automotive.*

- a. Use districts: M-1 Light Industrial; Heavy Industrial.
- b. Gravel or paved roadways shall be provided to all storage tanks.
- c. Security fencing, a minimum of six (6) feet in height, shall be provided along the entire boundary of such facilities.
- d. Storage tanks protected by either an attached extinguishing system approved by the fire marshal, or an approved floating roof, shall not be located closer to an exterior property line than a distance of either the diameter or the height of the tank, whichever is greater. However, regardless of the diameter or height of the tank, in no event shall the required distance be greater than one hundred twenty (120) feet. Storage tanks not equipped as indicated above shall not be located closer to an exterior property line than a distance equal to one and one half (1½) times of either the diameter or the height of the tank, whichever is greater. However, regardless of the diameter or height of the tank, in no event shall the required distance be greater than one hundred seventy-five (175) feet. Storage tanks and loading facilities shall be located a minimum of five hundred (500) feet from any existing residence or residentially zoned property.
- e. All storage facilities shall comply with the latest regulations of the National Fire Protection Association.
- f. All other federal, state, and local laws shall be met.

(35) *Furniture and Home Furnishings. (Ord. No. 106-05HR; 12-20-05)*

- a. Use districts: General Commercial.
- b. The aggregate gross floor area shall be limited to no more than 12,000 square feet per parcel or per building, whichever is more restrictive.
- c. Materials and/or products shall not be displayed outside the building.
- d. Materials, products, and/or equipment shall not be stored outside the building.
- e. Materials and/or products shall not be processed outside the building.

- f. Lighting shall comply with the requirements of Section 26-177 infra.
- g. Landscaping buffers shall comply with the requirements of Section 26-176 infra.

(36) *Golf courses.*

- a. Use districts: Traditional Recreation Open Space; General Commercial; M-1 and LI Light Industrial. (043-07HR; 5-1-07)
- b. There shall be a minimum fifty (50) foot setback between clubhouses or other non-course facilities and adjacent residentially zoned or used property.

(37) *Golf driving ranges (freestanding).*

- a. Use districts: Traditional Recreation Open Space; Rural Commercial; General Commercial; M-1 and LI Light Industrial. (043-07HR; 5-1-07)
- b. Fencing, netting, or other control measures shall be provided around the perimeter of the driving area to prevent balls from leaving the property.
- c. No equipment, machinery, or mechanical device of any kind shall be operated within two hundred (200) feet of any residentially zoned or used property.
- d. Operations shall not begin before 9:00 a.m. nor continue after 10:00 p.m.

(38) *Go-cart, motorcycle, and similar small vehicle tracks.*

- a. Use districts: General Commercial.
- b. Security fencing, a minimum of six (6) feet in height, shall be provided along the entire boundary of the track activities.
- c. No equipment, machinery, or mechanical device of any kind shall be operated within two hundred (200) feet of any residentially zoned or used property.
- d. Hours of operation shall be limited to 9:00 a.m. to 10:00 p.m.

(39) *Group homes (nine persons or less).*

- a. Use districts: Rural; Rural Residential; Residential, Single-Family, Estate; Residential, Single-Family, Low Density; Residential, Single-Family, Medium Density; Residential, Single-Family, High Density; Manufactured Home Park; Residential, Multi-Family, Medium Density; Residential, Multi-Family, High Density.
- b. Location approval is subject to Section 6-29-770 of the South Carolina Code of Laws, as amended.

(40) *Group homes (10 to 15)*. (Ord. No. 044-12HR; 9-11-12)

- a. Use districts: Rural District.
- b. Minimum lot size to establish a group home shall be five (5) acres.
- c. The gross floor area of the group home shall not exceed seven thousand (7,000) square feet.
- d. Parking shall not be located in the required front yard.
- e. No parking space or drive shall be located closer than twenty (20) feet from any road line or property line.

(41) *Home occupations*.

- a. Use districts: Rural; Rural Residential; Residential, Single-Family, Estate; Residential, Single-Family, Low Density; Residential, Single-Family, Medium Density; Residential, Single-Family, High Density; Manufactured Home Park; Residential, Multi-Family, Medium Density; Residential, Multi-Family, High Density; Office and Institutional; Neighborhood Commercial; Rural Commercial; General Commercial.
- b. Home occupations shall be conducted entirely within the principal dwelling or an accessory structure, if such accessory structure meets all setback requirements for a principal structure in the district in which it is located. Home occupations shall be clearly incidental and secondary to the use of the dwelling unit for residential purposes, and shall not change the outward appearance of the structure.
- c. An area equal to not more than twenty-five percent (25%) of the floor area of the principal dwelling may be utilized for the home occupation. If the home occupation is housed in an accessory structure, the accessory structure can be no larger than twenty-five percent (25%) the gross floor area of the principal dwelling.

- d. Only persons residing on the premises may be employed by the home occupation.
- e. The home occupation shall not involve the retail sale of merchandise manufactured off the premises. No display of goods, products, services, merchandise, or any form of advertising shall be visible from outside the dwelling.
- f. No outside storage shall be allowed in connection with any home occupation.
- g. Instruction in music, dance, art or similar subjects shall be limited to four (4) students at a time.
- h. No traffic shall be generated by the home occupation in greater volumes than would normally be expected in a residential neighborhood, and any parking need generated by the home occupation shall be provided for off street and other than in the front yard.
- i. Signage for the home occupation shall be regulated in accordance with Section 26-180 of this chapter.

(42) *Kennels.*

- a. Use districts: Rural; Office and Institutional; Rural Commercial; General Commercial, M-1 and LI Light Industrial.
- b. Any building (which is part of a kennel) housing animals shall be located a minimum of one hundred and fifty (150) feet from any residentially zoned or used property.
- c. Fenced outdoor runs are allowed for use only during the hours of 6:00 a.m. to 10:00 p.m.; however, no animal may be kept in the run for boarding purposes, and pens for the animals must be located indoors. Feeding of animals must be conducted indoors and is prohibited in the runs.
- d. All animal refuse and food must be kept in airtight containers and disposed of on a regular basis. Animal wastes shall not be stored any closer than fifty (50) feet from any property line or surface waters.

(43) *Libraries.*

- a. Use districts: Rural; Rural Residential; Residential, Single-Family, Estate; Residential, Single-Family, Low Density; Residential, Single-Family, Medium Density; Residential, Single-Family, High Density; Manufactured Home Park; Residential, Multi-Family, Medium Density; Residential, Multi-Family, High Density.
 - b. No parking shall be allowed in the required front yard.
- (44) *Lumber and Other Construction Materials.* (Ord. No. 106-05HR; 12-20-05)
- a. Use districts: General Commercial.
 - b. The aggregate gross floor area shall be limited to no more than 12,000 square feet per parcel or per building, whichever is more restrictive.
 - c. Materials and/or products shall not be displayed outside the building.
 - d. Materials, products, and/or equipment shall not be stored outside the building.
 - e. Materials and/or products shall not be processed outside the building.
 - f. Lighting shall comply with the requirements of Section 26-177 infra.
 - g. Landscaping buffers shall comply with the requirements of Section 26-176 infra.
- (45) *Machinery, Equipment and Supplies.* (Ord. No. 106-05HR; 12-20-05)
- a. Use districts: General Commercial.
 - b. The aggregate gross floor area shall be limited to no more than 12,000 square feet per parcel or per building, whichever is more restrictive.
 - c. Materials and/or products shall not be displayed outside the building.
 - d. Materials, products, and/or equipment shall not be stored outside the building.
 - e. Materials and/or products shall not be processed outside the building.

- f. Lighting shall comply with the requirements of Section 26-177 infra.
- g. Landscaping buffers shall comply with the requirements of Section 26-176 infra.

(46) *Manufactured home sales.*

- a. Use districts: General Commercial; M-1 Light Industrial; LI Light Industrial). (Ord No. 024-15HR; 6-16-15)
- b. Sales and storage areas shall be screened from adjacent residentially zoned properties. (Ord No. 024-15HR; 6-16-15)

(47) *Manufactured home parks.*

- a. Use districts: Manufactured Home. (Ord No. 065-13HR; 11-19-13)
- b. All manufactured home park development plans must be approved by DHEC.
- c. Uses permitted within any manufactured home park shall be regulated in accordance with the underlying zoning district. See Article V. of this chapter. Unless otherwise, specified, all minimum development standards for the underlying zoning district apply.
- d. All manufactured home parks must provide water and sanitary sewer to each manufactured home site, subject to DHEC requirements. All manufactured homes within the site are required to connect to water, sanitary sewers, and electricity.
- e. The minimum area required for the development of a manufactured home park shall be five (5) acres.
- f. The maximum density of a manufactured home park shall not exceed six (6) units per acre.
- g. A minimum of seven thousand two hundred sixty (7,260) square feet is required for each manufactured home site within the manufactured home park development.
- h. A minimum width of sixty (60) feet is required for each manufactured home site within the manufactured home park development.

- i. All manufactured homes shall be set back from exterior road rights-of-way a minimum of thirty-five (35) feet, and shall be set back a minimum of fifteen (15) feet from all other exterior property lines.

If the landscape and buffer yard standards require additional setbacks, the most restrictive shall apply. See Section 26-176 of this chapter.

- j. All manufactured homes shall be set back from interior road rights-of-way a minimum of fifteen (15) feet. Additionally, the following minimum spacing between manufactured home structures shall apply:

- 1. Front to front: 35 feet.
- 2. Front to side: 25 feet.
- 3. Front to rear: 35 feet.
- 4. Rear to rear: 25 feet.
- 5. Rear to side: 25 feet.
- 6. Side to side: 25 feet.

- k. A minimum of twenty percent (20%) of the total development area shall be reserved for open space. However, in no event shall the required open space within a manufactured home development be less than three hundred (300) square feet. In order to expand an existing manufactured home park development, the minimum open space requirements must be met. (Ord. No. 003-12HR; 1-17-12)

(48) *Market showrooms.* (Ord. No. 106-05HR; 12-20-05)

- a. Use districts: General Commercial.
- b. Display areas shall exist within permanent buildings only.

(49) *Motor Vehicles, New Parts and Supplies.* (Ord. No. 106-05HR; 12-20-05)

- a. Use districts: General Commercial.
- b. The aggregate gross floor area shall be limited to no more than 12,000 square feet per parcel or per building, whichever is more restrictive.

- c. Materials and/or products shall not be displayed outside the building.
- d. Materials, products, and/or equipment shall not be stored outside the building.
- e. Materials and/or products shall not be processed outside the building.
- f. Lighting shall comply with the requirements of Section 26-177 infra.
- g. Landscaping buffers shall comply with the requirements of Section 26-176 infra.

(50) *Motor Vehicles, Tires and Tubes.* (Ord. No. 106-05HR; 12-20-05)

- a. Use districts: General Commercial.
- b. The aggregate gross floor area shall be limited to no more than 12,000 square feet per parcel or per building, whichever is more restrictive.
- c. Materials and/or products shall not be displayed outside the building.
- d. Materials, products, and/or equipment shall not be stored outside the building.
- e. Materials and/or products shall not be processed outside the building.
- f. Lighting shall comply with the requirements of Section 26-177 infra.
- g. Landscaping buffers shall comply with the requirements of Section 26-176 infra.

(51) *Nondurable Goods, Not Otherwise Listed.* (Ord. No. 106-05HR; 12-20-05)

- a. Use districts: General Commercial.
- b. The aggregate gross floor area shall be limited to no more than 12,000 square feet per parcel or per building, whichever is more restrictive.
- c. Materials and/or products shall not be displayed outside the building.

- d. Materials, products, and/or equipment shall not be stored outside the building.
- e. Materials and/or products shall not be processed outside the building.
- f. Lighting shall comply with the requirements of Section 26-177 infra.
- g. Landscaping buffers shall comply with the requirements of Section 26-176 infra.

(52) *Paints and Varnishes.* (Ord. No. 106-05HR; 12-20-05)

- a. Use districts: General Commercial.
- b. The aggregate gross floor area shall be limited to no more than 12,000 square feet per parcel or per building, whichever is more restrictive.
- c. Materials and/or products shall not be displayed outside the building.
- d. Materials, products, and/or equipment shall not be stored outside the building.
- e. Materials and/or products shall not be processed outside the building.
- f. Lighting shall comply with the requirements of Section 26-177 infra.
- g. Landscaping buffers shall comply with the requirements of Section 26-176 infra.

(53) *Pet Care Services.*

- a. Use districts: Neighborhood Commercial, Rural Commercial.
- b. All pet care services shall be conducted inside an enclosed structure.

(54) *Petroleum and coal products manufacturing.*

- a. Use districts: Heavy Industrial.
- b. Gravel or paved roadways shall be provided to all storage tanks.

- c. Security fencing, a minimum of six (6) feet in height, shall be provided along the entire boundary of such facilities.
- d. Storage tanks protected by either an attached extinguishing system approved by the fire marshal, or an approved floating roof, shall not be located closer to an exterior property line than a distance of either the diameter or the height of the tank, whichever is greater. However, regardless of the diameter or height of the tank, in no event shall the required distance be greater than one hundred twenty (120) feet. Storage tanks not equipped as indicated above shall not be located closer to an exterior property line than a distance equal to one and one half (1½) times the greater dimension of either the diameter or the height of the tank. However, regardless of the diameter or height of the tank, in no event shall the required distance be greater than one hundred seventy-five (175) feet. Storage tanks and loading facilities shall be located a minimum of five hundred (500) feet from any existing residence or residentially zoned property.
- e. All storage facilities shall comply with the latest regulations of the National Fire Protection Association.
- f. All other federal, state, and local laws shall be met.

(55) *Petroleum and petroleum products.*

- a. Use districts: Heavy Industrial; M-1 Light Industrial.
- b. Gravel or paved roadways shall be provided to all storage tanks.
- c. Security fencing, a minimum of six (6) feet in height, shall be provided along the entire boundary of such facilities.
- d. Storage tanks protected by either an attached extinguishing system approved by the fire marshal, or an approved floating roof, shall not be located closer to an exterior property line than a distance of either the diameter or the height of the tank, whichever is greater. However, regardless of the diameter or height of the tank, in no event shall the required distance be greater than one hundred twenty (120) feet. Storage tanks not equipped as indicated above shall not be located closer to an exterior property line than a distance equal to one and one half (1½) times the greater dimension of either the diameter or the height of the tank. However, regardless of the diameter or height of the tank, in no event shall the required distance be greater than one hundred seventy-five (175) feet. Storage tanks and loading facilities shall be

located a minimum of five hundred (500) feet from any existing residence or residentially zoned property.

- e. All storage facilities shall comply with the latest regulations of the National Fire Protection Association.
- f. All other federal, state, and local laws shall be met.

(56) *Places of worship.*

- a. Use districts: Rural; Rural Residential; Residential, Multi-Family, Medium Density; Residential, Multi-Family, High Density; Rural Commercial.
- b. Facilities for a place of worship located on a site of three (3) acres or more shall have primary access to the facility from a collector of thoroughfare road.
- c. No parking space or drive shall be located closer than twenty (20) feet to a residence not associated with the place of worship. No parking area may be located in the front setback.
- d. The front setback shall be the same as permitted in the respective district, but shall not be less than the lesser setback of any existing homes on adjacent lots. The side and rear setbacks shall be thirty (30) feet.

(57) *Plumbing and Heating Equipment and Supplies.* (Ord. No. 106-05HR; 12-20-05)

- a. Use districts: General Commercial.
- b. The aggregate gross floor area shall be limited to no more than 12,000 square feet per parcel or per building, whichever is more restrictive.
- c. Materials and/or products shall not be displayed outside the building.
- d. Materials, products, and/or equipment shall not be stored outside the building.
- e. Materials and/or products shall not be processed outside the building.
- f. Lighting shall comply with the requirements of Section 26-177 infra.

- g. Landscaping buffers shall comply with the requirements of Section 26-176 infra.

(58) *Poultry farms.*

- a. Use districts: Rural.
- b. Not more than one (1) animal unit shall be kept per six thousand (6,000) square feet of land.
- c. All areas containing poultry shall be located no closer than one hundred and fifty (150) feet from any abutting residentially zoned or used property.

(59) *Produce stands.*

- a. Use districts: Rural.
- b. Produce stands operating year-round must be located on the property on which the crops for sale are produced.
- c. Produce stands operating seasonally (i.e. for no more than six (6) months in any one calendar year) shall be located no closer than five (5) feet from a road right-of-way. Adequate off-street parking shall be provided.

(60) *Public or private parks.*

- a. Use districts: All Districts.
- b. Overflow parking shall be designated on the site plan and shall be kept available to handle all traffic from special events.
- c. All parks greater than ten (10) acres shall have primary access to a collector or thoroughfare road.

(61) *Public recreation facilities.*

- a. Use districts: All Districts.
- b. Overflow parking shall be designated on the site plan and shall be kept available to handle all traffic from special events.
- c. All recreation facilities greater than ten (10) acres shall have primary access to a collector or thoroughfare road.

- d. Lights shall be positioned and shielded so as not to shine onto adjacent properties.
- e. Loud speaker systems shall not be operated before 8:00 a.m. or after 10:00 p.m.

(62) *Recreational vehicle parks and recreation camps.*

- a. Use districts: Rural.
- b. Uses permitted within a recreational vehicle park and recreation camp shall include: recreational vehicle sites, camp sites, recreation facilities, common buildings and facilities (laundry, dining, etc.), and management offices (which may include living quarters for the operator or manager of the park/camp).
- c. A minimum of five (5) acres is required for a recreational vehicle park or recreation camp.
- d. For recreational vehicle parks, there shall be a minimum net space of six hundred ninety (690) square feet for each RV space. A distance of at least ten (10) feet shall be maintained between trailers and/or structures. Any accessory structures or attachments shall, for the purpose of this requirement, be considered a part of the trailer or recreational vehicle.
- e. For recreational vehicle parks, each travel trailer or recreational vehicle area shall be connected to an approved water supply system that provides an accessible, adequate, safe, and potable supply of water. An adequate and safe sewer system, approved by DHEC, shall be provided in all travel trailer/recreational vehicle parking areas.
- f. In recreational vehicle parks, neither any person nor any travel trailer/recreational vehicle shall occupy a trailer space or travel trailer parking space for a period in excess of thirty (30) days. A registry of all occupants, the space occupied, the time of arrival, and time of departure shall be maintained by the owner or operator of the travel trailer/recreational vehicle parking facility.
- g. Adequate off-street parking and maneuvering space shall be provided on site. The use of any public road, sidewalk, or right-of-way for the purpose of parking or maneuvering vehicles is prohibited.

(63) *Rental centers, with outside storage.*

- a. Use districts: General Commercial.
- b. All storage areas shall be screened from adjacent residentially zoned or used properties.
- c. Lighting shall be directed and shielded so as not to shine across to adjacent properties.

(64) *Repair and maintenance service, appliance and electronics.*

- a. Use districts: Rural Commercial; General Commercial; M-1 and LI Light Industrial.
- b. No outside storage of appliances, equipment, or parts shall be permitted.

(65) Restaurants, Cafeterias; Restaurants, Full Service (Dine-In Only); Restaurants, Limited Service (Dine-In)

- a. Use districts: Office and Institutional; Neighborhood Commercial; Rural Commercial; General Commercial; M-1 Light Industrial; LI Light Industrial.
- b. As a regular and substantial source of business to the licensed establishment, meals shall be served upon the demand of guests and patrons during the normal “mealtimes” which occur when the licensed business establishment is open to the public and that an adequate supply of food is present on the licensed premises to meet such demand.
- c. Seating for Full Service (Dine-In Only) Restaurants must be provided for at least twenty (20) patrons.
- d. Seating for Limited Service (Dine-In) Restaurants must be provided for at least twelve (12) patrons.
- e. Tables and booths must be of adequate height and size to accommodate full food service in accordance with the number of chairs found at the table/booth.
- f. The bar area shall not cover more than twenty-five (25) percent of floor area, excluding the kitchen, storage area(s), serving areas and offices.

- g. A full floor plan of the restaurant shall be provided to the Zoning Administrator.
- h. Alcoholic beverages shall not be sold or dispensed unless the kitchen is open and prepared food items from the menu are available to patrons.
- i. The stage area for entertainment shall not exceed one-hundred (100) square feet or ten (10) percent of the total floor area (excluding the kitchen, storage area(s), serving areas and offices), whichever is greater.
- j. The area devoted to dancing shall not exceed 250 square feet or ten percent of total floor area (excluding the kitchen, storage area(s), serving areas and offices), whichever is greater.
- k. Admission/cover charges prior to entrance are prohibited.
- l. The restaurant must be equipped with a kitchen that is primarily utilized for the cooking, preparation and serving of meals.
- m. The restaurant must have readily available to its guests and patrons either “menus” with the listings of the various meals offered for service or a listing of available meals and foods, posted in a conspicuous place readily discernible by the guest or patrons.
- n. The restaurant must prepare for service to customers meals at least once each day the business establishment chooses to be open.
- o. Any advertisement for the establishment must be in conjunction with the primary business activity.
- p. Dancing poles within the establishment are prohibited.
- q. The following definitions shall be used in conjunction with this paragraph:
 - 1. “Meal” means an assortment of various prepared foods which shall be available to guests on the licensed premises during the normal “mealtimes” which occur when the licensed business establishment is open to the public. Sandwiches, boiled eggs, sausages and other snacks prepared off the licensed premises but sold thereon, shall not constitute a meal.
 - 2. “Kitchen” means a separate and distinct area of the business establishment that is used solely for the

preparation, serving and disposal of solid foods that make up meals. Such area must be adequately equipped for the cooking and serving of solid foods, and the storage of same, and must include at least twenty-one cubic feet of refrigerated space for food and a stove/oven.

(66) *Research and development services.*

- a. Use districts: Office and Institutional.
- b. Research using dangerous hazardous materials is prohibited.
- c. All research and development operations must be conducted indoors.

(67) *Schools, including public and private schools, having a curriculum similar to those given in public schools.*

- a. Use districts: Rural; Rural Residential; Residential, Single-Family, Estate; Residential, Single-Family, Low Density; Residential, Single-Family, Medium Density; Residential, Single-Family, High Density; Manufactured Home Park; Residential, Multi-Family, Medium Density; Residential, Multi-Family, High Density.
- b. The minimum lot size for a school shall be two (2) acres.
- c. Parking and active recreation areas shall not be located within any required setback.
- d. Primary access shall be provided from a collector or a thoroughfare road.

(68) *Sexually oriented businesses.*

- a. Use districts: General Commercial, Heavy Industrial. (Ord. 045-08HR; 7-15-08)
- b. *Purpose and Findings:*
 1. The purpose of this subsection is to regulate sexually oriented businesses in order to promote the health, safety, morals, and general welfare of the citizens of Richland County, and to establish reasonable and uniform regulations to prevent or reduce to any extent the secondary effects of sexually oriented businesses within the County. The provisions of this subsection have neither the purpose

nor effect of imposing a limitation or restriction on the content of or reasonable access to any communicative materials or expression. Similarly, it is neither the intent nor effect of these regulations to restrict or deny access by adults to sexually oriented materials or expression protected by the First Amendment of the United States Constitution, or to deny access by the distributors and exhibitors of sexually oriented entertainment to their intended market. Neither is it the intent nor effect of this subsection to condone or legitimize the distribution or exhibition of obscenity. (Ord.045-08HR; 7-15-08)

2. Based on evidence of the adverse secondary effects of sexually oriented businesses presented in hearings and reports made available to the Richland County Council, and on the findings, interpretations, and narrowing constructions incorporated in the cases of *City of Littleton v. Z.J. Gifts D-4, LLC*, 124 S. Ct. 2219 (2003); *City of Los Angeles v. Alameda Books, Inc.*, 535 U.S. 425 (2002); *Pap's A.M. v. City of Erie*, 529 U.S. 277 (2000); *City of Renton v. Playtime Theatres, Inc.*, 475 U.S. 41 (1986); *Young v. American Mini Theatres*, 427 U.S. 50 (1976); *Barnes v. Glen Theatre, Inc.*, 501 U.S. 560 (1991); *California v. LaRue*, 409 U.S. 109 (1972); *Chesapeake B & M, Inc. v. Harford County*, 58 F.3d 1005 (4th Cir. 1995); *Giovani Carandola, Ltd. v. Fox*, 470 F.3d 1074 (4th Cir. 2006); *Centaur v. Richland County*, 392 S.E.2d 165 (S.C. 1990); and other cases; and on reports of secondary effects occurring in and around sexually oriented businesses, including, but not limited to, Phoenix, Arizona (1979); Minneapolis, Minnesota (1980); Houston, Texas (1987); Indianapolis, Indiana (1984); Amarillo, Texas (1977); Garden Grove, California (1991); Los Angeles, California (1977); Whittier, California (1978); Austin, Texas (1986); Seattle, Washington (1989); Oklahoma City, Oklahoma (1986); El Paso, Texas (1986); New York City, New York (1994); Dallas, Texas (1997); Newport News, Virginia (1996); New York Times Square Study (1994); Phoenix, Arizona (1995-1998); Greensboro, North Carolina (2003); Toledo, Ohio (2002); Centralia, Washington (2004); and also from the reports of "Sexually Oriented Businesses: An Insider's View," by David Sherman, presented to the Michigan House Committee on Ethics and Constitutional Law, January 12, 2000; "Survey of Appraisers Fort Worth & Dallas, Effects of Land Uses on Surrounding Property Values, by Duncan Associates, September 2004; and the

Report of the Attorney General's Working Group on the Regulation of Sexually Oriented Businesses, (June 6, 1989, State of Minnesota), the Richland County Council finds: (Ord.045-08HR; 7-15-08)

- (a) Sexually oriented businesses, as a category of commercial uses, are associated with a wide variety of adverse secondary effects including, but not limited to, personal and property crimes, public safety risks, prostitution, potential spread of disease, lewdness, public indecency, illicit sexual activity, illicit drug use and drug trafficking, negative impacts on surrounding properties, litter, and sexual assault and exploitation. (Ord.045-08HR; 7-15-08)
- (b) Each of the foregoing negative secondary effects constitutes a harm which the County has a substantial government interest in preventing and/or abating in the future. This substantial government interest in preventing secondary effects, which is the County's rationale for this ordinance, exists independent of any comparative analysis between sexually oriented and non-sexually oriented businesses. Additionally, the County's interest in regulating sexually oriented businesses extends to future secondary effects that could occur in the County related to current sexually oriented businesses in the future as well as sexually oriented businesses that may locate in the County in the future. The County Council finds that the cases and secondary effects documentation relied on in this ordinance are reasonably believed to be relevant to said secondary effects. (Ord.045-08HR; 7-15-08)
- c. *Classification.* Sexually oriented businesses are classified as follows: (Ord.045-08HR; 7-15-08)
 - 1. Adult arcades;
 - 2. Adult bookstores or adult video stores;
 - 3. Adult cabarets;
 - 4. Adult motels;
 - 5. Adult motion picture theaters;

6. Sexual device shops; and
 7. Sexual encounter centers.
- d. *Location of Sexually Oriented Businesses:*
1. A sexually oriented business currently in operation or established subsequent to the enactment of this Ordinance shall comply with the provisions herein. (Ord.045-08HR; 7-15-08)
 2. All sexually oriented businesses shall be located within a General Commercial or Heavy Industrial District. (Ord.045-08HR; 7-15-08)
 3. A sexually oriented business shall not be located within one thousand (1,000) feet of any place of worship, a public or private elementary or secondary school, a child care center or kindergarten, orphanage, a boundary of any residential district, a boundary of a parcel designated and assessed as residential use by the Richland County Assessor's Office; or a public park. (Ord.045-08HR; 7-15-08)
 4. A sexually oriented business shall not be located within one thousand (1,000) feet of another sexually oriented business. (Ord.045-08HR; 7-15-08)
 5. The operation, establishment, or maintenance of more than one (1) sexually oriented business is prohibited in the same building, structure, or portion thereof, or the increase of floor areas of any sexually oriented business in any building, structure, or portion thereof containing another sexually oriented business. (Ord.045-08HR; 7-15-08)
 6. For the purpose of this subparagraph d. 3., above, measurement shall be made in a straight line, without regard to intervening structures or objects, from the nearest property line of the premises where a sexually oriented business is conducted, to the nearest property line of the premises of a place of worship, or public or private elementary or secondary school, daycare facility, kindergarten, orphanage, a boundary of any residential district, a boundary of a parcel designated and assessed as residential use by the Richland County Assessor's Office, or a public park. Presence of a city or other political

subdivision boundary shall be irrelevant for purposes of calculating and applying the distance requirements of this section. (Ord.045-08HR; 7-15-08)

7. For the purpose of subparagraph d. 4. above, 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 nearest property line of the premises where a sexually oriented business is conducted to the nearest property line of another premises where a sexually oriented business is conducted. (Ord.045-08HR; 7-15-08)

e. *Regulations pertaining to Sexually Oriented Businesses that offer Viewing Room(s).* (Ord.045-08HR; 7-15-08)

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, adult media, or live entertainment characterized by emphasis on exposure or display of specified sexual activities or specified anatomical areas, shall comply with the following requirements: (Ord.045-08; 7-15-08)

1. 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 must be provided to the Zoning Administrator. A manager's station may not exceed thirty-two (32) square feet of floor area. A professionally prepared diagram in the nature of an engineer's or architect's blueprint shall not be required; however, each diagram should be oriented to the north or to some designated street or object and should be drawn to a designated scale or with marked dimensions sufficient to show the various internal dimensions of all areas of the interior of the premises to an accuracy of plus or minus six (6) inches. (Ord.045-08HR; 7-15-08)
2. The diagram shall be sworn to be true and correct by the applicant. (Ord.045-08HR; 7-15-08)
3. No alteration in the configuration or location of a manager's station may be made without the prior approval of the zoning administrator.

4. It is the duty of the owner(s) and operator(s) of the premises to ensure that at least one (1) employee is on duty and situated in each manager's station at all times that any patron is present inside the premises.
5. The interior of the premises shall be configured in such a manner that there is an unobstructed view from a manager's station of every area of the premises to which any patron is permitted access for any purpose, excluding restrooms. Restrooms may not contain video reproduction equipment. If the premises has two (2) or more manager's stations designated, then the interior of the premises shall be configured in such a manner that there is an unobstructed view of each area of the premises to which any patron is permitted access for any purpose from at least one (1) of the manager's stations. The view required in this subparagraph must be by direct line of sight from the manager's station. (Ord.045-08HR; 7-15-08)
6. It shall be the duty of the owner(s) and operator(s), and it shall also be the duty of any agents and employees present in the premises, to ensure that the view area specified in subparagraph (5) above remains unobstructed by any doors, walls, merchandise, display racks, or other materials at all times and to ensure that no patron is permitted access to any area of the premises that has been designated as an area in which patrons will not be permitted in the diagram submitted pursuant to subparagraph (1) above. (Ord.045-08HR; 7-15-08)
7. No viewing room may be occupied by more than one (1) patron or customer at any time. (Ord.045-08HR; 7-15-08)
8. The premises shall be equipped with overhead lighting fixtures of sufficient intensity to illuminate every place to which patrons are permitted access at an illuminations of not less than one (1) foot-candle as measured at the floor level.
9. It shall be the duty of the owner(s) and operator(s), and it shall also be the duty of any agents and employees present in the premises, to ensure that the illuminations described above, is maintained at all times that any patron is present in the premises.

10. No owner or operator shall allow openings of any kind to exist between viewing rooms. (Ord.045-08HR; 7-15-08)
 11. The operator or owner shall, during each business day, regularly inspect the walls between the viewing booths to determine if any openings or holes exist. (Ord.045-08HR; 7-15-08)
 12. The owner or operator shall cause all floor coverings in viewing booths to be nonporous, easily cleanable surfaces with no rugs or carpets. (Ord.045-08HR; 7-15-08)
 13. The owner or operator shall cause all wall surfaces and ceiling surfaces in viewing booths to be constructed of, or permanently covered by, nonporous, easily cleanable material. (Ord.045-08HR; 7-15-08)
- f. *Regulations pertaining to adult cabarets and sexual encounter centers.* It shall be a violation of this chapter for an employee, independent contractor, or person under a similar arrangement with any owner, operator, manager, agent, shareholder of an adult cabaret or sexual encounter center, while located within an adult cabaret or sexual encounter center, to appear in a manner that does not conform to the definition of semi-nude. (Ord.045-08HR; 7-15-08)
- g. *Exemptions.* The following activities or businesses are exempt from the requirements of section 26-151(c)(64): (Ord.045-08HR; 7-15-08)
1. A business or organization in which a person serves as a model for a drawing, painting, sketching, sculpture or other similar art studio class operated: (Ord.045-08HR; 7-15-08)
 - (a) By a university or college or other institution of higher education; or (Ord.045-08HR; 7-15-08)
 - (b) By a non-profit arts organization, such as a museum, gallery, artist association or arts cooperative. (Ord.045-08HR; 7-15-08)
 2. A professional or community theater, or a theater affiliated with an institution of higher education, that produces works of dramatic arts in which actors or actresses occasionally appear on stage in a state of semi-nudity, nudity, or in any

state of undress as part of his or her dramatic role.
(Ord.045-08HR; 7-15-08)

h. *Administrative Decision-making Process; Appeals.* (Ord.045-08HR; 7-15-08)

1. Under no circumstances shall staff review and decision-making of an application of a sexually oriented business for a permitted use with special requirements, including determination of completeness, extend beyond fifteen business (15) days from the date of receipt of an application. In the event that a County official is required to take an act or do a thing pursuant to section 26-55 of the Richland County Code of Ordinances and any other section referenced therein, and fails to take such an act or do such a thing within the time prescribed, such failure shall not prevent the exercise of constitutional rights of an applicant. If the County fails to inform an applicant, by any reasonable means, of a decision by the County by the close of business on the fifteenth (15) business day from receipt of application, the application shall be deemed granted and the applicant allowed to commence or continue operation the day after the deadline for action has passed.
2. Under no circumstances shall an appeal of an administrative decision pursuant to section 26-58 of the Richland County Code of Ordinances concerning an application by a sexually oriented business for a permitted use with special requirements exceed a time period of seventy-five (75) business days from the date of receipt of an appeal to the Board of Zoning Appeals. In the event that a County official, including the Board of Zoning Appeals, is required to take an act or do a thing pursuant to section 26-58 of the Richland County Code of Ordinances and any other section referenced therein, and fails to take such an act or do such a thing within the time prescribed, such failure shall not prevent the exercise of constitutional rights of an applicant. If the County fails to inform an applicant, by any reasonable means, of a decision by the Board of Zoning Appeals by the close of business on the sixtieth (60th) business day from receipt of an appeal, the application shall be deemed granted and the applicant allowed to commence or continue operation the day after the deadline for action has passed.

i. *Amortization; Conforming Use.* (Ord.045-08HR; 7-15-08)

1. Any sexually oriented business in operation before the effective date of this ordinance that does not comply with the location restrictions found in subsection (d) above is permitted to continue its operation for a period not to exceed three years from the effective date of this ordinance. During this period of non-compliance, such continued operation shall not be increased, enlarged, extended, or altered.
2. A sexually oriented business lawfully operating as a conforming use is not rendered a nonconforming use by the subsequent location, of a place of worship, a public or private elementary or secondary school, a child care facility or kindergarten, orphanage, a boundary of any residential district, a boundary of a parcel designated and assessed as residential use by the Richland County Assessor's Office, or a public park within one thousand (1,000) feet of the sexually oriented business.

(69) *Shipping containers.* (Ord. 025-14HR; 5-20-14)

- a. Use districts: Rural District.
- b. A minimum lot size of one (1) acre is required.
- c. Shipping containers shall be exempt from the screening requirements of Section 26-176 (h).

(70) *Sludge, non-hazardous.* (Ord. 071-14HR; 12-9-14)

- a. Use districts: Heavy Industrial.
- b. All federal and state regulations must be met and a permit obtained from DHEC.

(71) *Sporting Firearms and Ammunition.* (Ord. 106-05HR; 12-20-05)

- a. Use districts: General Commercial.
- b. The aggregate gross floor area shall be limited to no more than 12,000 square feet per parcel or per building, whichever is more restrictive.
- c. Materials and/or products shall not be displayed outside the building.

- d. Materials, products, and/or equipment shall not be stored outside the building.
- e. Materials and/or products shall not be processed outside the building.
- f. Lighting shall comply with the requirements of Section 26-177 infra.
- g. Landscaping buffers shall comply with the requirements of Section 26-176 infra.

(72) *Swim and Tennis Clubs.* (Ord. 043-07HR; 5-1-07)

- a. Use Districts. Traditional Recreation Open Space.
- b. There shall be a minimum fifty (50) foot setback between clubhouses, swimming pools, lighted tennis courts, or athletic fields and adjacent residentially zoned or used property.
- c. Lights shall be positioned so as not to shine onto adjacent properties.

(73) *Swimming pools.* (Ord. 043-07HR; 5-1-07) (Ord. 031-12HR; 5-15-12)

- a. Use districts: Traditional Recreation Open Space; Neighborhood Mixed Use; Rural; Rural Residential; Residential, Single-Family, Estate; Residential, Single-Family, Low Density; Residential, Single-Family, Medium Density; Residential, Single-Family, High Density; Manufactured Home Park; Residential, Multi-Family, Medium Density; Residential, Multi-Family, High Density; Office and Institutional; Neighborhood Commercial; Rural Commercial; General Commercial.
- b. No private residential swimming pool that is located in a residential district shall be operated as, or in conjunction with, a business, day care operation, bed and breakfast, or a home occupation.
- c. Pools shall be located so as to comply with the minimum setback requirements for accessory buildings.

(74) *Tobacco and Tobacco Products.* (Ord. 106-05HR; 12-20-05)

- a. Use districts: General Commercial.

- b. The aggregate gross floor area shall be limited to no more than 12,000 square feet per parcel or per building, whichever is more restrictive.
- c. Materials and/or products shall not be displayed outside the building.
- d. Materials, products, and/or equipment shall not be stored outside the building.
- e. Materials and/or products shall not be processed outside the building.
- f. Lighting shall comply with the requirements of Section 26-177 infra.
- g. Landscaping buffers shall comply with the requirements of Section 26-176 infra.

(75) *Townhouses.* (Ord. No. 036-15HR; 7-28-15)

- a. Use districts: Residential, Multi-Family, Medium Density; Residential, Multi-Family, High Density.
- b. The minimum lot area shall be 1,500 square feet.
- c. The minimum lot width shall be twenty (20) feet.
- d. If parking is provided underneath the structure or in the front yard, the minimum front yard setback shall be twenty (20) feet. The minimum front yard setback shall be ten (10) feet if parking is provided in the rear yard.
- e. The maximum height of structures shall be three (3) stories or forty-five (45) feet.
- f. A side yard setback of at least five (5) feet shall be provided between the end units of a row and a side lot line; however, when the side lot line is a street line or driveway, the side yard setback adjacent to such street shall be at least ten (10) feet.
- g. The rear yard setback shall be twenty (20) feet; however, when required vehicular parking space is provided in the rear yard, minimum rear yard depth shall be twenty-five (25) feet, provided that no rear yard shall be required for simultaneously constructed units abutting at the rear and sharing for their full width a common nonbearing wall which complies with the building code.

- h. The building foot print of the principle structure shall not cover more than fifty (50%) percent of the lot area.
- i. All common driveways, parking areas, open spaces or other amenities shall have provisions for perpetual maintenance by the property owners association or property owner(s)
- j. No more than seven (7) dwellings shall be constructed or attached together in a continuous row, and no such row shall exceed two hundred (200) feet in length.
- k. An accessory building, excluding carports or garages, shall be permitted in the rear yard provided it does not exceed one hundred (100) square feet in gross floor area and meets the required side yard setback.

(76) *Utility substations.*

- a. Use districts: All Districts.
- b. All buildings shall observe accessory building setbacks. Transformer stations shall observe the principal building setback regulations.
- c. Equipment that produces noise or sound in excess of seventy (70) decibels shall be located no closer than one hundred (100) feet to the nearest residence.
- d. Transformer stations shall be screened from adjacent properties and from roads with a vegetative screen that, at a minimum, meets the standards listed in Section 26-176(h).

(77) *Veterinary services (non-livestock, may include a totally enclosed kennel operated in connection with veterinary services).*

- a. Use districts: Office and Institutional; Neighborhood Commercial.
- b. Veterinary services shall not include provisions for kennels or boarding of animals not undergoing treatment.
- c. All buildings used in the operation shall be soundproofed and air-conditioned.
- d. Outside activity shall be limited to six (6) hours per day or fewer.

- e. Where the lot is adjacent to a residential zoning district or residential use, a side yard of not less than ten (10) feet shall be maintained.
 - f. All animal refuse and food must be kept in airtight containers and disposed of on a regular basis.
- (78) *Warehouses (general storage, enclosed, not including storage of any hazardous materials or waste as determined by any agency of the federal, state, or local government).*
- a. Use districts: Office and Institutional; Neighborhood Commercial; Rural Commercial; General Commercial.
 - b. Warehouses (enclosed, general storage, non-hazardous) are allowed in the various districts listed above as follows:
 - 1. In the Office and Institutional and the Neighborhood Commercial districts, warehousing is permitted as an accessory use not involving over two thousand (2,000) square feet of floor area.
 - 2. In the Rural Commercial and the General Commercial districts, warehousing is permitted as an accessory use not involving over twelve thousand (12,000) square feet of gross floor area.
- (79) *Warehouses (self-storage).* (Ord. 053-08HR; 9-16-08)
- a. Use districts: Rural Commercial, General Commercial, M-1 and LI Light Industrial.
 - b. Any side of the building providing doorways to storage areas shall be set back from the property line not less than an additional twenty-five (25) feet of the required setback.
 - c. Off-street parking shall be as follows:
 - 1. One space for each ten (10) storage cubicles. This parking requirement may be satisfied with parking lanes as established below.
 - 2. Two parking spaces for any manager's quarters.

3. In addition to subsection 1. above, one (1) space for every fifty (50) storage cubicles, to be located adjacent to the project office for the use of prospective clients.
- d. On-site driveway widths shall be required as follows:
 1. All one-way driveways shall provide for one ten (10) feet parking lane and one fifteen (15) feet travel lane. Traffic direction and parking shall be designated by signage or painting.
 2. All two-way driveways shall provide for one ten (10) feet parking lane and two twelve (12) feet travel lanes.
 3. The parking lanes may be eliminated when the driveway does not directly serve any storage cubicles.
- e. Retail and wholesale uses, and the storage of hazardous materials, shall be prohibited in self storage warehouses. Notice of such prohibition shall be given to customers by a conspicuous sign posted at the entrance to the property, or by provisions in the lease agreement, or both.
- f. Any outside storage area for vehicles, trailers, campers, boats, or the like shall be separate from any structures and located to one side or to the rear of the development. Spaces shall be located a minimum of twenty-five (25) feet from any adjacent property line, and in no case shall these spaces be counted towards meeting the parking requirements of this subsection c. above.
- g. All lights shall be shielded so as to direct light onto the uses established, and away from adjacent property; but lighting may be of sufficient intensity to discourage vandalism and theft.

(80) *Yard Sales.*

- a. Use districts: Rural; Rural Residential; Residential, Single-Family, Estate; Residential, Single-Family, Low Density; Residential, Single-Family, Medium Density; Residential, Single-Family, High Density; Manufactured Home Park; Residential, Multi-Family, Medium Density; Residential, Multi-Family, High Density; Office and Institutional; Neighborhood Commercial; Rural Commercial; General Commercial.
- b. Yard sales shall be limited to two (2) occurrences within a twelve (12) month period.

- c. Each occurrence shall be no longer than two (2) days and only during the daylight hours.

(81) *Zoos and Botanical Gardens.*

- a. Use districts: General Commercial; M-1 Light Industrial.
- b. There shall be a minimum one hundred (100) foot setback between all activities associated with the use and any adjacent residential property.
- c. All zoos and botanical gardens shall have primary access to collector or thoroughfare roads.

Sec. 26-152. Special exceptions.

- (a) *Purpose.* Special exceptions are uses that are generally compatible with the land uses permitted in a particular zoning district. However, because of their unique characteristics or their potential impacts on the surrounding neighborhood and/or the county as a whole, they require individual consideration of their location, design, configuration, and/or operation at the particular location being proposed. Such individual consideration may also call for the imposition of individualized conditions in order to ensure that the use is appropriate at a particular location and to ensure protection of the public health, safety, and welfare.

- (b) *Conditions.* All special exceptions shall, at a minimum, meet the conditions set forth in this section. The Board of Zoning Appeals shall approve or deny an application for a special exception (see also Section 26-56 of this chapter) based on the following:
 - 1) A determination that all standards for the particular use, as defined in this article and in other relevant sections of this chapter, have been met.

 - 2) A finding that the special exception is in harmony with the intent and purpose of this chapter. In making this determination, the board shall consider the following:
 - a. Traffic impacts.

 - b. Vehicle and pedestrian safety.

 - c. Potential impact of noise, lights, fumes, or obstruction of airflow on adjoining properties.

 - d. Adverse impact of the proposed use on the aesthetic character of the environs, to include the possible need for screening from view.

 - e. Orientation and spacing of improvements or buildings.

In granting a special exception, the board may impose such additional restrictions and requirements as it may deem necessary in order that the purpose and intent of this chapter are served.

- (c) *Special exceptions listed by zoning district.*
 - (1) Athletic Fields – (RU, RR, RS-E, RS-LD, RS-MD, RS-HD, MH, RM-MD, RM-HD)

 - (2) Bars and Other Drinking Places - (OI, NC)

- (3) Borrow Pits – (RU, RR, M-1, LI)
- (4) Buildings, High-Rise, Six (6) or More Stories – (RM-HD, GC).
- (5) Clubs or lodges – (RU) (Ord 054-08HR; 9-16-08)
- (6) Continued Care Retirement Communities – (RU, RR)
- (7) Correctional Institutions – (RU, LI, HI)
- (8) Country Clubs with Golf Courses – (RR, RS-E, RS-LD, RS-MD, RS-HD, MH, RM-MD, RM-HD)
- (9) Dormitories- (OI, GC)
- (10) Dwellings, Single-Family, Zero Lot Line, Common – (RS-MD, RS-HD)
- (11) Dwellings, Manufactured Homes on Individual Lots – (M-1)
- (12) Fabricated Metal Products – (LI)
- (13) Glass and Glass Products – (LI)
- (14) Group Homes (10 or more) - (RM-HD, OI, NC, RC, GC)
- (15) Landfill and Structural Fill Sites – (RU, HI) (Ord. 071-14HR; 12-9-14)
- (16) Machinery – (LI)
- (17) Manufacturing, Not Otherwise Listed – (LI)
- (18) Nursing and Convalescent Homes - (RU, RR)
- (19) Orphanages – (RU, RR, RM-MD, RM-HD)
- (20) Places of Worship – (RS-E, RS-LD, RS-MD, RS-HD, MH)
- (21) Race Tracks and Drag Strips– (HI)
- (22) Radio, Television, and Telecommunications and other Transmitting Towers- (RU, OI, NC, RC, GC, M-1, LI, HI) (Ord. 038-12HR; 6-19-12)
- (23) Rooming and Boarding Houses – (RM-HD, OI, NC, RC)
- (24) Scrap and Recyclable Materials – (M-1, LI, HI)

- (25) Shooting Ranges, Outdoor – (RU, HI)
 - (26) Special Congregate Facilities – (OI, GC)
 - (27) Swim and Tennis Clubs – (RU, RR, RS-E, RS-LD, RS-MD, RS-HD, MH, RM-MD, RM-HD, OI, NC, RC, LI)
 - (28) Textile Product Mills – (LI)
 - (29) Theaters, Motion Picture, Drive-Ins – (RC, GC, LI)
 - (30) Theaters, Motion Picture, Other Than Drive-Ins - (NC)
 - (31) Transportation Equipment – (LI)
 - (32) Waste Collection, Hazardous – (HI)
 - (33) Waste Treatment and Disposal, Hazardous – (HI)
 - (34) Zoos and Botanical Gardens – (RU, OI, RC)
- (d) *Standards.*
- (1) *Athletic fields.*
 - a. Use districts: Rural; Rural Residential; Residential, Single-Family, Estate; Residential, Single-Family, Low Density; Residential, Single-Family, Medium Density; Residential, Single-Family, High Density; Manufactured Home Park; Residential, Multi-Family, Medium Density; Residential, Multi-Family, High Density.
 - b. Parking lots for athletic fields shall have primary access to collector or thoroughfare roads.
 - c. Lights shall be positioned so as not to shine onto adjacent properties.
 - d. Loud speaker systems shall not be operated before 8:00 a.m. or after 10:00 p.m.
 - (2) *Bars and other drinking places.*
 - a. Use districts: Rural Commercial; General Commercial; M-1 and LI Light Industrial.

- b. Lots used for drinking places shall be no closer than six hundred (600) feet to any lot which contains a school (public or private), and shall be no closer than six hundred (600) feet to any lot which contains a place of worship. However, if the place of worship is located in a GC, M-1, or LI zoning district and is located in a mixed-use shopping center, a mall, or an industrial park, the setback does not apply, unless the place of worship was established at that location prior to March 18, 2014.
- c. The distance shall be measured from the nearest entrance of the place of business by following the shortest route of ordinary pedestrian or vehicular travel along the public thoroughfare to the nearest point of entrance to the grounds of the church or school, or any building in which religious services or school classes are held, whichever is the closer. The grounds in use as part of the church or school is restricted to the grounds immediately surrounding the building or buildings which provide ingress or egress to such building or buildings and does not extend to the grounds surrounding the church which may be used for beautification, cemeteries, or any purpose other than such part of the land as is necessary to leave the public thoroughfare and to enter or leave such building or buildings. Only one entrance to the grounds of a church or school shall be considered, to wit: the entrance to the grounds nearest an entrance to the church or school building. Where no fence is involved, the nearest entrance to the grounds shall be in a straight line from the public thoroughfare to the nearest door. The nearest point of the grounds in use as part of a playground shall be limited to the grounds actually in use as a playground and the grounds necessary for ingress or egress to such grounds from the public thoroughfare.
- d. Bars and other drinking places shall provide adequate off-street parking at a rate of twelve (12) spaces for each one thousand (1,000) square feet of gross floor area.
- e. Parking areas related to the establishment of a bar or other drinking place shall be located no closer than thirty (30) feet to the property line of residentially zoned or used property.
- f. A minimum six (6) foot high opaque fence shall be erected adjacent to the property line of abutting residentially zoned or used property.
- g. Dance poles within the establishment are prohibited.

- h. A full floor plan of the establishment must be provided to the Richland County Zoning Administrator.

(3) *Borrow pits.*

- a. Use districts: Rural; Rural Residential; M-1 and LI Light Industrial.

- b. Proposals for borrow pits will only be permitted where:

1. There are overriding environmental or other planning benefits compared to obtaining materials from alternative sources;
2. Alternative materials of the required specification are unavailable in sufficient quantities;
3. They are contiguous with or close to the projects they are intended to serve;
4. They are time-limited to the life of the project and material is to be used only for the specified project;
5. Proposals include appropriate reclamation measures that make full use of surplus spoil from the project;
6. The site can be restored to its original levels or an alternative acceptable landform only utilizing materials from the construction project;
7. Any impacts on the environment or local communities can be controlled to acceptable levels; and
8. The project area is less than ten (10) acres.

- c. All borrow pits subject to this subsection shall comply with the following requirements:

1. The average slope of any cut bank measured from a point located ten (10) feet from the boundary of any abutting property to the bottom of the cut bank in the pit shall not exceed a horizontal to vertical ratio of 2:1. The owner of the borrow pit is responsible for maintaining this condition;
2. The top of the cut bank of the borrow pit shall, at no time, be closer than ten (10) feet from the property boundary of any abutting landowner;

3. The depth of the borrow pit is limited to a maximum of twelve feet below the average seasonal high water table or three feet above a confining or semi-confining unit, whichever is shallower;
4. No excavation shall occur within two hundred (200) feet of a wetland or other surface water;
5. Best management practices shall be used to control erosion and sediment transport during and after the excavation activities;
6. The borrow pit slopes shall be stabilized with native vegetation within six months following completion of the excavation;
7. Upon completion of the excavation area, side slopes shall be no steeper than 4 (horizontal):1 (vertical) out to a depth of two feet below the average water elevation;
8. No on-site grading or sorting of materials shall occur; and
9. The active excavation, processing, and transportation of fill material shall only occur between 8:00 a.m. and 8:00 p.m.

(4) *Buildings, high-rise, six (6) or more stories.*

- a. Use districts: Residential, Multi-Family, High-Density; Office and Institutional; General Commercial.
- b. The minimum lot size to establish a high-rise building shall be one (1) acre.
- c. The minimum lot width to establish a high-rise building shall be one hundred and fifty (150) feet.
- d. A high-rise structure shall be set back a minimum of twenty-five (25) feet from all property lines.
- e. In the RM-HD District, the maximum lot coverage for a high-rise building shall be thirty-five percent (35%). In the GC and OI Districts, the maximum lot coverage for a high-rise building shall be forty-five percent (45%).
- f. Increase of allowable lot coverage:

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 level in the form of landscaped roof gardens, solariums, recreational spaces, and the like made available generally to tenants. In no case shall such an increase in coverage exceed an amount equal to ten percent (10%) of the total lot area upon which the high-rise structure is located.
 2. Parking lots or structures to accommodate required parking may be erected to cover not more than thirty percent (30%) of the total lot area in addition to the coverage listed in subsections e. and f.1. above.
 - g. No portion of any high-rise building shall project through imaginary planes leaning inward over the lot from the exterior lot lines of the parcel at angles representing two (2) feet in height for each one (1) foot of horizontal distance from such lot line.
 - h. Parking and loading facilities shall be provided as required by Section 26-173 of this chapter. No parking lots shall be permitted within any required setback.
 - i. High-rise buildings over fifteen (15) stories in height are only permitted on lots located at the intersection of major thoroughfares or interstate highway interchanges.
 - j. In the Office and Institutional District the maximum height for a high rise shall be seventy-five (75) feet.
- (5) *Clubs or lodges.* (Ord 054-08HR; 9-16-08)
- a. Use districts: Rural.
 - b. A club or lodge may not be used after 12:00 midnight, Sunday through Thursday, and after 1:00 a.m. on Fridays and Saturdays.
 - c. Sexually oriented businesses are not permitted in a club or lodge.
- (6) *Continued care retirement communities.*
- a. Use districts: Rural; Rural Residential.
 - b. The minimum lot size to establish a continued care retirement community shall be one (1) acre.

- c. No parking space or drive aisle shall be located closer than twenty (20) feet to any other residence not a part of the community.
- d. The front setback shall be the same as permitted in the respective district, but shall not be less than the lesser setback of any existing homes on adjacent lots. The side and rear setbacks shall be as set forth for the district.
- e. All facilities shall be solely for the use of the residents and their guests.

(7) *Correctional institutions.*

- a. Use districts: Rural; LI Light Industrial; Heavy Industrial.
- b. Off-street parking requirements shall be as listed in Section 26-173 of this chapter.

(8) *Country clubs with golf courses.*

- a. Use districts: Rural Residential; Residential, Single-Family, Estate; Residential, Single-Family, Low Density; Residential, Single-Family, Medium Density; Residential, Single-Family, High Density; Manufactured Home Park; Residential, Multi-Family, Medium Density; Residential, Multi-Family, High Density.
- b. There shall be a minimum fifty (50) foot setback between clubhouses, swimming pools, lighted tennis courts, or athletic fields and adjacent residentially zoned or used properties.

(9) *Dormitories.*

- a. Use districts: Office and Institutional; General Commercial.
- b. The property on which the use is located shall be within a one-half (½) mile radius of property developed as the primary campus of the representing college or university.

(10) *Dwellings, single-family, zero lot line, common.*

- a. Use districts: Residential, Single-Family, Medium Density; Residential, Single-Family, High Density.
- b. The lot proposed for zero lot line development 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 in writing to the development of zero setback. The maintenance and drainage easement required in e. below must be provided as part of this agreement and deed restriction.

- c. One (1) 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 e. below.
- d. The wall of a dwelling located on the lot line shall have no windows, doors, air conditioning units, or any other types of openings. An atrium or court shall be permitted on the zero lot line side when such court or atrium is enclosed by two (2) walls of the dwelling unit and a solid wall of at least six (6) feet in height is provided on the zero lot line extending to the front and/or rear of the dwelling unit. Said wall shall be constructed of the same materials as exterior walls of the unit.
- e. A perpetual five (5) foot maintenance easement shall be provided on the lot adjacent to the zero lot line property which shall be kept clear of structures. This easement shall be shown on the plat and incorporated into each deed transferring title to the property. Roof overhangs and footings may penetrate the easement on the adjacent lot a maximum of twenty-four (24) inches, but the roof shall be so designed that water runoff from the dwelling placed on the lot line is controlled by gutters or other approved methods.

(11) *Dwellings, Manufactured Homes on Individual Lots.*

- a. Use districts: M-1 Light Industrial.
- b. Manufactured homes must meet the standards set by the Federal Manufactured Housing Construction and Safety Standards Act of 1974 (which became effective June 15, 1976), as revised and in effect on the date the application is made for a land development permit.
- c. The tongue, axles, transporting lights, and removable towing apparatus must be removed subsequent to final placement.
- d. Manufactured home skirting or a continuous, permanent masonry foundation, unpierced except for openings required by the building

code for ventilation, utilities and access, shall be installed under the manufactured home.

(12) *Fabricated metal products.*

- a. Use districts: LI Light Industrial.
- b. Any building used for the manufacture of fabricated metal products shall be no greater than thirty thousand (30,000) square feet in gross floor area.
- c. Operations standards set forth in Section 26-178 of this chapter shall be examined in detail during the special exception review process.

(13) *Glass and glass products.*

- a. Use districts: LI Light Industrial.
- b. Any building used for the manufacture of glass and glass products shall be no greater than thirty thousand (30,000) square feet in gross floor area.
- c. Operations standards set forth in Section 26-178 of this chapter shall be examined in detail during the special exception review process.

(14) *Group homes (10 or more).*

- a. Use districts: Residential, Multi-Family, High Density; Office and Institutional; Neighborhood Commercial; Rural Commercial; General Commercial.
- b. Parking shall not be located in the required front yard, except in the General Commercial District.

(15) *Landfill and structural fill sites.* (Ord. 071-14HR; 12-9-14)

- a. Use districts: Rural; Heavy Industrial.
- b. All required local, state, and federal permits must be obtained.
- c. Ingress and egress to the site must be from a thoroughfare or collector road.

(16) *Machinery.*

- a. Use districts: LI Light Industrial.
- b. Any building used for the manufacture of machinery shall be no greater than thirty thousand (30,000) square feet in gross floor area.
- c. Operations standards set forth in Section 26-178 of this chapter shall be examined in detail during the special exception review process.

(17) *Manufacturing, not otherwise listed.*

- a. Use districts: LI Light Industrial.
- b. Any building used for manufacturing processes fitting in this classification shall be no greater than thirty thousand (30,000) square feet in gross floor area.
- c. Operations standards set forth in Section 26-178 of this chapter shall be examined in detail during the special exception review process.

(18) *Nursing and convalescent homes.*

- a. Use districts: Rural; Rural Residential.
- b. Minimum lot size to establish a nursing and/or a convalescent home shall be one (1) acre.
- c. The front setback shall be the same as permitted in the applicable zoning district. Side and rear setbacks shall be twenty-five (25) feet from property lines.
- d. No parking space or drive shall be located closer than twenty (20) feet from any road line or property line. No parking shall be permitted in the front yard.

(19) *Orphanages.*

- a. Use districts: Rural; Rural Residential; Residential, Multi-Family, Medium Density; Residential, Multi-Family, High Density.
- b. Minimum lot size to establish an orphanage shall be one (1) acre.

- c. The front setback shall be the same as permitted in the applicable zoning district. Side and rear setbacks shall be twenty-five (25) feet from property lines.
- d. No parking space or drive shall be located closer than twenty (20) feet from any road line or property line. No parking shall be permitted in the front yard.

(20) *Places of worship.*

- a. Use districts: Residential, Single-Family, Estate; Residential, Single-Family, Low Density; Residential, Single-Family, Medium Density; Residential, Single-Family, High Density; Manufactured Home Park.
- b. Facilities for a place of worship located on a site of three (3) acres or more shall have primary access to the facility from a collector of thoroughfare road.
- c. No parking space or drive shall be located closer than twenty (20) feet to a residence not associated with the place of worship. No parking area may be located in the front setback.
- d. The front setback shall be the same as permitted in the respective district, but shall not be less than the lesser setback of any existing homes on adjacent lots. The side and rear setbacks shall be thirty (30) feet.

(21) *Racetracks and drag strips.*

- a. Use districts: Heavy Industrial.
- b. All racetracks and drag strips shall be fully secured by fencing.
- c. All outside edges of any racing surface or principal building that is part of the operation of a racetrack or drag strip shall be at least one thousand five hundred (1,500) feet from any part of the property line. No development, including (but not limited to) parking areas, accessory buildings, or drives, may be located in the buffer, except for permissible entryways and exits.
- d. No racing event may be conducted during the hours of 11:00 p.m. and 9:00 a.m. Racing events may be conducted for a maximum of three consecutive days, a maximum of five (5) days in a calendar week, and a maximum of six (6) hours per day.

- e. A traffic plan, noise mitigation plan, fire protection plan, and lighting plan shall be provided and reviewed as part of the special exception process. Adequate outdoor lighting shall be provided, however, all outdoor lighting fixtures shall be installed and operated in such a manner as to protect the roads and neighboring properties from direct glare or hazardous interference of any kind.

(22) *Radio, television and telecommunications and other transmitting towers.*

- a. Use districts: Rural; Office and Institutional; Neighborhood Commercial; Rural Commercial; General Commercial; M-1 Light Industrial; LI Light Industrial; Heavy Industrial. (Ord. 038-12HR; 6-19-12)
- b. Communication towers shall have a maximum height of three hundred (300) feet. For towers on buildings, the maximum height shall be twenty (20) feet above the roofline of buildings forty (40) feet or four stories in height or less. For buildings greater than four stories or forty-one (41) feet in height, the maximum height of communication towers shall be forty feet above the roofline.
- c. The minimum setbacks for communication towers from abutting districts shall be as follows: (Ord. 040-09HR; 7-21-09)
 - 1. Communication towers abutting a residentially zoned parcel shall have a minimum setback of one (1) foot for each foot of height of the tower as measured from the base of the tower. The maximum required setback shall be two hundred and fifty (250) feet shall have a minimum setback of one (1) foot for every one (1) foot of tower height or one hundred (100) percent of the tower's fall zone, plus a safety factor of ten (10) percent; whichever is less. Fall zones shall be certified in the form of a letter from an engineer, licensed by the State of South Carolina, that includes the engineer's original signature and seal. The fall zone shall not encroach onto structures on any property; nor shall the fall zone encroach onto adjacent properties, unless the owner of the adjacent property signs a waiver. The waiver shall be in a recordable waiver document and shall indemnify and hold the county harmless. In no case shall the fall zone encroach into a public right-of-way. Additionally, the owner of the tower shall agree in writing to indemnify and hold Richland County harmless from and against any liability arising out of damage to real or personal property or injury to any person or in any way connected with the construction of, erection of,

maintenance of, and/or collapse of the communication tower and antenna, including the removal of said communication tower and antenna.

2. Communication towers abutting a non-residentially zoned parcel with a habitable residential dwelling shall have a minimum setback of fifty (50) feet. (Ord. No. 040-09HR; 7-21-09)
 3. Communication towers abutting a non-residentially zoned parcel without a habitable residential dwelling shall observe the setbacks of the district in which it is located. (Ord. 040-09HR; 7-21-09)
- d. The proposed user must show proof of an attempt to collocate on existing communication towers, and must be willing to allow other users to collocate on the proposed tower in the future subject to engineering capabilities of the structure. Evidence of an attempt to collocate must show that alternative towers, buildings, or other structures are not available for use 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 of interference from other communication towers.
 - e. Towers shall be illuminated as required by the Federal Communications Commission, Federal Aviation Administration, or other regulatory agencies. However, no nighttime strobe lighting shall be incorporated unless required by the Federal Communications Commission, the Federal Aviation Administration, or other regulatory agency.
 - f. Each communication tower and associated buildings shall be enclosed within a fence at least seven (7) feet in height.
 - g. Each communication tower site shall be landscaped in accordance with the requirements of Section 26-176 of this chapter.
 - h. No signage may be attached to any portion of a communications tower. Signs for the purpose of identification, warning, emergency function or contact or other as required by applicable state or federal rule, law, or regulation may be placed as required by standard industry practice.
 - i. A communications tower which is no longer used for communications purposes must be dismantled and removed within

one hundred twenty (120) days of the date the tower is taken out of service.

(23) *Rooming and boarding houses.*

- a. Use districts: Residential, Multi-Family, High Density; Office Institutional; Neighborhood Commercial; Rural Commercial.
- b. The owner or the manager of the boarding house shall reside on the premises.
- c. Not over fifty percent (50%) of the heated floor area of the rooming or boarding house shall be used for sleeping quarters.
- d. Parking shall be provided as required in Section 26-173 of this chapter. Parking shall be located on the same lot on which the boardinghouse is located, at the rear of the lot and screened from the adjacent properties with vegetation.

(24) *Scrap and recyclable materials.*

- a. Use district: M-1 and LI Light Industrial; Heavy Industrial.
- b. Stocks and supplies shall be either stored inside enclosed structures or screened by solid walls, opaque fences, dense evergreen shrubbery or the like so that they are not visible from any public road or from the ground level of adjacent property used for residential or office purposes.
- c. Any required front or secondary front yard shall not be used for storage.
- d. The side yard setback for storage areas and buildings adjacent to residential or office uses shall be at least twenty-five (25) feet.
- e. The wholesale business shall be conducted in such a manner as to prevent tracking and spillage of debris onto adjacent properties or roads.

(25) *Shooting ranges, outdoor.*

- a. Use districts: Rural; Heavy Industrial.
- b. Adequate provision shall be made for the safety of surrounding property owners.

- c. Setback requirements shall be at least 200 yards from adjacent property lines.
- d. Hours of operation shall be limited to 9:00 a.m. to 10:00 p.m.

(26) *Special congregate facilities.*

- a. Use districts: Office and Institutional; General Commercial.
- b. The facility shall be operated and contained within the building of and operated by a governmental agency or a nonprofit organization.
- c. The facility operator(s) shall provide continuous on-site supervision by an employee(s) and/or a volunteer(s) during the hours of operations.
- d. No such facility shall be located within one quarter (1/4) mile of an existing congregate facility. The Board of Zoning Appeals may, however, in reviewing a special exception application, permit the clustering of special congregate facilities if it is determined that the location of such uses will not be injurious to the neighborhood or otherwise detrimental to the public welfare.
- e. For the purpose of noise abatement, organized outdoor activities may only be conducted between the hours of 8:00 a.m. and 9:00 p.m. (Ord. 066-13HR; 11-19-13)
- f. The provider shall have a written management plan including, as applicable, provisions for staff training, neighborhood outreach, security, screening of residents to insure compatibility with services provided at the facility, and for training, counseling, and treatment programs for residents. (Ord. 066-13HR; 11-19-13)
- g. The facility shall be located within one-half (1/2) mile of an existing bus route or a public transit transfer station. (Ord. 066-13HR; 11-19-13)
- h. Facilities shall establish and maintain set hours for client intake/discharge. These hours shall be posted at the site. There shall be no loitering at the facility or in the surrounding area when the facility is closed. It is the responsibility of the facility to enforce this requirement. (Ord. 066-13HR; 11-19-13)
- i. Unless provided at the facility, the facility shall be located within one-half (1/2) mile of the following: (Ord. 066-13HR; 11-19-13)

1. Professional services, such as doctor's offices and legal services;
 2. Grocery stores;
 3. Job development centers; and
 4. Providers of services often utilized by the cliental, (i.e., medical clinics, food banks, public transportation).
- j. No facility shall be located within: (Ord. 066-13HR; 11-19-13)
1. Three hundred (300) feet of any residential district;
 2. One thousand (1,000) feet of a public or private daycare, elementary or secondary school; and/or
 3. One thousand (1,000) feet of a public park or public library.

(27) *Swim and tennis clubs.*

- a. Use districts: Rural; Rural Residential; Residential, Single-Family, Estate; Residential, Single-Family, Low Density; Residential, Single-Family, Medium Density; Residential, Single-Family, High Density; Manufactured Home Park; Residential, Multi-Family, Medium Density; Residential, Multi-Family, High Density; Office and Institutional; Neighborhood Commercial; Rural Commercial, L-I Light Industrial.
- b. There shall be a minimum fifty (50) foot setback between clubhouses, swimming pools, lighted tennis courts, or athletic fields and adjacent residentially zoned or used property.
- c. Lights shall be positioned so as not to shine onto adjacent properties.
- d. Swimming pools shall be protected by a fence or equal enclosure, a minimum of four (4) feet in height and equipped with a self-closing gate provided with hardware for permanent locking.

(28) *Textile product mills.*

- a. Use districts: LI Light Industrial.

- b. Any building used for the manufacture of textile products shall be no greater than thirty thousand (30,000) square feet in gross floor area.
- c. Operations standards set forth in Section 26-178 of this chapter shall be examined in detail during the special exception review process.

(29) *Theaters, motion picture, drive-ins.*

- a. Use districts: Rural Commercial; General Commercial; LI Light Industrial.
- b. Drive-in theaters shall be located a minimum of one hundred (100) feet from any property zoned or utilized for residential purposes.
- c. Access shall be provided from thoroughfare or collector roads.

(30) *Theaters, motion picture, other than drive-ins.*

- a. Use districts: Neighborhood Commercial.
- b. Buildings shall have a maximum seating capacity of three hundred (300) seats.

(31) *Transportation equipment.*

- a. Use districts: LI Light Industrial.
- b. Any building used for the manufacture of transportation equipment shall be no greater than thirty thousand (30,000) square feet in gross floor area.
- c. Operations standards set forth in Section 26-178 of this chapter shall be examined in detail during the special exception review process.

(32) *Waste collection, hazardous.*

- a. Use districts: Heavy Industrial.
- b. Compliance with state and federal regulations is required.
- c. Access shall be provided only onto thoroughfare and collector roads.

- d. Operations shall be located no closer than one hundred (100) feet to any adjacent property line.

(33) *Waste treatment and disposal, hazardous.*

- a. Use districts: Heavy Industrial.
- b. Compliance with state and federal regulations is required.
- c. Access shall be provided only onto thoroughfare and collector roads.
- d. Operations shall be located no closer than one hundred (100) feet to any adjacent property line.

(34) *Zoos and Botanical Gardens.*

- a. Use districts: Rural District; Office and Institutional; Rural Commercial.
- b. There shall be a minimum one hundred (100) foot setback between all activities associated with the use and any adjacent residential property.
- c. All zoos and botanical gardens shall have primary access to collector or thoroughfare roads.

Secs. 26-153 – 26-170. Reserved.

ARTICLE VII. GENERAL DEVELOPMENT, SITE, AND PERFORMANCE STANDARDS

Sec. 26-171. General.

(Ord. 019-09HR; 3-17-09)

(a) *Purpose.* This article sets forth standards for land development in the unincorporated areas of Richland County, South Carolina, concerning a variety of different development issues. These standards are designed to ensure the compatibility of development within the county and to implement the policies found in the county's comprehensive plan. The applicability of the standards set forth in this article may vary based on the use, location, and zoning district (as set forth in this chapter). The criteria set forth in this article, as with all other requirements, must be satisfied before an application for development will be approved.

(b) *Buffers.* All required and/or approved buffers, provided from existing vegetation and/or an approved landscape plan, for a project, shall not be disturbed, and trees and shrubs shall be preserved by the owner.

(c) *Common areas and open space.* All required and/or approved common areas, open space, recreation areas, and planted and/or vegetative areas shall be preserved as such and shall not change to another use unless plans are submitted to and approved by the Development Review Team.

(d) *Utilities.* Prior to the installation of utility lines and related appurtenances, unless within the approved limits of clearing and noted on approved plans, the utility provider shall submit plans to the planning department and a land disturbance permit and land development permit issued pursuant to the requirements of Sections 26-53, 26-54 and 26-64 (a).

Sec. 26-172. Density and dimensional standards.

(a) *Number of principal buildings per lot.*

(1) *General.* The number of principal buildings allowed on an individual lot is limited as set forth in Article V. of this chapter.

(2) *Single-family dwellings.* There shall be no more than one single-family dwelling on an individual lot in a single-family residential zoning district except for permitted accessory dwellings.

(b) *Required setbacks; allowable encroachment into required setbacks.*

(1) *General.* No building, structure, or land shall be used or occupied and no building structure or part thereof shall be erected, constructed, reconstructed, moved, or altered unless it meets the minimum setback

requirements established in Article V. for the use or overlay district in which it is located, except as otherwise established in this chapter.

- (2) *Method of calculation.*
 - a. *Minimum setback.* Minimum setback is the space defined by measuring perpendicularly from and along the entire boundary of the lot (property line) to the building line. A setback may be a front, side, or rear setback.
 - b. *Overlap of setbacks.* When more than one setback depth applies, the greatest setback dimension requirement must be met.
- (3) *Setbacks for lots with more than one road frontage.* Structures shall meet the front yard requirements for all sides of the structure abutting public roads. 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. In its place, a special yard requirement shall be determined as specified in subsection (4) below.
- (4) *Adjusting building lines.* Where there are lots that comprise fifty percent (50%) or more of the lots on the same side of the block as the lot in question which are developed with less than the required road setbacks, the average setback of the two (2) principle buildings nearest the lot in question shall be observed as the minimum front yard setback.
- (5) *Projections into required yards.* The general definition of yards is set forth in Section 26-22 of this chapter. However, the general definition will be construed subject to the following exceptions and interpretations:
 - a. *Objects specifically excluded.* Those objects that are specifically excluded from the definition of a structure under Section 26-22 shall not be subject to regulation as an interpretation of the definition of yard.
 - b. *Steps and open porches.* Steps and open porches without roofs shall be allowed in any required yard to within five (5) feet of an adjoining property line. Decks, whether covered or uncovered, do not fall within this exemption and must meet all applicable yard requirements.
 - c. *Screening or retaining walls and fences.* Screening or retaining walls and fences may be permitted in a required yard upon the determination of the planning department that the fence or wall:

1. Does not impede site vision clearance for driveways or roads.
 2. Does not include gates that swing outward into sidewalks or public rights-of-way.
 3. Front yard fences may not exceed four (4) feet in height.
 4. Fences and walls shall not exceed seven (7) feet in height when located in the required side and rear yards; provided, however, retaining walls are excluded from this limitation.
(Ord. 012-16HR; 3-15-16)
- d. *Architectural features.* Eaves, cornices, gutters, or other minor architectural features projecting less than twenty-four (24) inches from the main portion of a building shall be allowed to project into any yard.
- e. *Canopy/awning projections.* Canopies or awnings covering windows, doors, or other openings of commercial or industrial uses shall be allowed to project forty-eight (48) inches into required front yards provided they do not constitute a substantial impediment to visibility across such yards which would contribute to the creation of a traffic hazard, and further that such projection would not interfere with public use of any adjacent sidewalk and/or public road.
- f. *Service station and convenience store canopy projections.* Service station and convenience store gasoline island canopies may be located in the front yard setback, provided that no equipment or part of the canopy is located closer than fifteen (15) feet to a road right-of-way line.
- g. *At-grade impervious surfaces.* At-grade impervious surfaces, such as patios, shall be allowed to encroach into the side or rear yards. In no case, shall such surfaces be located closer than five (5) feet to a side or rear property line. Driveways are not included in this category and may encroach upon front side or rear yards.
- (c) *Height restrictions.*
- (1) *General.* For the purpose of this chapter, 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.

- (2) *Exceptions.* Spires, belfries, cupolas, chimneys, water tanks, ventilators, elevator housings, mechanical equipment, or other structures placed above the roof level and not intended for human occupancy shall not be subject to height limitations. Antennas on buildings are subject to height requirements.

Sec. 26-173. Off-street parking standards.

- (a) *General requirements.* Permanent off-street parking is required in all districts unless otherwise specified. Such parking shall be provided in the amount required by this section at the time of erection, alteration, enlargement, establishment, or change in any building or land use. Any permit application submitted to the planning department shall include information as to the location and dimensions of off-street parking and the means of ingress and egress to such space.
- (b) *Parking requirements for a change in use.* If a change in use causes an increase in the required number of off-street parking, stacking, or loading spaces, such additional spaces shall be provided in accordance with the requirements of this section. However, if a change in use would require an increase of less than five percent (5%) of the required number of parking spaces, or less than five (5) spaces, no additional off-street parking shall be required.
- (c) *Number of spaces required.* The requirements for off-street parking are set forth in the table below. The number of spaces required will be rounded to the nearest whole number. For uses not covered in this table, the parking requirements shall be those of the most similar use as determined by the zoning administrator.

TABLE 26-VII-1

OFF-STREET PARKING STANDARDS (Ord. 055-12HR; 10-16-12)

TYPE OF LAND USE	PARKING SPACES REQUIRED		
	Minimum	* (Mid-range to Maximum must enhance water quality treatment)	
		Mid-range	Maximum **
Agricultural Uses			
Animal and/or Crop Production	No Requirement	N/A	No Requirement
Animal and/or Crop Production Support Services, and Forestry Support Services	One (1) Space for Every Two (2) Employees on Shift of Greatest Employment Plus One (1) for Every 300 GFA in the Operation	Two (2) Spaces for Every Three (3) Employees on Shift of Greatest Employment Plus One (1) for Every 250 GFA in the Operation	One (1) Space for Every Employee on Shift of Greatest Employment Plus One (1) for Every 200 GFA in the Operation
Forest Nurseries	One (1) for Every Five (5) Acres	One (1) for Every Three and One-Half (3½) Acres	One (1) for Every Two (2) Acres
Veterinary Services (Livestock)	One (1) for Every 250 GFA	One (1) for Every 225 GFA	One (1) for Every 200 GFA

TYPE OF LAND USE	PARKING SPACES REQUIRED		
	Minimum	* (Mid-range to Maximum must enhance water quality treatment)	
		Mid-range	Maximum **
Residential Uses			
Accessory Dwellings	One (1) Per Dwelling	N/A	One (1) Per Dwelling
Boardinghouses	One (1) for Every Two (2) Rooms Plus One (1) for the Resident Manager	Two (2) for Every Three (3) Rooms Plus One (1) for the Resident Manager	One Per Room Plus One (1) for the Resident Manager
Child and Adult Day Care Homes, Family	As for Single-Family Dwellings, Plus One (1) Additional Space	N/A	As for Single-Family Dwellings, Plus Two (2) Additional Spaces
Continued Care Retirement Communities	One (1) for Every Dwelling Unit Plus One (1) for Every Two (2) Employees on Shift of Greatest Employment	One (1) and One-Half (1½) for Every Dwelling Unit Plus One (1) for Every Two (2) Employees on Shift of Greatest Employment	Two (2) for Every Dwelling Unit Plus One (1) for Every Employee on the Shift of Greatest Employment
Dwellings, Two-Family or Single-Family, Townhouses, or Manufactured Homes on Individual Lots (Ord. No. 036-15HR; 7-28-15)	Two (2) Spaces for Every Dwelling Unit	N/A	Three (3) Spaces for Every Dwelling Unit
Dwellings, Multi-Family	Two (2) Spaces for Every Dwelling Unit	Two and One-Half (2½) Spaces for Every Dwelling Unit	Three (3) Spaces for Every Dwelling Unit
Manufactured Home Parks	Two (2) Per Manufactured Home	Two and One-Half (2½) Per Manufactured Home	Three (3) Per Manufactured Home
Special Congregate Facilities	One (1) Per Resident Staff Plus Two (2) for Every Three (3) Staff/Volunteers on Shift of Greatest Employment Plus One (1) for Each Vehicle Used in the Operation	N/A	One (1) Per Resident Staff Plus One (1) for Every Staff/Volunteer on Shift of Greatest Employment Plus One (1) for Each Vehicle Used in Operation
Institutional and Civic Uses			
Auditoriums, Public Assembly	One (1) Per Six (6) Seats or One (1) per Fifty (50) GFA (If No Seats)	One (1) Per Four (4) Seats or One (1) per Forty (40) GFA (If No Seats)	One (1) Per Three (3) Seats or One (1) Per Thirty (30) GFA (If No Seats)

TYPE OF LAND USE	PARKING SPACES REQUIRED		
	Minimum	* (Mid-range to Maximum must enhance water quality treatment)	
		Mid-range	Maximum **
Child and Adult Day Care Centers	One (1) Per Every Two (2) Employees on Shift of Greatest Employment Plus One (1) Space for Every Ten (10) Children	N/A	One (1) Per Every Employee on Shift of Greatest Employment Plus One (1) Space for Every Ten (10) Children
Civic, Social and Fraternal Organizations	One (1) Per 350 GFA	One (1) Per 300 GFA	One (1) Per 250 GFA
Correctional Institutions	Two (2) for Every Three (3) Employees on Shift of Greatest Employment Plus One (1) Per Six (6) Inmates Plus One (1) for Each Vehicle Used in the Operation	N/A	One (1) for Every Employee on Shift of Greatest Employment Plus One (1) Per Five (5) Inmates Plus One (1) for Each Vehicle Used in Operation
Country Clubs	One (1) Per 350 GFA Plus Two (2) for Every Three (3) Employees on Shift of Greatest Employment Plus Four (4) for Each Golf Course Hole	N/A	One (1) Per 250 GFA Plus One (1) for Every Employee on Shift of Greatest Employment Plus Six (6) for Each Golf Course Hole
Emergency Service Facilities	One (1) Per Employee/Volunteer on Shift of Greatest Employment Plus One (1) Per Vehicle	N/A	No requirement
Government Buildings/Facilities	One (1) Per 300 GFA	One (1) Per 225 GFA	One (1) Per 150 GFA
Hospitals	One (1) Per Four (4) Beds Plus One (1) Per Employee/Volunteer on Shift of Greatest Employment	One (1) Per Three (3) Beds Plus One (1) Per Employee/Volunteer on Shift of Greatest Employment	One (1) Per Two (2) Beds Plus One (1) Per Employee/Volunteer on Shift of Greatest Employment
Museums, Galleries, Libraries	One (1) Per 500 GFA for Public Use Plus Two (2) Per Three (3) Employees/Volunteers on Shift of Greatest Employment	N/A	One (1) Per 300 GFA for Public Use Plus One (1) Per Employee/Volunteer on Shift of Greatest Employment
Religious Institutions	One (1) Per Four (4) Seats in Main Worship Space	One (1) Per Three (3) Seats in Main Worship Space	One (1) Per Two (2) Seats in Main Worship Space

TYPE OF LAND USE	PARKING SPACES REQUIRED		
	Minimum	* (Mid-range to Maximum must enhance water quality treatment)	
		Mid-range	Maximum **
Residential Care Facilities, Halfway Houses	One (1) Per Three (3) Rooms Plus One (1) Per Employee/Volunteer on Shift of Greatest Employment	One (1) Per Two (2) Rooms Plus One (1) Per Employee/Volunteer on Shift of Greatest Employment	One (1) Per Room Plus One (1) Per Employee/Volunteer on Shift of Greatest Employment
Schools - Business, Trade, Etc.	One (1) Per 200 GFA	One (1) Per 175 GFA	One (1) Per 150 GFA
Schools - Colleges and Universities	One (1) Per Five (5) Students Plus One (1) Per Employee	N/A	One (1) Per Two (2) Students Plus One (1) Per Employee
Schools - Elementary, Middle	Ten (10) Spaces Plus One (1) Per Teacher/Staff	Twenty (20) Spaces Plus One (1) Per Teacher/Staff	Thirty (30) Spaces Plus One (1) Per Teacher/Staff
Schools - High Schools	One (1) Per Five (5) Students Plus One (1) Per Employee	N/A	One (1) Per Two (2) Students Plus One (1) Per Employee
Theaters	One (1) Per Four (4) Seats	One (1) Per Three (3) Seats	One (1) Per Two (2) Seats
Recreational Uses			
Amusement Parks	One (1) Per 200 Sq. Ft. of Activity Area	One (1) Per 150 Sq. Ft. of Activity Area	One (1) Per 100 Sq. Ft. of Activity Area
Athletic Fields	Twenty-five (25) Per Field	Thirty-two (32) Per Field	Forty (40) Per Field
Botanical Gardens/Nature Preserves	No Requirement	N/A	One (1) Per 300 Sq. Ft.
Golf Courses	Four (4) Per Hole	Five (5) Per Hole	Six (6) Per Hole
Public Parks and Recreation Facilities	By Function or One (1) Per 200 Sq. Ft of Activity Area	By Function or One (1) Per 150 Sq. Ft of Activity Area	By Function or One (1) Per 100 Sq. Ft. of Activity Area
Recreation Uses, Indoor	One (1) Per 200 GFA	One (1) Per 150 GFA	One (1) Per 100 GFA
Riding Stables	One (1) Per Two (2) Stalls	N/A	One (1) Per One (1) Stall
Swimming Pools	One (1) Per 100 Sq. Ft. of Water and Deck Space	One (1) Per 75 Sq. Ft. of Water and Deck Space	One (1) Per 50 Sq. Ft. of Water and Deck Space

TYPE OF LAND USE	PARKING SPACES REQUIRED		
	Minimum	* (Mid-range to Maximum must enhance water quality treatment)	
		Mid-range	Maximum **
Business, Professional and Personal Services			
Automobile Repair	Three (3) Per Service Bay Plus One (1) Per Service Vehicle Plus Two (2) for Every Three (3) Employees on Shift of Greatest Employment	N/A	Four (4) Per Service Bay Plus One (1) Per Service Vehicle Plus One (1) Per Employee on Shift of Greatest Employment
Banks and Financial Institutions	One (1) Per 250 GFA Plus Stacking for Four (4) Vehicles at Each Drive-Thru Bay	One (1) Per 187 GFA Plus Stacking for Four (4) Vehicles at Each Drive-Thru Bay	One (1) Per 125 GFA Plus Stacking for Four (4) Vehicles at Each Drive-Thru Bay
Bed and Breakfast Homes	One (1) Per Guest Room Plus One (1) for Owner/Manager	N/A	One (1) Per Guest Room Plus Two (2) for Owner/Manager
Car Washes	One (1) Vehicle Space Per 500 GFA Including all Service Areas, Plus One (1) Per Employee	One (1) Vehicle Space Per 450 GFA Including all Service Areas, Plus One (1) Per Employee	One (1) Vehicle Space Per 400 GFA Including all Service Areas, Plus One (1) Per Employee
Construction Services	One (1) Per 600 GFA	One (1) Per 400 GFA	One (1) Per 200 GFA
Delivery Services	One (1) for Every Two Employees on Shift of Greatest Employment Plus One (1) Per Vehicle Used in Operation	Two (2) for Every Three (3) Employees on Shift of Greatest Employment Plus One (1) Per Vehicle Used in Operation	One (1) Per Employee on Shift of Greatest Employment Plus One (1) Per Vehicle Used in Operation
Dry Cleaning and Laundry Services	Three (3) Spaces Plus Two (2) for Every Three (3) Employees on Shift of Greatest Employment Plus One (1) Per Vehicle Used in Operation	N/A	Five (5) Spaces Plus One (1) Per Employee on Shift of Greatest Employment Plus One (1) Per Vehicle Used in Operation
Funeral Homes	One (1) Per Four (4) Seats	One (1) Per Three (3) Seats	One (1) Per Two (2) Seats
Hair, Skin and Nail Services	Two (2) Spaces Per Operator Station Plus One (1) Per Two Employees on Shift of Greatest Employment	N/A	Three (3) Spaces Per Operator Station Plus One (1) Per Employee on Shift of Greatest Employment

TYPE OF LAND USE	PARKING SPACES REQUIRED		
	Minimum	* (Mid-range to Maximum must enhance water quality treatment)	
		Mid-range	Maximum **
Hotels and Motels, Inns	One (1) Per Room Plus One (1) Per 800 Sq. Ft. of Public Meeting and Restaurant Space	One (1) Per Room Plus One (1) Per 600 Sq. Ft. of Public Meeting and Restaurant Space	One (1) Per Room Plus One (1) Per 400 Sq. Ft. of Public Meeting and Restaurant Space
Kennels or Pet Grooming	One (1) Per 300 GFA Plus Two (2) for Every Three (3) Employees on Shift of Greatest Employment	N/A	One (1) Per 200 GFA Plus One (1) Per Employee on Shift of Greatest Employment
Medical and Dental Offices	One (1) Per 375 GFA	One (1) Per 312.5 GFA	One (1) Per 250 GFA
Medical Laboratories	Two (2) for Every Three (3) Employees on Shift of Greatest Employment	N/A	One (1) for Every Employee on Shift of Greatest Employment
Motion Picture Production	Three (3) Per 1000 GFA	N/A	One (1) Per 1000 GFA
Offices, Not Listed Elsewhere	One (1) Per 450 GFA	One (1) Per 375 GFA	One (1) Per 300 GFA
Services and Repairs, Not Listed Elsewhere	One (1) Per 300 GFA	One (1) Per 250 GFA	One (1) Per 200 GFA
Theaters, Drive-In	No Requirement	N/A	No Requirement
Theaters, Indoor	One (1) Per Four (4) Seats	One (1) Per Three (3) Seats	One (1) Per Two (2) Seats
Truck Washes	Three (3) Stacking Spaces Per Stall	N/A	Two (2) Stacking Spaces Per Stall
Veterinary Services	Four (4) Spaces Per Doctor Plus One (1) Per Employee Including Doctors	Five (5) Spaces Per Doctor Plus One (1) Per Employee Including Doctors	Six (6) Spaces Per Doctor Plus One (1) Per Employee Including Doctors
Retail Trade and Food Services			
Drive Thru Services Associated with Food Service Operations	Stacking for Four (4) Vehicles at Each Bay, Window or Lane	Stacking for Six (6) Vehicles at Each Bay, Window or Lane	Stacking for Eight (8) Vehicles at Each Bay, Window or Lane
Fuel Oil Sales	Two (2) Per Three (3) Employees on Shift of Greatest Employment Plus One (1) Per Vehicle Used in Operation	N/A	One (1) Per Employee on Shift of Greatest Employment Plus One (1) Per Vehicle Used in Operation

TYPE OF LAND USE	PARKING SPACES REQUIRED		
	Minimum	* (Mid-range to Maximum must enhance water quality treatment)	
		Mid-range	Maximum **
Motor Vehicle, Motorcycle, Recreational Vehicle and Similar Sales and Rentals	Five (5) Plus One (1) Per 10,000 GFA of Display Area Plus Two (2) Per Three (3) Employees on Shift of Greatest Employment	N/A	Ten (10) Plus One (1) Per 10,000 GFA of Display Area Plus One (1) Per Employee on Shift of Greatest Employment
Restaurants	One (1) Per Four (4) Seats Plus Two (2) Per Three (3) Employees on Shift of Greatest Employment	One (1) Per Three (3) Seats Plus Four (4) Per Six (6) Employees on Shift of Greatest Employment	One (1) Per Two (2) Seats Plus One (1) Per Employee on Shift of Greatest Employment
Retail Sales, Except Those Listed Below	One (1) Per 250 GFA	One (1) Per 200 GFA	One (1) Per 150 GFA
Retail Sales of Bulk Items Which Require Large Amounts of Floor Space for the Number of Items Offered for Sale (i.e., Appliances, Furniture, etc.)	One (1) Per 600 GFA	One (1) Per 500 GFA	One (1) Per 400 GFA
Service Stations, Gasoline	Three (3) Per Service Bay Plus One (1) Per Service Vehicle Plus Two (2) Per Three (3) Employees on Shift of Greatest Employment	N/A	Four (4) Per Service Bay Plus One (1) Per Service Vehicle Plus One (1) Per Employee on Shift of Greatest Employment
Shopping Centers - Mixed Use	One (1) Per 375 GFA	One (1) Per 312.5 GFA	One (1) Per 250 GFA
Wholesale Trade			
Market Showrooms	One (1) Per 2,000 GFA	One (1) Per 1,500 GFA	One (1) Per 1000 GFA
Wholesale Uses	Two (2) Per Three (3) Employees on Shift of Greatest Employment Plus Additional Spaces Per GFA for Area Devoted to Retail Space According to Retail Trade Schedule Above	N/A	One (1) Per Employee on Shift of Greatest Employment Plus Additional Spaces Per GFA for Area Devoted to Retail Space According to Retail Trade Schedule Above

TYPE OF LAND USE	PARKING SPACES REQUIRED		
	Minimum	* (Mid-range to Maximum must enhance water quality treatment)	
		Mid-range	Maximum **
Transportation, Information, Warehousing, Waste Management and Utilities			
Broadcasting Facilities	Two (2) Per Three (3) Employees on Shift of Greatest Employment	N/A	One (1) Per Employee on Shift of Greatest Employment
Transmitting Towers, Utility Lines, Etc.	No Requirement	N/A	No Requirement
Transportation Terminals	One (1) Per Employee Plus Spaces Required to Satisfy Projected Peak Parking Demand	N/A	No Requirement
Utility Offices	Two (2) Per Three (3) Employees on Shift of Greatest Employment Plus One (1) Per Company Vehicle	N/A	One (1) Per Employee on Shift of Greatest Employment Plus One (1) Per Company Vehicle
Warehouses	Two (2) Per Three (3) Employees on Shift of Greatest Employment Plus One (1) Per 350 GFA Open to the Public	N/A	One (1) Per Employee on Shift of Greatest Employment Plus One (1) Per 300 GFA Open to the Public
Warehouses, Self-Storage	Five (5) Spaces	Seven (7) Spaces	Ten (10) Spaces
Manufacturing and Industrial Uses			
Manufacturing/Industrial Uses	Two (2) Per Three (3) Employees on Shift of Greatest Employment Plus One (1) Per Company Vehicle	N/A	One (1) Per Employee on Shift of Greatest Employment Plus One (1) Per Company Vehicle

* Mid-range to Maximum must incorporate water quality treatment. If the number of spaces exceeds the Mid-range, the parking spaces over Mid-range shall incorporate a water quality feature, such as bioretention or other low impact development practices (see “Richland County Best Management Practices Manual”); or alternatively, if the number of spaces exceeds the Mid-range, five percent (5%) of the entire parking lot area shall incorporate a water quality feature, such as bioretention or other low impact development practices (see “Richland County Best Management Practices Manual”). Retention/detention ponds shall not be considered as meeting this water quality feature requirement. (Ord. 055-12HR; 10-16-12)

*** Maximum ratios indicate the maximum amount of impervious parking allowed. Parking may exceed the maximum amount provided that such additional area must be constructed of pervious material capable of supporting traffic flow, as approved by the County Engineer. The applicant has to provide a pervious material maintenance plan if using a convention other than reinforced turf. (Ord. 055-12HR; 10-16-12)*

(d) *Design of parking areas.* See also Section 26-176(g) of this chapter concerning vehicular surface area landscaping.

(1) *Paving and general design.*

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

b. *Paving material.* Parking areas for all projects, except single-family detached and two-family dwellings, shall be improved and maintained with such material of sufficient thickness and consistency to support anticipated volume and weights. Porous paving blocks and pervious paving materials are permitted and encouraged as material for parking lots. The use of grass as a parking lot surface is permitted for overflow parking.

c. *Border barricades.* Except in a single-family detached dwelling, a rail, fence, curb, or other continuous barricade sufficient to retain the parked vehicles completely within the property shall be provided, except at the entrance and exit drives.

d. *Entrances and exits.* The location and design of all entrances and exits shall be designed in accordance with the county regulations on traffic engineering. No entrance or exit point for a nonresidential use that is not permitted in an adjacent residential district shall be located within fifteen (15) feet of a lot within the adjacent residential zoning district.

(2) *Maneuvering space.*

a. *General.* All off-street parking areas, with the exception of parking areas for single-family detached, two-family dwellings, and townhouses, shall be so designed that vehicles will not be required to back onto a public road when leaving the premises. All parking areas shall be designed so that there is sufficient area for access to all parking spaces and safe maneuvering within the parking area. (Ord. 036-15HR; 7-28-15)

b. *Aisle widths.* The minimum aisle widths between parking areas are:

1. Ninety (90)-degree parking – Twenty-five (25) feet
 2. Sixty (60)-degree parking – Twenty (20) feet
 3. Forty-five (45)-degree parking – Fifteen (15) feet
- (3) *Size of spaces.* The minimum size of one parking space shall be nine (9) feet in width and eighteen (18) feet in depth; provided, however, up to twenty-five percent (25%) of the total parking provided may consist of compact parking spaces, which shall be a minimum of eight (8) feet in width and sixteen (16) feet in depth. All parallel parking spaces shall be nine (9) feet in width by twenty-three (23) feet in depth. See subsection (4) below for standards for accessible parking spaces. (Ord. 055-12HR; 10-16-12)
- (4) *Accessible spaces.* Where parking is provided, accessible parking spaces shall be provided in accordance with the requirements set forth in this subsection.
- a. *Number of spaces.* The required number of accessible parking spaces shall be provided in accordance with the following table:

TABLE VII-2 (Ord. 058-11HR; 10-18-11)

Total Number of Parking Spaces Provided (per lot)	(Column A) Total Minimum Number of Accessible Parking Spaces (60'' and 90'' aisles)	Van-Accessible Parking Spaces with minimum 96''-wide access aisle	Accessible Parking Spaces with minimum 60''-wide access aisle
1 – 25	1	1	0
26 – 50	2	1	1
51 – 75	3	1	2
76 – 100	4	1	3
101 – 150	5	1	4
151 – 200	6	1	5
201 – 300	7	1	6
301 – 400	8	1	7
401 – 500	9	2	7
501 – 1,000	2% of total parking provided in each lot	1/8 of Column A*	7/8 of Column A**
1,001 and over	20, plus 1 for each 100 over 1,000	1/8 of Column A*	7/8 of Column A**

* 1 out of every 8 accessible spaces

** 7 out of every 8 accessible spaces

- b. *Location.* Accessible parking spaces shall be located on the shortest accessible route of travel from adjacent parking to an accessible building entrance. In parking facilities that do not serve a particular building, accessible parking spaces shall be located on the shortest route to an accessible pedestrian entrance to the parking facility. Where buildings have multiple accessible entrances with adjacent parking, accessible parking spaces shall be dispersed and located near the accessible entrances.
 - c. *Size of accessible spaces.* Accessible parking spaces shall be ninety-six (96) inches wide minimum and shall have an adjacent access aisle complying with subsection d. below.
 - d. *Access aisle.* Parking access aisles shall be part of the accessible route to the building and shall be provided for all accessible spaces provided in a parking area. Two (2) parking spaces shall be permitted to share a common access aisle. Access aisles shall be marked so as to discourage parking in them.
 - 1. *Width.* Van-accessible spaces require a minimum ninety-six (96)-inch wide access aisle. All other accessible spaces shall require a minimum sixty (60)-inch wide access aisle. (Ord. 058-11HR; 10-18-11)
 - 2. *Length.* Access aisles shall extend the full length of the parking spaces they serve.
 - e. *Floor or ground surfaces and clearance.* Parking spaces and access aisles shall have surface slopes not steeper than 1:50. Access aisles shall be at the same level of the parking spaces they serve. (Ord. 058-11HR; 10-18-11)
 - f. *Signage.* Accessible parking spaces shall be identified by signs including the International Symbol of Accessibility. Van-accessible spaces shall have a sign designating them as van-accessible. (Ord. 058-11HR; 10-18-11)
- (e) *Location of off-street parking.* Required off-street parking shall be provided on the same parcel as the principal structure or use, unless otherwise set forth in this chapter or unless shared or remote parking is provided as set forth below:
- (1) *Remote parking.* If the off-street parking spaces required by this section cannot be reasonably provided on the same lot on which the principal use is located, such space may be provided on any land within four hundred (400) feet of the principal use. Where such remote parking is utilized to fulfill parking requirements, the owner or authorized agent for the land

upon which such remote parking is located shall restrict the use of such parking area for parking only in connection with the use or structure for which such remote parking is provided. Such restriction shall be recorded by a declaration of restrictions properly filed with the Register of Deeds for Richland County, which may be released only with written consent of the county. Remote parking for a use shall not be established in any district that does not allow that use.

- (2) *Shared parking.* Shared parking is encouraged for mixed use developments where there are at least two (2) uses that customarily have different peak parking demand characteristics. The planning department may approve the joint use of the required parking spaces for two (2) or more uses located on the same parcel or adjacent parcels, provided that the developer can demonstrate that the uses will not overlap hours of operations or demand for the same shared spaces. Any sharing of required spaces by uses located on different parcels shall be guaranteed by written agreement between the owner of the parking area and the owner of any use located on a different parcel and served by the parking area. Should the uses change such that the new uses overlap in hours of operation or demand for the shared spaces, the shared parking approval shall become void. Parking spaces meeting the requirements of this section shall then be required. Shared parking for a use shall not be established in any district that does not allow that use.

(f) *Parking of recreational vehicles, boats, and travel trailers.*

- (1) *Travel or camping vehicles:* Not more than one (1) travel or camping vehicle, per family living on the premises, shall be permitted to be parked on a lot in any residential zone. The vehicle shall not be parked in the required front or side yard nor shall any such vehicle be parked or stored in front of the principal structure on a residentially zoned lot. The vehicle shall not be occupied temporarily or permanently while it is parked or stored, except in an authorized recreational vehicle park.
- (2) *Boats or travel trailers:* No boat or travel trailer shall be stored in any required front or side yard of any residentially zoned property nor shall any boat or travel trailer be stored or parked in front of a principal structure on a residentially zoned lot.

Sec. 26-174. Off-street loading requirements.

- (a) *General.* Every building or structure hereafter erected and used for business, trade, or industry shall provide space as indicated herein for the loading and unloading of vehicles, with access to a public road or alley. Such space shall be so arranged and marked to provide for orderly and safe loading and unloading and designed so vehicles shall maneuver for loading and unloading entirely within the property lines of the parcel or parcel containing the structure or use.
- (b) *Minimum number of loading spaces required.*
 - (1) *Retail and service businesses.* One (1) space measuring ten (10) feet by twenty-five (25) feet for each twenty thousand (20,000) square feet of gross floor area or fraction thereof.
 - (2) *Wholesale and industrial uses.* Berths measuring ten (10) feet by fifty (50) feet, as listed in Table VII-3 below:

**TABLE VII-3
LOADING AND UNLOADING BERTH REQUIREMENTS**

<u>Square Feet of Gross Floor Area in Structure</u>	<u>Number of Berths</u>
0 - 24,999	1
25,000 - 39,999	2
40,000 - 99,999	3
100,000 - 159,999	4
160,000 - 239,999	5
240,000 - 319,999	6
320,000 - 399,999	7
Each 90,000 above 399,999	1 additional

- (c) *Bus and truck terminals:* Sufficient spaces to accommodate the maximum number of buses or trucks to be loaded, unloaded, or stored at the terminal at any one time.
- (d) *Overhead clearance.* All spaces developed to meet the requirements set forth in this section shall have a minimum overhead clearance of fourteen (14) feet.

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Sec. 26-175. Access.

(Ord. 038-09HR; 7-21-09) (Ord. 027-12HR; 4-17-12)

- (a) *General.* The standards contained in this section are designed to ensure that access to development in the unincorporated parts of Richland County does not impair the public safety and are the minimum necessary to provide safe access to the adjacent property for both pedestrians and vehicles. All proposed vehicle access points connecting to a public road shall conform to the provisions of this section. Pervious materials, and two-track and shared driveway designs, are allowed and encouraged for driveways. (Ord. 038-09HR; 7-21-09) (Ord. 055-12HR; 10-16-12)
- (b) *Driveway standards.* All driveways shall be constructed in conformance with the standards described below, and with the applicable portions of Section 26-181 (c), regarding visibility at intersections. The term “Land Use Example” is only illustrative of the relative size of proposed projects and is not intended to be an exclusive list. (Ord. 038-09HR; 7-21-09)

**TABLE 26-VII-4
DRIVEWAY INSTALLATION STANDARDS**

Land Use Example	Driveway Classification	Projected Trips	Min. Width (ft)	Min. Radius Return (ft)
1 or 2 Family Residence	Low Volume	1-20 AADTs or 1-5 peak hour trips	10 - 24	2 (Ord. 055-12HR; 10-16-12)
Subdivisions, Apartments, or small commercial	Medium Volume	6 – 100 peak hour trips	24 – 40 *	30 - 40
Convenience stores, gas stations or shopping centers	High Volume	101+ peak hour trips	Determined by TIA	Determined by TIA

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

- (c) *Access Point Separation Standards.* (Ord. 038-09HR; 7-21-09)

- (1) The access separation standards provided below apply to all public roads, except those inside a subdivision or other development project. (Ord. 038-09HR; 7-21-09)

**TABLE 26-VII-5
ACCESS POINT SEPARATION STANDARDS**

Posted Speed Limit (mph)	Minimum Access Point Spacing (ft)* on roadways >2000 AADTs or Access Points Generating > 50 peak hour trips	Minimum Access Point Spacing (ft)* On Roadways with AADTs < 2000
30	160	75
35	220	125
40	275	175
45	325	225
50 >	400	275

* Measured from the near edge of driveways

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

- (2) *Major land development and major subdivisions.* All proposed parcels, including outparcels, shall be depicted in the preliminary development plan documents and access to such parcels shall be limited to internal points within the project. Access may be limited to a “Right-In, Right-Out” configuration, as may be deemed necessary. (Ord. 038-09HR; 7-21-09)
- (3) *Shared access.* The Planning department, with the consent of the Public Works department, may require shared access agreements among adjacent parcels, and/or installation of marginal access roads, as well as consolidation of existing access points, as may be deemed necessary. (Ord. 038-09HR; 7-21-09)
- (4) *Medians.* The Planning department, with the consent of the Public Works department, may require installation of raised medians by the applicant as may be necessary to protect safe vehicular and pedestrian access to adjacent property. (Ord. 038-09HR; 7-21-09)
- (5) *Change of land use.* When there is a proposed land use change on a developed site that affects the amount, type, or intensity of traffic activity, the Planning department, with the consent of the Public Works department, shall require written documentation from SCDOT regarding the adequacy of the existing access point to safely accommodate the traffic generated by

the project prior to issuing a development permit. (Ord. 038-09HR; 7-21-09)

- (d) *Exceptions.* The Planning department, with the consent of the Public Works department, may reduce the requirements described above, provided the applicant can demonstrate that all physically possible alternative development plans have been considered in an attempt to conform to the requirements and that any hardship to compliance is not the result of self-imposed actions, including, but not limited to, the purchase of the subject parcel, the topography of the site, and/or the geometry of the roadway. (Ord. 038-09HR; 7-21-09)

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Sec. 26-176. Landscaping standards.

(a) *Purpose and applicability.*

(1) *Purpose.* Recognizing that trees and landscaping contribute to the public health, safety, and welfare, Richland County has set standards for landscaping throughout the unincorporated areas of the county. Among the benefits of trees, shrubs, and other plants are: improved air quality; beneficial climate modification; reduction of glare, noise, odors and dust; reduction of storm water runoff and flooding; screening of undesirable views; provision of buffers between incompatible land uses; shelter and food for birds and other wildlife; and the aesthetic enjoyment provided by the diversity and dynamism of the planted landscape. All of these benefits contribute to a higher quality of life, enhancing the appeal and economic value of both residential and business properties in the county. It is the intent of the requirements set forth in this section to provide for landscaping along public rights-of-way (road protective yards), between dissimilar uses (buffer transition yards); and in and around parking lots (vehicular surface area landscaping). Screening for loading, trash collection, display, and utility areas is required and tree protection standards must be met for all developments to which this section applies. To ensure that landscaping continues to thrive and enhance the quality of life in Richland County, requirements for maintenance are also included.

(2) *Applicability.*

a. Any new development must fully comply with the pertinent requirements of this section unless specifically exempted elsewhere in this chapter.

Exemptions: These requirements shall not apply to:

1. *Single-family detached and two-family dwellings.* Individual single-family detached and two-family dwellings that are located on separate lots recorded with the Richland County Register of Deeds office, and any existing lots zoned for single-family or two-family dwellings shown by a recorded plat on or before July 1, 2005, shall not be subject to the requirements set forth in this section. However, the construction in a subdivision of single-family or two-family homes shall be subject to buffer transition yards (Section 26-176(f)); tree protection (Section 26-176(j)), excluding street protective yards; and completion and maintenance (Section 26-176(k)).

2. *Public and private utilities.* Public and private utilities are not subject to the requirements of this section, except when a land development permit or subdivision approval is required. Such utilities may include, but are not limited to, storm drainage installation, road construction, water and sewer construction, and electric, gas, communications, and other similar service installations.
 3. *Existing structures and vehicular surface areas.* Existing buildings, structures, and vehicular surface areas are exempt from the requirements of this section, unless they are involved in new construction or expansion as explained in Section 26-176(a)(2)b. below.
- b. *Extent of compliance required.* Any new development, other than those exempted above, must fully comply with the requirements set forth in this section: (Ord. 055-12HR; 10-16-12)
1. *Vehicular surface area expansions.* Any new, additional or expanded portions of vehicular parking areas must fully comply with the requirements for vehicular surface area landscaping (Section 26-176(g)).
 2. *Expansions.* Any structure for which there is an expansion that, singularly or collectively, equals twenty-five percent (25%) or more of the gross floor area of an existing building and/or twenty-five percent (25%) or more of the existing vehicular parking area, must comply with the regulations of this section as follows:
 - [a] *Vehicular surface area requirements (Section 26-176 (g)).* Full compliance with vehicular surface area requirements in the area of expansion of said vehicular surface area and fifty percent (50%) compliance with the interior vehicular surface area planting requirements for the existing portions of the vehicular surface area.
 - [b] *Buffer transition and street protective yard requirements (Section 26-176(f) and Section 26-176(e)).* Full compliance is required.
 - [c] *Screening (Section 26-176(h)).* Full compliance with the screening standards is required for all trash collection, loading, or display areas.

3. *Parking reductions to facilitate compliance in existing developments.* In order to facilitate compliance in situations involving expansion, the planning department may allow up to a ten percent (10%) reduction in the number of off-street parking spaces. (Section 26-173; TABLE 26-VII-1).
4. Any existing vehicular surface that is used to satisfy the parking requirements for a new building must fully comply with buffer transition and street protective yard requirements (Section 26-176(f) and Section 26-176(e)).

(b) *Alternative compliance.*

- (1) *Generally.* Alternative landscaping plans or plant materials may be used where unreasonable or impractical situations would result from application of the landscaping requirements. Such situations may result from streams, natural rock formations, topography, or other physical conditions; or from lot configuration, utility easements, or other unusual site conditions.
- (2) *Approval of alternative compliance.* The planning department may approve an alternate plan that proposes different plant materials or plans provided that the quality, effectiveness, durability, and performance are equivalent to that required by this section. In assessing equivalent performance of landscaping, the planning department shall take into account the number of plantings, species, arrangement and coverage, location of plantings on the lot, and the level of screening, height, spread, and canopy of the plantings at maturity.
- (3) *Appeal.* Decisions of the planning department regarding alternate methods of compliance may be appealed to the board of zoning appeals.

(c) *Landscape plan required.* Prior to obtaining a land development permit or grading permit, an applicant must receive approval of a landscape plan. A landscape plan is to be submitted with the site plan and shall include all information specified in the Development Design Manual. The plan shall be prepared by a landscape architect or other qualified landscape designer. (Ord. 055-12HR; 10-16-12)

(d) *Planting specifications.*

- (1) *Species.* Trees, shrubs, and other vegetative material shall be selected from those listed in the “Development Design Manual” or shall be approved by the planning department. Plants shall be adapted to the site conditions where they will be planted and native plantings shall be planted where possible. Trees to be planted shall meet or exceed minimum

industry standards as described in ANSI Z60.1 (current version) – American Standards for Nursery Stock. Planting shall be done according to specifications developed from the most recent edition of the “Best Management Practices for Tree Planting”, published by the International Society of Arboriculture (www.isa-arbor.com). (Ord. 055-12HR; 10-16-12)

(2) *Trees.*

a. *Size.* All large and medium-maturing trees planted in accordance with the requirements of this section, unless otherwise listed, shall be a minimum of ten (10) feet in height, and small-maturing trees shall be a minimum of eight (8) feet in height, when planted. All trees must be at least two (2) inches in caliper (measured one-half foot above ground level) when planted. However, any new trees above four (4) inches in caliper shall be measured twelve (12) inches above the ground. (Ord. 055-12HR; 10-16-12)

b. *Multi-trunk trees.* All multi-trunk trees must be in “tree form” with a maximum of five (5) stems or trunks and a minimum height of eight (8) feet at planting.

c. *Spread relationship.* The height-to-trunk caliper ratio, root ball sizes, or spread relationship for any tree to be planted shall meet the current “American Standards for Nursery Stock” as set forth by the American Association of Nurserymen.

(3) *Shrubs.* All shrubs planted to meet the requirements of this section, unless required to be larger as set forth elsewhere, shall be a minimum of three (3) gallon container size, eighteen (18) inches in height, or fifteen (15) inches in spread (depending on whether the growth habit is upright or spreading) measured from the top of the root zone. Shrubs with fifteen (15) to twenty-three (23) inches of spread shall be planted on three (3) foot centers. Shrubs with greater than twenty-three (23) inches of spread shall be planted on five (5) foot centers. In no event shall spacing exceed five (5) feet on center nor shall plants be closer than two (2) feet to the edge of any pavement.

(4) *Mulch.* All planted materials shall be mulched with an approved material in the amount (depth and area) specified in the “Development Design Manual”.

(5) *Design.* All required landscape areas shall conform to the design principles and standards set forth in the county’s “Development Design Manual”.

(6) *Diversity.* To curtail the spread of disease or insect infestation in a tree species, required plantings shall comply with the following standards: (Ord. 055-12HR; 10-16-12)

- a. When fewer than twenty (20) trees are required on a site, at least two (2) different species shall be utilized, in roughly equal proportions.
- b. When more than twenty (20), but fewer than forty (40), trees are required to be planted on site, at least three (3) different species shall be utilized, in roughly equal proportions.
- c. When forty (40) or more trees are required on a site, at least four (4) different species shall be utilized, in roughly equal proportions.
- d. Nothing in this paragraph (6) shall be construed so as to prevent the utilization of a larger number of different species than specified above.

(e) *Street protective yards.*

(1) *Location.* Street protective yards shall be located within twenty (20) feet of all existing or proposed road rights-of-way that are adjacent to the property to which this section is applicable. Such street protective yards must be located on private property and not within any road right-of-way. Portions of the property needed for driveways are exempt from street protective yard requirements. No vehicular surface, storage, utility surface, display, loading, or service area shall be permitted in a required street protective yard. (Ord. 055-12HR; 10-16-12)

(2) *Width/square footage.* The width of a required street protective yard may vary on the property, but the minimum width cannot be less than seven (7) feet and the minimum square footage of the street protective yard shall equal the length in linear feet of the property adjacent to the right-of-way times ten (10) feet.

(3) *Plantings.*

- a. *Required trees for residential subdivisions and commercial developments.* Each street protective yard shall contain at least one (1) large-maturing tree, unless overhead utility lines are present. Any tree planted within the right-of-way of an overhead utility line shall be a small-maturing tree. If a large maturing tree is planted, a spacing of thirty-five (35) feet must be used. If a small or medium maturing shade tree is planted, a spacing of twenty-five (25) feet must be used. No street protective yard shall contain less

than one (1) tree. Existing trees 2-inch caliper or greater within the street protective yard and right-of-way will be counted towards meeting this requirement. Existing pine trees will be reviewed on a case-by-case basis. (Ord. 055-12HR; 10-16-12)

- b. *Ground cover.* The entire street protective area must be covered with living material so that no soil is exposed, including ground cover and/or shrubs, except for mulched areas directly around the trees.
- (f) *Buffer transition yards.* The buffer transition yard is a landscaped area designed to provide separation and screening between land uses of different impacts.
- (1) *Determination of buffer transition yard requirements:* To determine the buffer transition yard required between two (2) adjacent land uses, the following procedure shall be followed:
 - a. Identify the proposed new or expanding land use and each existing adjacent land use. Identify the land use impact of each of these identified uses as set forth in Table VII-6 below. A land use is considered existing on an adjacent property when a plan has been approved by the Planning Department for the use. If adjacent property is vacant, and no plan has been approved by the Planning Department for its use, its use shall be determined by assigning it the highest level of impact in its zoning classification.
 - b. Determine the type of buffer transition yard required on each boundary (or segment thereof) of the subject parcel by referring to Table VII-7 below. The letter designations in the table refer to the type of buffer yard required.
 - c. Identify the buffer transition yard width and planting requirements for the required yard type as set forth in Table VII-8 below.

This process must be applied to each property line, except where the requirements of Section 26-176(e) concerning street protective yards apply.

- (2) *Location.*
 - a. *General.* Buffer transition yards shall be located on the property of the proposed or changing land use that is to be screened. Such transition yards shall be located between the property line and any vehicular use areas, buildings, storage, service areas, or other areas of activity on the property to be screened and shall extend along the entire property line abutting the less intensive land use.

Ornamental entry columns and gates, flagpoles, lamp or address posts, mailboxes, approved driveway openings, public utility wires and poles, fences, retaining walls, or similar structures are permitted in required buffer transition yards, provided that the general separation of land uses is achieved and that the total number of required plantings is still met. Plantings shall not obstruct the view of motorists using any road, driveway, or parking aisle.

- b. *Planting/screening in easements.* No vegetative screening or fencing that is required by this section shall be planted inside utility and/or drainage easements, excluding overhead easements, without the consent of the planning department and the easement holder. If plantings or fences inside utility and/or drainage easement areas are allowed, these plantings and fences shall be maintained in accordance with the terms of consent and any applicable maintenance provisions. Any tree planted within the right-of-way of overhead utility lines shall be a small-maturing tree.
- c. *Buffer transition yards and required yards (setbacks).* Where front, side, or rear yards (setbacks) are required by this chapter, buffer transition yards may be established within such setbacks. If the setback requirement is less than the buffer transition yard requirement, the buffer transition yard width requirement shall prevail.

(3) *Land use impact table.*

TABLE 26-VII-6

<i>Residential uses</i>	Single-family detached and duplexes	Low Impact Use
	Single-family low density	Low Impact Use
	Single-family medium density	Low Impact Use
	Single-family high density	Medium Impact Use*
	Manufactured home parks	Medium Impact Use*
	Multifamily, single-family attached – three (3) to ten (10) units	Medium Impact Use
	Multifamily, more than ten (10) units or high-rise	High Impact Use

<i>Institutional uses (public and semi-public)</i>	25,000 square feet or less	Medium Impact Use
	Over 25,000 square feet	High Impact Use
<i>Office/commercial uses</i>	25,000 square feet or less	Medium Impact Use
	Over 25,000 square feet	High Impact Use
<i>Industrial uses</i>	All industrial uses	High Impact Use
<i>Recreational uses</i>	Passive recreational uses	Low Impact Use
	Active recreational uses	High Impact Use
<i>Other uses</i>	For land uses not listed, the zoning administrator shall determine the land use impact based on the classification of similar uses.	

* Denotes required buffer for the outer perimeter of the entire contiguous site abutting any public right-of-way.

(4) *Buffer transition yard types.*

**TABLE VII-7
BUFFER TRANSITION YARD TYPES**

<i>PROPOSED USE</i>	<i>EXISTING ADJACENT LAND USE</i>				
	LOW IMPACT	MEDIUM IMPACT RESIDENTIAL	MEDIUM IMPACT NON-RESIDENTIAL	HIGH IMPACT RESIDENTIAL	HIGH IMPACT NON-RESIDENTIAL
LOW IMPACT	NONE	B	C	C	D
MEDIUM IMPACT RESIDENTIAL*	B	NONE	C	B	D
MEDIUM IMPACT NON-RESIDENTIAL	C	C	NONE	B	A
HIGH IMPACT RESIDENTIAL	C	B	B	A	C
HIGH-IMPACT NON-RESIDENTIAL	D	D	A	C	NONE

* Denotes required buffer for the outer perimeter of the entire contiguous site abutting any public right-of-way.

(5) *Buffer transition yard description table.* All proposed material planted to meet the descriptions set forth in the table below shall be equally spaced in a staggered formation along the length of the required landscape buffer or placed so as to create one hundred percent (100%) opacity at plant material maturity. (Ord. 055-12HR; 10-16-12)

**TABLE 26-VII-8
BUFFER TRANSITION YARD STANDARDS**

TYPE “A” BUFFER			
Buffer Width	1 Large-maturing Tree Per: (Ord. 055-12HR; 10-16-12)	1 Medium or Small-maturing Tree Per: (Ord. 055-12HR; 10-16-12)	1 Shrub Per:
10 - 15 Feet	300 Square Feet	400 Square Feet	50 Square Feet
16 – 20 Feet	400 Square Feet	450 Square Feet	50 Square Feet
21 – 30 Feet	500 Square Feet	500 Square Feet	75 Square Feet
31 – 50 Feet	600 Square Feet	550 Square Feet	125 Square Feet
51 + Feet	800 Square Feet	600 Square Feet	200 Square Feet
TYPE “B” BUFFER			
Buffer Width	1 Large-maturing Tree Per: (Ord. 055-12HR; 10-16-12)	1 Medium or Small-maturing Tree Per: (Ord. 055-12HR; 10-16-12)	1 Shrub Per:
10 - 15 Feet	300 Square Feet	250 Square Feet	50 Square Feet
16 – 20 Feet	400 Square Feet	325 Square Feet	75 Square Feet
21 – 30 Feet	500 Square Feet	400 Square Feet	75 Square Feet
31 – 50 Feet	600 Square Feet	450 Square Feet	125 Square Feet
51 + Feet	800 Square Feet	500 Square Feet	200 Square Feet
TYPE “C” BUFFER			
Buffer Width	1 Large-maturing Tree Per: (Ord. 055-12HR; 10-16-12)	1 Medium or Small-maturing Tree Per: (Ord. 055-12HR; 10-16-12)	1 Shrub Per:
10 - 15 Feet	300 Square Feet	200 Square Feet	25 Square Feet
16 – 20 Feet	400 Square Feet	250 Square Feet	50 Square Feet
21 – 30 Feet	500 Square Feet	300 Square Feet	50 Square Feet
31 – 50 Feet	600 Square Feet	350 Square Feet	75 Square Feet
51 + Feet	800 Square Feet	400 Square Feet	125 Square Feet
TYPE “D” BUFFER			
Buffer Width	1 Large-maturing Tree Per: (Ord. 055-12HR; 10-16-12)	1 Medium or Small-maturing Tree Per: (Ord. 055-12HR; 10-16-12)	1 Shrub Per:
*10 - 15 Feet	300 Square Feet	200 Square Feet	25 Square Feet (Ord. 055-12HR; 10-16-12)
16 – 20 Feet	400 Square Feet	225 Square Feet (Ord. 055-12HR; 10-16-12)	50 Square Feet (Ord. 055-12HR; 10-16-12)
21 – 30 Feet	500 Square Feet	275 Square Feet	50 Square Feet
31 – 50 Feet	600 Square Feet	325 Square Feet	75 Square Feet
51 + Feet	800 Square Feet	375 Square Feet	125 Square Feet

- ◆ * Note – Eight (8) foot stockade fence required for ten (10) – fifteen (15) foot Type “D” buffer.
- ◆ All existing healthy trees retained in buffer areas may be credited toward meeting the buffer yard requirements. (Ord. 055-12HR; 10-16-12)
- ◆ All buffer widths greater than fifteen (15) feet must be rounded up to the next whole number.

- (6) *Buffer yard reductions.* Below are listed mechanisms by which the width of a required buffer transition yard may be reduced. Notwithstanding any of the provisions set forth in this section, no property on which a buffer transition yard is required shall have such a yard that is less than ten (10) feet in width.
- a. *Fences.* The addition of a closed wooden fence in the required transition yard allows reduction of the required width of the applicable buffer transition yard by fifty percent (50%) if said fence meets the following standards:
1. *Height and arrangement.* The fence must be a minimum of eight (8) feet in height, measured on the side facing away from the property to be screened. Such fence must also have its finished side facing away from the property to be screened. The fence shall be solid and opaque, and shall include provision for access to all landscape materials.
 2. *Materials.* Rot-resistant wood is the acceptable material. Chain link fencing does not meet buffer yard standards. Materials used should be consistent with materials, other than chain link fencing, commonly used in surrounding neighborhoods.
 3. *Required plantings.* The number of required trees and shrubs is reduced by fifty percent (50%) in a buffer yard in which a fence is installed. At least one-half (½) of the required plantings shall be installed and maintained on the side facing the less intensive use.
 4. *Construction.* The buffer fence installation shall be incorporated as early as possible in the sequence of construction.
- b. *Masonry walls.* The addition of a masonry wall along the length of the required buffer yard allows reduction of the required width of the yard by fifty percent (50%) and the amount of required plantings by fifty percent (50%), if said wall meets the following standards:
1. *Height.* The wall must be a minimum of six (6) feet in height measured on the side of the wall facing away from the property to be screened.

2. *Materials.* Materials shall be brick, stone, stucco, or textured block. The exterior surface of the wall shall not be of cinder block.
 3. *Required plantings.* If a masonry wall that meets the above standards is installed, the planting of shrubs shall be optional and not mandatory, and small-maturing trees may replace one-half (½) of the required shade trees. The requirement that one-half (½) of the buffer yard's trees shall be evergreen still applies.
- c. *Grade elevation changes.* The existence of a natural or man-made grade separation in the required buffer transition yard allows reduction of such yard by twenty-five percent (25%) in width if said elevation change achieves a screening effect similar to a fence and meets the following standards:
1. *Elevation.* The grade change must be at least six (6) feet in elevation.
 2. *Slope.* The side slopes of such grade shall not be greater than three to one (3:1). (Ord. 055-12HR; 10-16-12)
 3. *Retaining wall.* A greater slope is allowable if it is retained by a structurally sound retaining wall that meets engineering standards for such a wall.
 4. *Relationship to properties from which developing property is to be screened.* The developing property must be located at an elevation lower than the properties from which it is to be screened.
 5. *Location of required plantings.* In order to maximize the effectiveness of the screen, the required plantings shall be located at the top of the slope in the reduced buffer transition yard.
- (7) *Buffer material specifications.* See Section 26-176(d) for general specifications for trees, shrubs, and other vegetation.
- a. *Trees.*
 1. *Size.* Except as provided above under subsection (6), trees planted in a buffer transition yard shall be large maturing trees unless within fifteen (15) feet of an overhead power line, in which case small maturing trees that will not exceed

fifteen to twenty (15-20) feet in height at maturity shall be used. (Ord. 055-12HR; 10-16-12)

2. *Species.* One-half (½) of the required trees shall be locally adapted evergreen species.
3. *Distribution.* Trees shall be distributed throughout the yard so as to minimize gaps between them. Trees counted to meet the required number shall be spaced at least ten (10) feet apart.

- b. *Shrubs.* All shrubs are to be evergreen and shall be a minimum of three (3) feet in height and have a minimum crown width of twenty-four (24) inches when planted. All shrubs shall be expected to reach a height of eight (8) feet or greater (to maximize screening potential) within three (3) years of planting, and shall not be spaced greater than six (6) feet on center.

(g) *Vehicular surface area landscaping.*

- (1) *General.* Vehicular surface areas shall comply with the following landscape standards. There are two (2) vehicular surface area planting requirements that may apply to a development. One requirement deals with screening and the other deals with interior parking lot plantings.

(2) *Vehicular surface area separation/screening.*

- a. *Separation.* When any vehicular use area is located within twenty (20) feet of an abutting property and no buffer yard is required, a planting strip shall be provided to ensure that parking lots are separated from one another. The planting strip shall be a minimum of five (5) feet wide and shall be planted between the parking, loading or other vehicular use area and the abutting property, except along approved driveway openings. Five (5) evergreen or deciduous shrubs, at least twenty-four (24) inches in height and maintained at thirty-six (36) inches in height, shall be planted for every twenty (20) linear feet of property line that parallels the vehicular surface area. The remaining ground area shall be mulched or planted in a variety of evergreen plants, hydro-seed or sod. Adjacent businesses on separate lots that share parking or driveways shall be exempt from this requirement. (Ord. 055-12HR; 10-16-12)
- b. *Screening from roads, sidewalks, or alleys.* In addition to requirements for street protective yards (see Section 26-176(e)), vehicular use areas shall be screened from adjacent roads,

sidewalks, or alleys. The space in which this screening is to be located (which shall be at least the width required for the street protective yard, or where no street protective yard is required, a minimum of five (5) feet) shall be planted with a screen that meets the following standards:

The space shall be planted with a fifty percent (50%) opaque, continuous screen that must be at least three (3) feet high and consist of plant material alone or berms, fences, walls, or grade changes combined with plant material.

A vegetative buffer shall consist of at least one (1) evergreen or deciduous shrub planted for every five (5) feet of vehicular use area screen required. Such shrubs shall be at least twenty-four (24) inches in height and shall be maintained at a height of thirty-six (36) inches.

If a fence or wall is used, at least one (1) shrub must be planted for every eight (8) linear feet of fence or wall.

Berms and grade changes must be completely covered with vegetation. (Ord. 055-12HR; 10-16-12)

- c. *Groundcover.* Grass or other ground cover shall be placed on all areas within all perimeter landscape areas not occupied by other landscape material or permitted access ways.
- d. *Use of perimeter landscape areas.* Vehicle stops or other design features shall be used in all parking facilities without curbing so that parked vehicles do not overhang more than two (2) feet into perimeter landscape areas. The vehicle side of the wheel stop shall be no more than eighteen (18) inches from the end of the parking space.

(3) *Vehicular surface area interior landscaping.*

- a. *Placement.* The required interior landscaped planting areas shall be placed in any of the following locations: within or adjacent to the parking lot area as tree islands; at the end(s) of parking bays; inside medians that are eight (8) feet or greater in width; as part of a continuous street protective yard; or as a vehicular surface area separation yard. (Ord. 055-12HR; 10-16-12)
- b. *Plants.* Vehicular parking areas shall be planted with one (1) large shade tree for every twenty (20) parking spaces. Each planting area shall contain at least one (1) large maturing shade tree. Within

fifteen (15) feet of overhead power lines, small maturing trees shall be planted in place of large shade trees at a rate of two (2) small trees for each required large shade tree. When planted in groupings, trees must be planted a minimum of twenty-five (25) feet apart. Planted trees shall be a minimum of two (2) inch caliper to a maximum of three (3) inch caliper. The tree species used shall be limited to those that are listed in the current and approved “Tree Listings”, which is on file in the planning department, and can tolerate wet and dry conditions. Trees and plants that are planted in parking lot islands that function as stormwater quality treatment BMPs must consist of native trees and plants. (Ord. 055-12HR; 10-16-12)

- c. *Distance from parking spaces.* No vehicular parking space shall be located farther than fifty (50) feet from the tree trunk of a shade tree in a planting area with one (1) tree. Distances between trees and parking spaces separated by intervening building(s) shall not be considered in meeting this requirement. (Ord. 055-12HR; 10-16-12)
- d. *Size of planting areas.* Unless otherwise provided, a minimum of two hundred (200) square feet of planting area is required for each tree. No portion of the planting area shall be less than five (5) feet in width or length.
- e. *Large vehicular surface areas greater than two (2) acres in size (parking lots and vehicular display areas).* In addition to the requirements set forth in subsection b, above, all new and expanded vehicular surface areas greater than two (2) acres in size shall meet all of the following (unless exempt under Section 26-176(a)(2)b.2.):
 - 1. *Planted Median Strips.* Large vehicular surface areas (parking lots and vehicular display areas) must be broken by continuous planted medians. Four (4) planted medians, each containing at least one thousand one hundred thirty four (1,134) square feet of planted area, are required for every two (2) acres, rounded off to the closest two (2) acre increment. The minimum median width shall be eight (8) feet. The length of the planted median shall be uninterrupted except for access ways. (Ord. 055-12HR; 10-16-12)
 - 2. *Industrial and Warehouse (storage, loading, and maneuvering areas).* All existing, new, and expanded storage, loading, and maneuvering areas are exempt from subsection (3)e. above. All

other parking areas (excluding trailer parking) shall be subject to subsections (3) a., b., c., and d. above.

- (4) *Standards for vehicular display areas.* Interior plantings for vehicular surface display areas shall meet those standards contained in subsection (3) above. No stored vehicle shall be located farther than forty (40) feet from the edge of any landscaped planting area. For interior landscaped planting areas in such display areas, it is acceptable to replace shade trees with small maturing trees.
- (h) *Screening for loading areas, trash collection areas, outdoor storage display areas, and utility service areas.* All loading areas, trash collection areas (including dumpsters), outdoor storage display areas, and utility service areas visible from a public road or adjacent property line shall be screened from such adjacent road or property unless already screened by an intervening building or buffer transition yard. Landscaping shall not interfere with the access and operation of any such structure or facility. Screen types include:
- (1) *Hedge.* A continuous hedge of evergreen and/or densely twigged deciduous shrubs planted in a five (5) foot strip spaced a maximum of five (5) feet apart or a row of evergreen trees planted no more than eight (8) feet apart. The shrubs shall be planted at a minimum height of forty-eight (48) inches and the hedge shall exceed the height of the receptacle by at least six (6) inches at the plants' maturity. (Ord. 055-12HR; 10-16-12)
- (2) *Fence or wall.* A fence or wall that matches the height of the receptacle and with the finished side of the fence facing the abutting road or property. Fences longer than twenty-five (25) linear feet shall be landscaped with trees and/or shrubs planted in a minimum five (5) foot planting area, except around access areas, spaced no farther than eight (8) feet apart in order to screen at least fifty percent (50%) of the fence or wall. (Ord. 055-12HR; 10-16-12)
- (i) *Screening for stormwater management area.* Unless designated as an integral part of a landscape plan or features as an amenity (i.e., water features in a wet bottom basin or recreation/open space in a dry bottom basin), all detention ponds, retention ponds, or other similar holding area shall be screened from view from any existing or future private or public street and from adjoining developable property. (Ord. 055-12HR; 10-16-12)
- (j) *Visual screening for thoroughfares and arterial roadways.* Thoroughfares or arterial roadways, when constructed within areas zoned for residential use, shall provide a continuous visual screen consisting of vegetation, berms, embankments, or a combination of such materials, as appropriate. The use of existing vegetation is encouraged. When the existing vegetation is inadequate to function as a visual

screen, it shall be augmented by two (2) staggered rows of shrub material, which will provide such a screen at maturity.

- (k) *Protection of existing trees during development.* No grand tree shall be removed unless it is determined that there is no alternative due to unavoidable grading or because of required configuration of essential utilities or buildings. In addition, where tree protection is required, no grading or other land-disturbing activity can occur on a site until protective barriers are installed by the developer. Protective barriers must protect the entire critical root zone. No grading, trenching or equipment shall occur within the protective barrier unless an alternative plan has been submitted to and approved by the planning department. All work performed inside the protective barrier, including tunneling underneath the critical root zone, must be approved by the planning department and under the supervision of a certified arborist. The diameter of the preserved trees and the location of protective barriers must be shown on the landscape and grading plans, with the dimension between the tree trunk and barrier indicated. A description of acceptable protective barriers is set forth in the “Design Manual”, which is on file in the planning department. (Ord. 055-12HR; 10-16-12)
- (1) *Trees to be protected:* On sites where compliance with this section is required, the owner/developer shall protect the following trees:
- a. Grand trees.
 - b. All trees in fair or better condition that are ten (10) inches in diameter or larger that are located in a protected zone (a portion of the property required by permit to remain in natural open space or areas required by permit to be landscaped, or to be used as buffer transition yards and/or street protective yards). (Ord. 055-12HR; 10-16-12)
- (2) *Tree replacement plan.* In accordance with subsection (j)(1) above, a tree replacement plan shall be submitted and approved before any protected trees are removed. Grand trees that have been approved for removal shall be replaced at a ratio of 6:1, with trees at a minimum of two (2) inch caliper to a maximum of three (3) inch caliper. All other protected trees that have been approved for removal shall be replaced at a ratio of 3:1, with trees at a minimum of two (2) inch caliper to a maximum of three (3) inch caliper. (Ord. 055-12HR; 10-16-12)
- (3) *Exemptions – tree protection.* Commercial timber, tree farms, agricultural operations, or timber clearing on private property are exempt from tree protection requirements. (Ord. 071-12HR; 11-20-12)

- (4) *Tree protection plan.* A tree protection plan shall be submitted prior to any proposed grading or clearing on site. The following information shall be identified and submitted:
- a. An infra-red and/or aerial photograph (no more than 5 years old) may be utilized to assist in the location of the protected trees. A tree protection plan shall be submitted identifying the footprint or proposed footprint of any building or structure, areas of clearing, grading, trenching, and other earth moving activities, protected trees and/or groupings of trees designated to be saved (including estimated number and average diameter or circumference), tree protection zones, ponds, creeks, wetlands, and other important natural features.
 - b. If the information provided in subparagraph a. above is inadequate to develop an approved tree protection plan, a site visit or a tree survey or inventory of the affected area may be required. (Ord. 055-12HR; 10-16-12)
- (5) *Tree survey or inventory.* A tree survey or inventory is required for all areas that are intended for development, as well as all undisturbed areas that contain trees that are being retained to meet the requirements of this subsection (k). The tree survey shall be prepared by a licensed and/or certified arborist, engineer, forester, landscape architect, or surveyor that will determine the size, species, health, condition, and structural integrity of forest trees and whether or not said trees are in good enough condition and safe enough to live beyond construction activity. (Ord. 055-12HR; 10-16-12)
- (1) *Completion and maintenance.* The owner or lessee of the property where landscaping is required shall be responsible for the maintenance and protection of all plant and screening material and fencing. Landscaped areas shall be maintained in good condition. No required landscape area shall be used for accessory structures, trash collection, parking, or other functional use unless otherwise specified in this chapter. Deed restrictions may be placed on lots that require each owner to maintain that portion of screening or landscaping that is on his/her property. Where a homeowners' association and annual funding is required by appropriate, enforceable deed restrictions, the screening and landscaping may be either on a separately described private parcel of land or on private property in a landscape easement, in common ownership of the homeowners' association of said subdivision, and shall be maintained by the homeowners' association. Failure to maintain plant material, or to replace dead, damaged, or diseased material, or to repair a damaged buffer structure shall constitute a violation of this chapter. All landscaping shall be installed in accordance with the approved landscape plan unless revisions are approved by the planning department and noted in writing on the plan. Neither a certificate of

occupancy nor a business license for any business or use on a site with such an approved plan shall be issued until the installation of the required landscaping is approved or a performance guarantee is posted with the planning department in the minimum amount of one hundred twenty five percent (125%) of the total cost of the required uncompleted landscaping, including the labor. A site not requiring a certificate of occupancy shall not be used until the required landscaping is installed or a guarantee posted. The guarantee shall be released and returned to the party posting the guarantee upon installation of all required landscaping and acceptance by the planning department of such installation. If the landscaping is not complete and in accordance with approved plans, the guarantee shall be forfeited to and used by Richland County to complete the required landscaping with any remaining funds being returned to the party who posted the guarantee. (Ord. 055-12HR; 10-16-12)

- (m) *Irrigation.* All required planting areas, except stormwater management areas in residential subdivisions, shall be mechanically irrigated, provided that plant material in detention ponds, retention ponds, or other similar holding areas may be manually watered with water bags for at least one (1) year to ensure that the landscape is established. Bubbler or drip irrigation systems are required in order to reduce water consumption and overspray onto pedestrian and vehicle use areas. This shall include all required planting areas except areas within developments containing less than ten (10) parking spaces. However, these exempted areas shall have an exterior water source (such as a hose bib) located within one hundred (100) feet of all required planting areas. Irrigation systems should first make use of all available surface runoff or other retained or detained stormwater as the water supply source. If the project area is required to be irrigated, an irrigation plan must be provided, or the following statement must be provided on the site and landscaping plan: "All planting areas shall be mechanically irrigated". (Ord. 055-12HR; 10-16-12)
- (n) *Mitigation policy.* When protected trees have been removed or damaged without authorization, a restoration plan, depicting the type, size, and proposed location of each replacement tree, shall be submitted to the planning department for approval. The zoning administrator may require tree replacement at a ratio not to exceed 4:1, with trees at a minimum of 4-inch caliper. No certificate of occupancy shall be issued for any development until all applicable restoration conditions have been met.

Sec. 26-177. Lighting standards.

(a) *Purpose and applicability.*

- (1) *Purpose.* It is the intent of this section to achieve several purposes with respect to lighting in Richland County. Among these purposes are: to minimize light pollution, glare, and light trespass; to conserve energy and resources while maintaining night-time safety and utility; and to curtail the degradation of the night-time visual environment.
- (2) *Applicability.* This section shall apply to all new development in the unincorporated portions of Richland County unless otherwise specified. Although all new development must comply with the standards set forth in this section, only major land developments and major subdivisions must submit a lighting plan with their development application. When a building or structure is extended, enlarged, or reconstructed after the effective date of this chapter, the applicable lighting standards shall apply with respect to such extended, enlarged, or reconstructed portion or portions of such structure.

(b) *Standards.*

- (1) *Requirements for all zoning categories and applications.* (Ord. 088-08HR; 12-16-08)
 - a. Luminaire heights are measured from ground level to the top of the luminaire.
 - b. All luminaires shall be full-cutoff certified; provided, however, outdoor athletic/sports fields are exempt from this requirement as long as the luminaires are shielded to minimize glare. (Ord. 005-10HR; 1-19-10)
 - c. All luminaires shall have internal visors/panels or external visors that control offsite light spill and glare.
 - d. Illumination from any luminaire at property lines shall not exceed .1 horizontal or .1 vertical foot-candles; provided, however, outdoor retail uses shall not exceed an average of 2.5 horizontal and/or vertical foot-candles. (Ord. 028-10HR; 6-1-10)
 - e. The orientation of all lighting shall be downward; provided, however, churches, temples, mosques, and other such places of worship may orient some lights upward onto specific architectural components of the structure (such as steeples or domes).

- f. Accent lighting for sculptures, trees, landscaping features, flags, and entrances may orient light upward.
- g. To control light spill and glare, luminaires shall be properly aimed when installed, and proper aiming shall be maintained.

(2) *Lighting exempt from these standards.* (Ord. 088-08HR; 12-16-08)

- a. Lighting within swimming pools or other water features that are governed by Department of Health and Environmental Control regulations.
- b. Exit signs, stairs, ramps, and other illumination required by building codes.
- c. Emergency room entrances.

(3) *Non-residential standards (except outdoor retail).* (Ord. 088-08HR; 12-16-08)

- a. Parking lot lighting shall be reduced to security levels within sixty (60) minutes after the end of business hours. Luminaires near building entrances and entryways (driveways) may remain illuminated at security lighting levels.
- b. For parking lots and driveways, luminaires may not exceed twenty-four (24) feet in height.
- c. Parking garages:
 - 1. Perimeter poles are not allowed on the top floor.
 - 2. Interior poles may not exceed sixteen (16) feet in height.
 - 3. Luminaires shall be attached to perimeter walls.
- d. For pedestrian zones, luminaires on sidewalks, in landscaped areas, or adjacent to buildings may not exceed twelve (12) feet in height.
- e. Building mounted luminaires may not be mounted above the 1st floor and shall not exceed sixteen (16) feet in height.
- f. The maximum lighting per acre is 200,000 lumens per acre for business hours and 80,000 lumens per acre for security/non-business hours.

- d. Light trespass requirements apply.
 - e. Lighting must be turned off by 11:00 p.m.; provided, however, events sanctioned by the South Carolina High School League or the South Carolina Association of Independent Schools which are underway at the time the 11:00 hour happens are exempt from this requirement.
 - f. The distance between luminaires for athletic facilities and residential property lines must be greater than or equal to luminaire height. Provided, however, in the event of any conflict between this requirement and a requirement contained in a different provision of this chapter, the more restrictive provision shall apply.
- (7) *Prohibited lighting.* The following lighting features are prohibited: search lights, laser source lights, or any similar high-intensity light, except in emergencies by police and fire personnel or at their direction. (Ord. 088-08HR; 12-16-08)
- (8) *Canopy standards.* (Ord. 088-08HR; 12-16-08)
- a. **Shielding:** All luminaires mounted on or recessed into the lower surface of service station and/or entrance canopies shall be fully shielded and utilize flat lenses.
 - b. **Total Under-Canopy Output:** The total light output used for illuminating service station and/or entrance canopies defined as the sum of all under-canopy initial bare-lamp outputs in lumens, shall not exceed 430 lumens per square meter (forty lumens per square foot) of canopy
 - c. All lighting mounted under the canopy, including but not limited to luminaires mounted on the lower surface or recessed into the lower surface of the canopy and any lighting within signage or illuminated panels over the pumps, is to be included toward the total at full initial lumen output.
- (9) *Lighting lamps.* (Ord. 088-08HR; 12-16-08)
- a. **Approved lighting lamps:** incandescent lamps, fluorescent lamps, metal halide lamps, LED devices, and induction lamps.
 - b. **Prohibited lighting lamps:** high pressure sodium lamps, low-pressure sodium lamps, and mercury vapor lamps (sometimes called high-pressure mercury, as distinguished from fluorescent).

Sec. 26-178. Operation standards.

- (a) *Purpose/applicability.*
 - (1) *Purpose.* The operational performance standards included in this section are intended to protect the health, safety, and welfare of the citizens of Richland County by regulating potential nuisance features of certain land uses.
 - (2) *Applicability.* All new development shall comply with the standards set forth in this section. When the use of a building or a structure is extended, enlarged, or reconstructed after the effective date of this chapter, the applicable operations standards shall apply with respect to such extended, enlarged, or reconstructed portion or portions of such use or structure. Temporary construction, excavation, grading, and demolition are exempt from the standards set forth in this section.
 - (3) *Conflicts.* In the case of conflict between the activity type and the operations standards, the latter shall control.
- (b) *Noise.* Noise shall be regulated pursuant to Section 18-3 of this Code of Ordinances.
- (c) *Vibration.* All uses shall be operated in such a fashion that ground vibration inherently and recurrently generated is not perceptible without instruments at any point along the property line within which the use is located.
- (d) *Smoke and particulate matter.* Any land use or other activity that involves the emission of smoke, particulate matter, or other air pollutants shall comply with all applicable standards set forth in state and federal regulations regarding the emission of air pollutants.
- (e) *Toxic, hazardous, and radioactive matter.* Any land use or activity that involves the use of toxic, hazardous, or radioactive materials shall comply with all applicable standards set forth in state and federal regulations regarding the use, storage, transportation, emission, and disposal of such materials.
- (f) *Odor.* The emissions of noxious gases or particles shall not be permitted in any district so as to exceed the odor threshold as measured beyond the lot lines. The odor threshold is defined as the concentration in the air of a gas or vapor which will just evoke a response in the average human olfactory system.
- (g) *Fire and explosive hazards.* All flammable solid, liquid, and gaseous substances shall be stored and used in accordance with all applicable state and federal regulations. Storage tanks for flammable liquids and gasses shall be located no closer than forty (40) feet to any property line. The storage of solid materials or

products rated as free or active burning to intense burning is permitted in nonresidential districts provided that such material shall be stored or used within completely enclosed buildings having no less than two (2) hour fire resistant exterior walls and protected with an automatic fire extinguishing system. Or, if stored outdoors, such material shall be not less than fifty (50) feet from the nearest property line. Free or active burning to intense burning is a rate of combustion described by material that burns with a high degree of activity and is consumed rapidly. Examples include sawdust, powdered magnesium, and other solids deemed by the fire chief to have equivalent burning characteristics.

Sec. 26-179. Pedestrian, bicycle, and transit amenities.

- (a) *Sidewalks and other pedestrian amenities.*
- (1) *Institutional developments and major residential subdivisions.* All new institutional developments and major residential subdivisions are required to have sidewalks provided along one (1) side of all roads within and abutting the development, except controlled access facilities. The radius of a cul-de-sac shall be exempt from the installation of sidewalks. Sidewalks shall have a minimum width of five (5) feet along external roads abutting the development and a minimum width of four (4) feet along internal roads. A median at least three (3) feet wide, consisting of a grassed area or a planting strip, shall be provided to separate all sidewalks from adjacent curbs or the edge of interior street pavement. Sidewalks shall match the grade or elevation of adjacent sidewalks at the property lines. If there is no adjacent sidewalk, then the sidewalk should be six (6) inches above the adjacent edge of the pavement grade at the property line. Adjustments of the grades specified shall be at the judgment of the engineer of record and specifically approved by the County Engineer. All sidewalks shall be constructed to the specifications of the public works department and shall meet the minimum requirements of the Americans with Disabilities Act, which are referenced in the County Engineer's "Design Guidelines Road Standards". Sidewalks that will not be dedicated to the county along private roadways shall have a minimum width of three (3) feet along internal roads, and shall be exempt from ADA compliance if allowed by federal law. The engineer of record shall provide a statement on the plans that certifies that all sidewalks shall be in compliance with ADA standards. (Ord. 033-11HR; 6-21-11)
- (2) *Commercial, office, industrial, and PDD districts.* All new development within any commercial, office, industrial, or PDD district is required to provide sidewalks along all sides of abutting roads, except along controlled access facilities. Sidewalks shall have a minimum width of five (5) feet and shall be constructed to the specifications of the public works department. A median strip at least three (3) feet wide, consisting of a grassed area or a planting strip, shall be provided to separate all sidewalks from adjacent curbs or the edge of interior street pavement. The sidewalk shall be six (6) inches above the adjacent edge of the pavement grade at the property line. Adjustments of the grades specified shall be at the judgment of the engineer of record and specifically approved by the County Engineer. The engineer of record shall provide a statement on the plans that certifies that all sidewalks shall be in compliance with ADA standards. (Ord. 033-11HR; 6-21-11)
- (3) *Access to schools, greenways, parks, and open space areas from residential developments.* In major residential land developments or

subdivisions, accessways shall be provided by the developer to public schools, greenways, parks, and open space areas abutting the residential development and to open space or parks provided as part of a development. Such access shall be provided in conformance with the following:

a. *Where required.*

1. Accessways are required when cul-de-sac roads back up to public schools, greenways, parks, or open space areas.
2. Accessways are required where lots within the development back up to public schools, greenways, parks, and open space areas.

b. *Standards.*

1. *Access.* Access to adjacent public schools, greenways, parks, or open space areas, may be accomplished by direct access from a road, direct access from a cul-de-sac, or a designated access between lots.
2. *Width.* Accessways shall be a minimum of fifteen (15) feet in width.
3. *ADA compliant.* Walkways located within an access way shall meet the minimum requirements of the Americans with Disabilities Act. (Ord. 033-11HR; 6-21-11)

(4) *Exemptions.* If the South Carolina Department of Transportation (SCDOT) or the Richland County Public Works Department denies sidewalks within their right-of-way due to the lack of connectivity, a written determination letter must be received by the Planning Department prior to the approval of preliminary plans or major land development. Any unusual existing site conditions that would create a safety hazard should also be identified by the engineer of record during the preliminary plan submittal. The County Engineer, in conjunction with the Planning Director, will make a final determination of exemption from the sidewalk requirement. (Ord. 033-11HR; 6-21-11) (Ord. 029-12HR; 5-15-12)

(5) *Alternative to sidewalk.* If a trail network is designed to be functionally superior or equivalent to a standard sidewalk plan, then it may be used as a viable alternative. Functionality should be assessed based on connectivity, rather than linear feet. (Ord. 055-12HR; 10-16-12)

- (6) *Waiver of sidewalk requirement.* Strict sidewalk requirements may be waived on a case by case basis, particularly if connectivity is improved by alternative systems. (Ord. 055-12HR; 10-16-12)
- (b) *Bicycle facilities.* Bicycle parking shall be required for all uses requiring over fifty (50) automobile parking spaces. A minimum of five (5) bicycle parking spaces is required. Bicycle parking facilities shall be standard bicycle racks or other secured lockable facilities.
- (c) *Transit facilities.* Any major multi-family land development or major subdivision, and any major commercial, industrial, or office land development (when located along a public transportation transit route) must provide for a transit stop.

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Sec. 26-180. Signs.

(a) *Purpose and scope.*

(1) *Purpose.* The purpose of this section and other sign standards contained in this chapter, is to support and complement the various land uses allowed in Richland County by the adoption of standards concerning the placement of signs. These standards are adopted to achieve the following:

- a. To encourage the effective use of signs as a means of communication in the county while preserving the rights of free speech under the First Amendment to the United States Constitution.
- b. To maintain and enhance the aesthetic environment and the county's ability to attract sources of economic development and growth.
- c. To improve pedestrian and traffic safety.
- d. To minimize the possible adverse effect of signs on nearby public and private property.

(2) *Applicability.*

- a. *Permits required.* Except as provided by this section, it shall be unlawful for any person to erect, construct, enlarge, move, or replace any sign without first obtaining a sign permit from the planning department. Additional permits may be required pursuant to regulations in the building code or other sections of this chapter.
- b. *Alteration of sign face.* Repainting of a sign, if in conformance with the applicable standards of this chapter, shall be considered maintenance or repair and shall not require a permit. The changing of tenant name panels on multiple-tenant development signage shall not require a permit.

(b) *General standards.*

(1) *Measurement of sign.*

a. *Computation of sign face.*

1. *General.* The area of a sign face shall be measured on one (1) side of the sign and shall be deemed to be the entire area within the smallest square or rectangle that will

encompass the extreme limits of the writing, representation, emblem, or other display on the sign.

2. *Included in computation.* The area shall also include any material or color forming an integral part of the background of the display or used to differentiate the sign from the backdrop or structure against which it is placed. Frames or structural members shall not be included in computation of the area of a sign face.
 3. *Signs attached to walls or fences.* Only that portion of a wall or fence onto which sign face or letters are placed shall be calculated in the sign area.
- b. *Computation of height.* The height of a sign shall be measured from the highest point of a sign or its support, whichever is greater, to the base of the sign at grade.

(2) *Standards applicable to all permitted signs.*

- a. *Location.* Signs shall be located outside of the road right-of-way, behind sidewalk areas, outside of the sight visibility triangle, and no closer than five (5) feet to the front property line; provided, however, off-premises weekend directional signs may be located in a county road right-of-way. (Ord. 039-09HR; 7-21-09 & Ord. 034-11HR; 6-21-11)
- b. *Attached signage.* Attached signage may not extend above the vertical wall to which the sign is attached or extend out into the planting area or road side of the sidewalk. Attached signs may not project more than three (3) feet from the façade of the building on which the sign is located. The bottom of any attached sign, if extended from the façade of a building, shall be at least eight (8) feet above any pedestrian walkway.

(3) *Noncommercial messages.* Any sign, display, or device allowed under this chapter may contain, in lieu of any other copy, any otherwise lawful noncommercial message.

(4) *Sign illumination.*

- a. External illumination shall be by a steady stationary light source, shielded and directed solely at the sign.
- b. Light sources illuminating signs shall not cause glare, hazards to pedestrians or vehicle drivers, or nuisances to adjacent properties.

- c. Intensity of the light shall not exceed twenty (20) foot-candles at any point on the sign face.
 - d. Signs shall not have light reflecting backgrounds, but may use light reflecting lettering.
- (c) *Signs exempt from regulation.* Unless otherwise prohibited or regulated by this chapter, the following signs are exempt from regulation:
- (1) *Governmental signs.* Signs posted by various local, state, and federal agencies in the performance of their duties, such as regulatory signs, welcome signs, and traffic signs.
 - (2) *Flags, etc.* Flags or insignia of any nation, organization of nations, state, county or municipality, any religious, civic or fraternal organization, or any educational or cultural facility and/or any one corporate flag per lot.
 - (3) *Temporary holiday decorations.* Temporary decorations or displays when such are clearly incidental to and are customarily and commonly associated with any national, local, or religious holiday/celebration.
 - (4) *Window displays.* Merchandise, pictures, or models of products or services that are incorporated as an integral part of a window display.
 - (5) *Building marker signs.* A sign cut or etched into masonry, bronze, or similar material on a building. The area of a building marker sign shall not exceed four (4) square feet.
 - (6) *Legal and warning signs.* Signs erected to warn of danger or hazardous conditions, such as signs erected by public utility companies or construction companies, and signs required for or specifically authorized for a public purpose by any law, statute, or ordinance. Such signs that display information pertinent to the safety or legal responsibilities of the general public with regard to a particular piece of property must be located on the premises to which the information pertains. No advertising may be affixed to such sign.
 - (7) *Occupant/road number signs.* Signs affixed to structures, mailboxes, decorative light posts, driveway entrances, etc. that serve to identify the address of the structure or occupant. All such signs must be placed in such a manner as to be visible from the road.
 - (8) *Vending machine, automatic teller, and gasoline pump signs.* Signs attached to and made an integral part of a vending machine, automatic

teller machine, or gasoline pump if advertising or giving information about the products or services dispensed or vended by that machine.

- (d) *Signs exempt from permit requirements.* The following signs are allowed in all zoning districts (unless otherwise noted below) and shall not require a sign permit. Such signs must conform to the standards set forth below, as well as to other applicable requirements of this chapter.
- (1) *Directional signs.* Directional signs must be located on the premises to which directions are indicated. Such signs may not exceed three (3) feet in height if freestanding. Directional signs may not exceed four (4) square feet per face. Such signs may contain no copy other than directional information. Illumination of such signs shall be as permitted for on-premises signs in the zoning district in which the sign is located. No more than two (2) signs per entrance or exit shall be permitted.
 - (2) *Incidental signs.* Signs containing information necessary or convenient for persons coming onto a premises must be located on the premises to which the information pertains. No advertising may be affixed to such a sign. Such signs must be single-faced only and wholly attached to a building (may be located on windows or doors).
 - (3) *Real estate signs.* Only one (1) real estate sign is allowed per five hundred (500) feet of road frontage and shall not be illuminated. Real estate signs shall be no greater than four (4) square feet in area and four (4) feet in height (if freestanding) when located on a residential property. Such signs shall be no greater than thirty-two (32) square feet in area and eight (8) feet in height (if freestanding) for non-residential uses. Real estate signs shall be removed within seven (7) days after the closing of the sale, rental, or lease of the property.
 - (4) *Political signs.* Political signs shall not be located within a public road right-of-way and shall not be attached to trees, utility poles, or publicly owned property. Such signs shall not be illuminated and shall not exceed thirty-two (32) square feet in area, and six (6) feet in height if the sign is freestanding. Political signs may be displayed during a period beginning sixty (60) days prior to an election, but must 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. (Ord 052-08HR; 9-16-08)
 - (5) *Construction signs.* Construction signs shall be allowed, provided that such signs do not exceed two (2) signs per road frontage with a maximum of four (4) signs per construction site. Such signs shall not exceed four (4) square feet in area and four (4) feet in height for single-family or two-family residential construction or thirty-two (32) square feet in area and

eight (8) feet in height for other construction. Construction signs shall not be erected prior to the issuance of a building permit and shall be removed within seven (7) days after the completion of the work on the project.

- (6) *Yard sale signs.* Yard sale signs shall be located on-premises only and shall not be located within a public right-of-way nor placed on a tree, road sign, or utility pole. Such signs shall not be illuminated and are limited to four (4) square feet in size and four (4) feet in height. One (1) yard sale sign is allowed per road frontage. All yard sale signs shall be removed within twenty-four (24) hours of completion of the activity being advertised.
 - (7) *Subdivision development signs.* Signs advertising a subdivision development shall be erected on-premises only, provided that such signs do not exceed fifty (50) square feet in area, are set back at least twenty (20) feet from any property line, are spaced at least five hundred (500) feet apart, and are removed not more than thirty (30) days from such time as seventy-five (75%) percent of the subdivision lots are conveyed (unless a permanent sign permit is obtained).
 - (8) *Special event signs.* Signs may be erected by public or non-profit organizations, such as schools or places of worship, for promoting special events as follows. Signs shall be displayed for a period of no more than thirty (30) consecutive days and shall be allowed no more than two (2) periods a year on any property. Such signs shall not be illuminated and shall not be located within a road right-of-way. Such signs shall be limited to eighteen (18) square feet in size and six (6) feet in height.
 - (9) *Home occupation signs.* One non-illuminated sign shall be permitted for a home occupation. Such sign shall be mounted flat against the wall of the principal structure in which the home occupation is conducted or, if is in an RU or RR zoning district, it may be on a freestanding post (up to a height of four (4) feet, inclusive of the sign) that is located on the property of the structure in which the home occupation is conducted; provided, however, such sign shall not exceed two (2) square feet in area. Home occupation signs are only allowed in those zoning districts in which home occupations are allowed (see Section 26-141. Table of Permitted Uses, Permitted Uses with Special Requirements, and Special Exceptions).
- (e) *Prohibited signs.* The following signs are prohibited in the unincorporated areas of Richland County:
- (1) *Off-premises signs.* All off-premises signs, unless specifically allowed elsewhere in this chapter.

- (2) *Roof signs.* Roof signs; provided, however, that signs on the surfaces of a mansard roof or on parapets shall not be prohibited if the signs do not extend above the mansard roof or parapet to which they are attached.
 - (3) *Animated/flushing signs and signs of illusion.* Signs displaying blinking, flashing, or intermittent lights, or animation, moving parts, or signs giving the illusion of movement.
 - (4) *Signs resembling traffic signals.* Signs that approximate official highway signs, warning signs, or regulatory devices.
 - (5) *Signs on roadside appurtenances.* Signs attached to or painted on utility poles, trees, parking meters, bridges, overpasses, rocks, other signs, benches, refuse containers, etc., unless specifically allowed elsewhere in this chapter.
 - (6) *Abandoned signs and sign structures.* Signs that advertise an activity or business that is no longer conducted on the property on which the sign is located. Such signs or sign structures must be removed within thirty (30) days of becoming an abandoned sign or sign structure.
 - (7) *Pennants, streamers, balloons, etc.* Signs containing or consisting of pennants, ribbons, streamers, balloons, or spinners.
 - (8) *Signs obstructing access.* Signs that obstruct free ingress or egress from a road, driveway, or a required door, window, fire escape, or other required exit way. (Ord. 025-09HR; 4-21-09)
 - (9) *Signs located in the right-of-way.* All signs located in the right-of-way, unless specifically allowed elsewhere in this chapter. (Ord. 053-09HR; 11-3-09)
 - (10) *Inflatable signs or balloons.*
 - (11) *Signs posted on public property.* Public property includes rights-of way, the tree lawn areas between detached sidewalks and streets, roadway median strips, parkways, bridges, alleys, utility poles and boxes, as well as street signs and sign poles. (Ord. 025-09HR; 4-21-09)
- (f) *Temporary signs requiring permits.* The following signs are allowed in all zoning districts, but shall require a sign permit. Such signs must conform to the standards set forth below as well as to other applicable requirements of this chapter.
- (1) *Portable signs.* Portable signs shall be located on-premises only. Such signs shall be displayed for a period of no more than thirty (30) consecutive days and shall be allowed no more than two (2) periods per year. The sign face areas shall not exceed thirty-two (32) square feet, and shall not be

illuminated. A business shall have no more than one (1) sign per street frontage. (Ord. 041-14HR; 7-15-14)

- (2) *Seasonal signs.* Christmas tree lots, pumpkin lots, fireworks stands, produce or flower stands, or other similar seasonal and temporary commercial uses may have one (1) sign per street frontage. Such signs shall be displayed for a period of no more than forty-five (45) consecutive days, commencing from the corresponding business license's date of issuance or start of business date, whichever is later. The sign face areas shall not exceed forty-eight (48) square feet, and shall not be illuminated.
- (g) *On-premises signs permitted in rural and residential districts.* Signs are permitted in the RU, RR, RS-E, RS-LD, RS-MD, RS-HD, RM-LD, RM-HD, and MH Districts, subject to the following regulations:
- (1) *Permanent subdivision signs.* Permanent subdivision signs displaying no information other than the name of the residential land subdivision in which they are located shall be permitted. Such signs shall not exceed fifty (50) square feet in area, shall not encroach upon vision clearances established in Section 26-181(c) of this chapter, and shall only be located on property that is part of the subdivision.
 - (2) *Signs for multi-family residential uses and nonresidential uses.* Signs relating to permitted multi-family housing developments, manufactured home parks, or permitted nonresidential uses may be erected, subject to the following provisions:
 - a. *Maximum size.* Fifty (50) square feet of total surface area per side per road frontage.
 - b. *Number.* One (1) sign per road entrance. Two (2) sides permitted per road frontage if affixed to masonry, brick, or wood fences. Such signs shall be limited to twenty (20) square feet each.
 - c. *Type.* Freestanding or wall.
 - d. *Height.* Wall signs shall not project above the roofline. Freestanding signs shall not exceed four (4) feet above the ground level when located in required front yards, or six (6) feet above ground level when located elsewhere.
 - e. *Location.* Vision clearances established in Section 26-181(c) of this chapter shall be observed.
 - f. *Additional signs allowed.* In addition to those signs permitted above, one bulletin or notice board displaying information related to activities or services conducted or offered on the premises may

be erected per lot frontage. The display surface area of such bulletin board or notice board shall not exceed twenty (20) square feet.

- (3) *Signs for institutional uses.* Signs relating to permitted institutional uses may be erected, subject to the following provisions: (Ord. 008-11HR; 2-1-11)
 - a. *Maximum size.* Fifty (50) square feet of total surface area per side per road frontage. (Ord. 008-11HR; 2-1-11)
 - b. *Number.* One (1) sign per road entrance. Two (2) sides permitted per road frontage if affixed to masonry, brick, or wood fences. Such signs shall be limited to twenty (20) square feet each. (Ord. 008-11HR; 2-1-11)
 - c. *Type.* Freestanding or wall. (Ord. 008-11HR; 2-1-11)
 - d. *Height.* Wall signs shall not project above the roofline. Freestanding signs shall not exceed fifteen (15) feet above the ground level. (Ord. 008-11HR; 2-1-11)
 - e. *Location.* Vision clearances established in Section 26-181(c) of this chapter shall be observed. (Ord. 008-11HR; 2-1-11)
- (h) *On-premises signs permitted in the Rural Commercial, Office and Institutional and Neighborhood Commercial Districts.* Signs are permitted in the RC, OI, and NC Districts, subject to the following regulations:
 - (1) *Number of signs.* Freestanding and attached on-premises signs are allowed in the RC, OI, and NC Districts. Only one (1) freestanding sign is allowed per road frontage per lot. There is no limit to the number of attached signs permitted on a lot so long as the allowable area for attached signs is not exceeded.
 - (2) *Allowable area for freestanding signs.*
 - a. *Total allowable area for freestanding signs.* The total allowable area for a freestanding sign on a lot shall be related to the linear footage of the road frontage of the lot. Property owners are allowed one (1) square foot of sign face area per linear foot of road frontage for the first one hundred (100) feet of road frontage and one-half (½) square foot of sign face area per linear foot of road frontage in excess of one hundred (100) feet. However, in no event shall the square footage limitations for freestanding signs, set forth in subsection (2)b. below, be exceeded.

- b. *Maximum size for all freestanding signs.* Regardless of the amount of road frontage on a lot, the following maximum sizes for freestanding signs shall not be exceeded. For a lot with one (1) road frontage, the total maximum sign face area allowed is one hundred (100) square feet. For a lot with two (2) road frontages, the maximum sign face area allowed is one hundred and fifty (150) square feet. For a lot with three (3) or more street frontages, the maximum sign face area allowed is two hundred (200) square feet.
- (3) *Allowable area for attached signs.* If there is no freestanding sign on the premises, one and one-half (1½) square feet of sign face area shall be permitted for each linear front foot of the principal building for attached signage. If there is a freestanding sign on the premises, only one (1) square foot of sign face area shall be permitted for each linear front foot of the principal building for attached signage
 - (4) *Height.* In the RC and NC districts, no part of any freestanding sign or its supporting structure may exceed fifteen (15) feet in height. In the OI district, no part of any freestanding sign or its supporting structure may exceed twenty-five (25) feet in height. No projecting sign shall project more than twelve (12) feet above the highest point of the roof of the structure to which it is attached.
 - (5) *Location.* Freestanding signs may be located anywhere on the property unless specifically restricted otherwise in this chapter. Vision clearances established in Section 26-181(c) of this chapter shall be observed. No part of any freestanding sign permitted in required setbacks shall be located less than five (5) feet from any property line. Wall signs may be located anywhere on the wall of a building. No sign shall be erected within ten (10) feet of any residential district boundary line unless such sign would meet the sign requirements for nonresidential uses permitted within the residential district to which it is adjacent.
- (i) *On-premises signs permitted in the General Commercial District.* Signs are permitted in the GC District, subject to the following regulations:
 - (1) *Number of signs.* Freestanding and attached signs are allowed in the GC District. Only one (1) freestanding sign is allowed per road frontage per lot. There is no limit to the number of attached signs permitted on a lot so long as the allowable area for attached signs is not exceeded.
 - (2) *Allowable area for freestanding signs.*
 - a. *Total allowable area for freestanding signs.* The total allowable area for a freestanding sign on a lot shall be related to the linear

footage of the road frontage of the lot. A property owner is allowed one (1) square foot of sign face area per linear foot of road frontage for the first one hundred (100) feet of road frontage and one-half ($\frac{1}{2}$) square foot of sign face area per linear foot of road frontage in excess of one hundred (100) feet. However, in no event shall the square footage limitations for freestanding signs, set forth in subsection (2) b. below, be exceeded.

- b. *Maximum size for all freestanding signs.* Regardless of the amount of road frontage on a lot, the following maximum sizes for freestanding signs shall not be exceeded. For a lot with one (1) road frontage, the total maximum sign face area allowed is two hundred and fifty (250) square feet. For a lot with two (2) road frontages, the maximum sign face area allowed is four hundred (400) square feet. For a lot with three (3) road frontages, the maximum sign face area is five hundred (500) square feet.
- (3) *Allowable area for attached signs.* If there is no freestanding sign on the premises, one and one-half ($1\frac{1}{2}$) square feet of sign face shall be permitted for each linear front foot of the principal building for attached signage. If there is a freestanding sign on the premises, only one (1) square foot of sign face area shall be permitted for each linear foot of the principal building for attached signage.
- (4) *Height.* No part of any freestanding sign or its supporting structure shall exceed thirty-five (35) feet in height. However, the maximum height for signs on lots located adjacent to the right-of-way for interstate interchanges is fifty (50) feet. No projecting sign may project more than twenty (20) feet above the highest portion of the roof of the structure to which it is attached. (Ord. 012-11HR; 2-15-11)
- (5) *Location.* Signs may be located anywhere on the property unless specifically restricted otherwise in this chapter. Vision clearances established in Section 26-181(c) of this chapter shall be observed. No part of any freestanding sign permitted in required setbacks shall be located less than five (5) feet from any property line. Wall signs may be located anywhere on the wall of a building. No sign shall be erected within ten (10) feet of any residential district boundary line unless such sign would meet the sign requirements for nonresidential uses permitted within the residential district to which it is adjacent.
- (j) *On-premises signs permitted in the Light Industrial and Heavy Industrial Districts.* Signs are permitted in the M-1, LI, and HI Districts, subject to the following regulations:

- (1) *Number of signs.* Freestanding and attached on-premises signs are allowed in the M-1, LI, and HI Districts. Only one (1) freestanding sign is allowed per road frontage per lot. There is no limit to the number of attached signs permitted on a lot so long as the allowable area for attached signs is not exceeded.
- (2) *Allowable area for freestanding signs.*
 - a. *Total allowable area for freestanding signs.* The total allowable area for a freestanding sign on a lot shall be related to the linear footage of the road frontage of the lot. A property owner is allowed one (1) square foot of sign face area per linear foot of road frontage for the first one hundred (100) feet of road frontage and one-half ($\frac{1}{2}$) square foot of sign area per linear foot of road frontage in excess of one hundred (100) feet. However, in no event shall the square footage limitations for freestanding signs, set forth in subsection (2) b. below, be exceeded.
 - b. *Maximum size for all freestanding signs.* Regardless of the amount of road frontage on a lot, the following maximum sizes for freestanding signs shall not be exceeded. For a lot with one (1) road frontage, the total maximum sign face area allowed is three hundred (300) square feet. For a lot with two (2) road frontages, the maximum sign face area allowed is four hundred and fifty (450) square feet. For a lot with three (3) street frontages, the maximum sign face area is six hundred (600) square feet.
- (3) *Allowable area for attached signs.* If there is no freestanding sign on the premises, one and one-half ($1\frac{1}{2}$) square feet of sign face areas shall be permitted for each linear front foot of the principal building for attached signage. If there is a freestanding sign on the premises, only one (1) square foot of sign face area shall be permitted for each linear foot of the principal building for attached signage.
- (4) *Height.* No part of any freestanding sign or its supporting structure shall exceed thirty-five (35) feet in height. However, the maximum height for signs on lots located adjacent to the right-of-way for interstate interchanges is fifty (50) feet.
- (5) *Location.* Signs may be located anywhere on the property unless specifically restricted otherwise in this chapter. Vision clearances established in Section 26-181(c) of this chapter shall be observed. No part of any freestanding sign permitted in required setbacks shall be located less than five (5) feet from any property line. Wall signs may be located anywhere on the wall of a building. No sign shall be erected within ten (10) feet of any residential district boundary line unless such sign would

meet the sign requirements for nonresidential uses permitted within the residential district to which it is adjacent.

- (k) *Off-premises combined development signs permitted in the Office and Institutional, General Commercial, Light Industrial, and Heavy Industrial Districts.* Off-premises combined development signs are permitted in the OI, GC, M-1, LI, and HI Districts, subject to the following regulations:
- (1) *Number.* One (1) off-premises freestanding combined development sign is allowed per development street frontage.
 - (2) *Allowable area.*
 - a. *Maximum size.* The maximum sign face area for a permitted combined development sign is one hundred and fifty (150) square feet if the sign is located within the required front yard setback for the lot on which it is located. The maximum sign face area is three hundred (300) square feet if the sign is not located within the required front yard setback.
 - b. *Allowable area for any one business or establishment.* Individual businesses identified on the combined development sign shall be limited to no more than twenty percent (20%) of the total allowable square footage of the sign.
 - (3) *Height.* No part of any off-premises freestanding combined development sign or its supporting structure may exceed ten (10) feet in height if located within the required front yard setback for the lot on which it is located. The sign may not exceed fifteen (15) feet in height if not located within the required front yard setback.
 - (4) *Location.* Permitted off-premises freestanding combined development signs must be located on lots that are adjacent to a principal driveway entrance to the combined development and that are zoned for the type of development for which the sign is being erected. Vision clearances established in Section 26-181(c) of this chapter shall be observed. No part of any freestanding sign permitted in required setbacks shall be located less than five (5) feet from the front property line. No sign shall be erected within ten (10) feet of any residential district boundary line unless such sign would meet the sign requirements for nonresidential uses permitted within the residential district to which it is adjacent.
- (l) *Additional regulations in all districts.* Where the following uses are permitted in a district, the standards listed below apply:

- (1) *Places of worship and schools.* In addition to signs permitted in the district in which a place of worship or school is located, such places of worship or schools shall be permitted one bulletin or notice board displaying information related to activities or services conducted or offered on the premises per lot frontage.
 - (2) *Signs on marquees and canopies.* Signs on marquees or canopies projecting into a public right-of-way are subject to the provisions concerning attached signs in subsection (b)(2)b. above. In no case shall the length of the sign projection exceed the length of projection of the marquee or canopy to which it is attached. Additionally, such signs may not extend more than twenty-four (24) inches below or more than four (4) feet above the marquee or canopy to which they are attached. The sign face area for signs on canopies shall be limited as part of the allowable area for freestanding, on-premises signs in the respective zoning district.
 - (3) *Service stations.* Service stations are permitted, in addition to the signage permitted in subsection (2) above, one sign not exceeding five (5) square feet in area and located over the doorway to each service bay of the service station. Such signs must identify the service provided therein. These signs shall be subject to inclusion within the limitations upon display surface area.
- (m) *Signs permitted in the Planned Development and Town and Country Districts..*
- (1) *Signs for residential uses.* Within a PDD or TC District, signs for residential uses shall comply with the sign regulations set forth for residential uses in residential districts contained in subsection (g) above.
 - (2) *Signs for nonresidential uses.* Signs for nonresidential uses in a PDD or TC district shall comply with the sign regulations set forth in subsection (i) above for the General Commercial (GC) District.
- (n) *Maintenance.* To ensure that signs are maintained in a safe and aesthetically satisfactory manner, the following maintenance requirements shall apply to all signs:
- (1) No sign shall have more than twenty percent (20%) of its display area or structure or reverse side covered with disfigured, chipped, cracked, ripped, or peeling paint or poster paper for a period of more than thirty (30) successive days.
 - (2) No sign shall remain with a bent or broken display area, broken supports, loose appendages or struts or stand more than fifteen (15) degrees from the perpendicular for a period of more than thirty (30) successive days.

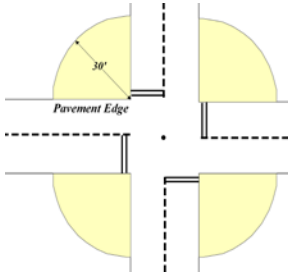
- (3) No sign shall be allowed to have weeds, vines, or other vegetation growing upon it for a period of more than thirty (30) successive days.
 - (4) No indirect or internally illuminated sign shall have only partial illumination for a period of more than sixty (60) successive days.
- (o) *Nonconforming signs.* All legal nonconforming signs in existence as of the effective date of this chapter may be continued and shall be maintained in good condition.
- (1) Unless allowed in paragraph (2), below, a nonconforming sign shall not be: (Ord. 046-09HR; 10-6-09)
 - a. Changed to another type or shape of nonconforming sign; provided, however, the copy, content, or message of the sign may be changed so long as the shape or size of the sign is not altered.
 - b. Structurally altered so as to prolong the life of the sign.
 - c. Expanded.
 - d. Reestablished after discontinuance for sixty (60) or more successive days.
 - e. Reestablished after damage or destruction, where the estimated expense of reconstruction exceeds fifty percent (50%) of the appraised replacement cost of the sign in its entirety.
 - (2) *Changeable copy signs.* Legal nonconforming off-premise signs in Commercial, Manufacturing, and Industrial Zoning Districts may be replaced in whole or in part by surface area displaying changeable static images controlled by electronic communications (hereinafter digital) as provided by this paragraph. (Ord. 046-09HR; 10-6-09)
 - a. No more than one-third (1/3) of existing off-premise signs (also known as outdoor advertising signs, or “billboards”) may be replaced with digital surface area signs. (Ord. 046-09HR; 10-6-09)
 - b. A permit to replace legal nonconforming off-premise sign display surface area with an equal or less digital surface area shall first be obtained as provided in Sec. 26-180 (a) (2). A digital sign must be erected within one (1) year of the issuance of a permit or such permit shall become null and void. (Ord. 046-09HR; 10-6-09)
 - c. A digital sign as provided by this section shall not be considered flashing or blinking for the purposes of this paragraph when the

copy shall remain fixed for a period of at least six (6) seconds between changes. The interval between copy changes shall be no longer than one (1) second. (Ord. 046-09HR; 10-6-09)

- d. Digital signs shall not include animated, continuous, moving, rolling, or scrolling messages or video displays. (Ord. 046-09HR; 10-6-09)
- e. Digital signs shall have an automatic dimmer and a photo cell sensor to adjust the illumination intensity or brilliance of the sign so that it shall not cause glare or impair the vision of motorists, and shall not interfere with any driver's operation of a motor vehicle. In addition, digital shall not exceed a maximum illumination of 7,500 nits (candelas per square meter) during daylight hours and a maximum illumination of 500 nits between dusk to dawn as measured from the sign's face at maximum brightness. Digital signs shall not be permitted within three hundred (300) feet of any residential district towards which the sign is oriented. (Ord. 046-09HR; 10-6-09)
- f. This permissibility does not include the replacement of, or some other substantial alteration to, the sign support structure, except that existing metal sign support structures may be replaced with new metal sign support structures pursuant to a permit to erect a digital sign. However, any new metal sign support shall not exceed the height of the existing metal sign support. (Ord. 046-09HR; 10-6-09)
- g. A digital sign may be reestablished after damage or destruction by an act of God, where the estimated expense of reconstruction does not exceed fifty percent (50%) of the appraised replacement cost of the sign structure, exclusive of the value of any digital display device. (Ord. 046-09HR; 10-6-09)
- h. There shall be one thousand (1,000) feet spacing of digital signs on the same side of the road; there shall also be one thousand (1,000) feet spacing of digital signs on the opposite side of the road if a digital sign is facing in the same direction. (Ord. 046-09HR; 10-6-09)
- i. There shall be two thousand (2,000) feet spacing of digital signs within any existing Neighborhood Master Plan Overlay District. (Ord. 046-09HR; 10-6-09)
- j. Digital signs shall not be erected within three hundred (300) feet of any Historic District as defined by the National Historic Register, nor

within three hundred (300) feet of any hospital or nursing home,
(Ord. 046-09HR; 10-6-09)

- k. Digital signs shall be allowed only on ‘arterial’ streets as defined in Section 26-22. (Ord. 046-09HR; 10-6-09)
- (p) *Enforcement.* Notwithstanding the enforcement provisions of Section 26-273, signs found in violation of this Section shall be subject to the following procedures: (Ord. 025-09HR; 4-21-09)
 - (1) *Signs on public property subject to removal without notice.* County employees shall have the authority to remove without notice to the owners thereof, signs placed within any street or highway right-of-way; signs attached to trees, fence posts, telephones and utility poles, or other natural features; abandoned signs; signs placed on public property; and signs erected without permit. Such signs shall be impounded for a period of ten (10) business days, and if not claimed within that period of time, the sign shall be discarded. The person(s) responsible for causing the unlawful sign to be on any public property may be held responsible for the cost of removal. The persons liable shall include, but are not limited to, any individual or business whose advertisement, message or information appears on or is contained in any sign or notice unlawfully placed on public property. (Ord. 025-09HR; 4-21-09)
 - (2) *Prohibited signs on private property.* When an authorized county official finds a prohibited sign located on private property, the county employee shall notify the owner of the sign and the record owner of the property on which the sign is located. Such notice of violation shall be in writing and sent by certified or registered mail or delivered by personal service. The notice of violation shall include an opportunity to cure the violation within a prescribed period of time. If the violator fails to take prompt corrective action in the prescribed time, then the county may pursue the penalties and remedies set forth in Section 26-272. (Ord. 025-09HR; 4-21-09)
- (q) *Off-premises weekend directional signs.* (Ord. 039-09HR; 7-21-09) (Ord. 034-11HR; 6-21-11)
 - (1) Off-premises weekend directional signs are permitted in all zoning districts, with the following restrictions:
 - a. A permit and identification sticker must be obtained from the Planning Department for each sign proposed to be erected; and a permit fee/sticker fee of five (\$5.00) dollars per sign, must be paid. Each permit shall be valid for one (1) year from the date of issuance.

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

- j. No sign permitted in this subsection shall be erected more than one (1) mile from: 1) the site for which directions are being provided or 2) the nearest SCDOT classified collector or arterial road.
 - k. Signs shall not be erected before 5:00 p.m. on Friday evening and shall be completely removed by 11:59 p.m. on Sunday.
 - l. If a sign is damaged or faded, the permit holder may bring in the damaged sign (with permit) and obtain a replacement sticker at no additional cost.
- (2) Violations. Signs found in violation of these provisions shall be subject to immediate removal and disposal. In addition, a permit holder who commits an offense may be subject to the penalty provisions of Section 26-272. (Ord. 034-11HR; 6-21-11)

Sec. 26-181. Road standards.

(a) *Purpose/general requirements.*

- (1) *Purpose.* The purpose of this section is to prescribe minimum design standards for new public and/or private roads.
- (2) *General requirements.* All required road improvements set forth in this section shall be installed or constructed by the developer at no cost to the county, except as may otherwise be specifically provided. The developer shall be responsible for obtaining all permits. Required improvements under this section shall not be installed or constructed until required site plans have been approved by the planning department and an order to proceed has been issued.
- (3) *Phasing.* Development may be designated to be constructed and/or platted in phases. Provided, however, the planning department may not approve a phasing plan when in its opinion such phasing will not provide for adequate roadway facilities to support any such phase or phases independent of the overall development plan. In approving phases, the planning department may require that additional roads be constructed as part of the phase or phases in order to ensure that sufficient public facilities will be in place to support such phase or phases independent of any future development.

(b) *Design standards for public or private roads.*

- (1) *Paving and curb requirement.* All new roads must be paved and include curbs and enclosed drainage systems unless otherwise provided in this Section (or unless exempted pursuant to Section 26-224). (Ord. 055-12HR; 10-16-12)
- (2) *Right-of-way and pavement widths.*
 - a. *Minimum standards.* Minimum rights-of-way and pavement widths shall be as follows, unless reduced by the development review team during land development or subdivision review and approval: (Ord. 026-10; 5-18-10)

<i>Road Classification</i>	<i>Minimum ROW (ft)</i>	<i>Minimum Pavement Width (ft)</i>
Park Road (One-way)	41	17 (Ord. 055-12HR; 10-16-12)
Minor Rural	66	20 (Ord. 055-12HR; 10-16-12)

Rural	66	22
Minor Residential	50	22 (Ord. 055-12HR; 10-16-12)
Local Residential	50	24 (Ord. 055-12HR; 10-16-12)
Local Commercial	66	36
Collector	66	36
Industrial	80	36
Arterial	100	53
Loop Lane	40	16 (Ord. 055- 12HR; 10-16-12)

Pavement width for rural roads shall be measured from pavement edge to pavement edge. Residential, commercial, collector, and industrial roads shall measure pavement width from back-of-curb to back-of-curb or from low-point-of-valley to low-point-of-valley. The mixing of rural and any other road classification is prohibited. Curb and gutters shall be installed on all paved roads unless the county engineer determines that another system is acceptable. Roads without curb and gutter shall have a minimum right-of-way of sixty-six (66) feet; provided, however, when stormwater swales or other stormwater features are located along the roadside and specifically outside of the right-of-way, then the right-of-way may be reduced to fifty (50) feet. The stormwater swales or other stormwater feature must be within a minimum eight (8) foot drainage easement or conservation easement, with clearly defined maintenance by a private owner or homeowners' association. (Ord. 055-12HR; 10-16-12)

- b. *Additional right-of-way.* In the event the development of property includes or abuts an existing platted county road that does not conform to the minimum requirements set forth in this chapter, or in the event that the development will result in an increase in the average daily traffic using the road to the extent that the classification of the road will change under these regulations, or the road is shown on the county's thoroughfare plan, the preliminary land development (land development or subdivision) plan must provide for sufficient right-of-way to increase the size of the right-of-way to the width needed under the new classification. In the event that the development abuts only one (1) side of such a road, the additional right-of-way reserved shall not exceed one-half (½) of the additional right-of-way required under the new classification, measured from the centerline of the existing right-of-way. The plat shall clearly denote that any subject right-of-way described above is reserved for future road widening. Lot area requirements and setback requirements shall not use the reserved right-of-way area in their measurements.

(3) *Connectivity.*

- a. *Extension of existing roads.* The arrangement of roads in a subdivision shall provide for the alignment and continuation or extension of existing roads in adjoining areas in compliance with the standards set forth in this section. Greater widths may be required if the existing road is identified for widening in the county's thoroughfare plan.
- b. *Access to undeveloped property.* Where it is deemed necessary to the development of a logical road pattern and transportation network, roads 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 road pattern. Reserve strips adjoining road rights-of-way for the purpose of preventing access to adjacent property shall not be permitted.
 1. *Construction of road connections.* Where required for a logical road pattern, road extensions or connections may be built. In the event that the adjoining property is later developed in such a manner that it is determined that the connection will not be necessary for a logical road pattern, the connection may be abandoned and divided proportionally among adjoining landowners. Temporary dead end roads shall be provided with a temporary turnaround having a roadway surface diameter of eighty (80) feet, or other approved type of turnaround.
 2. *Reservation of road connections.* In certain situations, the development review team may permit a platted lot to be "reserved for future connection" in lieu of construction of the road 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 the developer. In the event that the adjoining property is later developed in such a manner that it is determined that the connection is not required or desirable, the reservation will be terminated, ownership of the lot will remain with the developer and the escrow account refunded to the developer. If the extension has not been constructed within the ten (10) year period, the

development review team 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 developer and the escrow account being refunded to the developer. (Ord. 055-12HR; 10-16-12)

- c. *Conservation areas.* One (1) private access easement shall be allowed across a conservation area, provided that such access is at least twenty (20) feet in width and provides access to no more than one (1) parcel. (Ord. 055-12HR; 10-16-12)

(4) *Cul-de-sacs.*

- a. *General.* Cul-de-sacs shall not be used to avoid connection with an existing road or to avoid connection to adjoining property. Cul-de-sacs shall not be used to provide access to development on the boundary of the development except where a cul-de-sac is necessitated by topography or property accessibility, or is appropriate for land use separation. (Ord. 055-12HR; 10-16-12)
- b. *Cul-de-sac length.* Cul-de-sacs shall not exceed one thousand two hundred (1,200) feet in length unless necessitated by topography or property accessibility, and are approved by the development review team. Measurement shall be from the point where the centerline of the dead end road intersects with the centerline of a general circulation road to the center of the turnaround of the cul-de-sac. Where one cul-de-sac extends from another cul-de-sac, the end of each cul-de-sac shall be no more than one thousand two hundred (1,200) feet from a general circulation road as measured by the centerline of the roads. (Ord. 055-12HR; 10-16-12)
- c. *Cul-de-sac design.* 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 turn around, including T's, Y's or landscaped islands with a minimum right-of-way sufficient for county maintenance. In addition, all cul-de-sacs must have a landscaped interior island, at least forty (40) feet in diameter. The minimum pavement width around a cul-de-sac island shall be sixteen (16) feet, and this portion of the pavement shall be designated as a one-way for traffic purposes. A provision for adequate drainage must be designed for the island; and a provision for maintenance of landscaping on the island must be included in the recorded restrictive covenants for the subdivision. (Ord. 055-12HR; 10-16-12)

- (5) *Temporary dead-end road and half roads.*
 - a. *Temporary dead-end roads.* Temporary dead-end roads shall be provided with a temporary turnaround having a roadway surface diameter of eighty (80) feet, or other type of approved turnaround.
 - b. *Half roads.* Half roads of less than two (2) lanes are prohibited. Whenever a road is planned adjacent to the proposed development tract boundary, the entire road right-of-way shall be platted within the proposed development, or a portion of the road 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 developer through an acquired and recorded easement.
- (6) *Intersections.* All road intersections shall be designed in substantial compliance with the applicable requirements of SCDOT's "Access & Roadside Management Standards", published in August 2008. (Ord. 038-09HR; 7-21-09)
- (7) *Loop lanes.* Loop lanes shall be a minimum of sixteen (16) feet in width for one-way traffic, and the exterior radius shall be no less than forty (40) feet. (Ord. 055-12HR; 10-16-12)
- (8) *T-roads.* See the "Road Design Standards" manual kept in the Department of Public Works. (Ord. 055-12HR; 10-16-12)
- (9) *Main Roads* – twenty-four (24) feet pavement width. (Ord. 055-12HR; 10-16-12)
- (10) *Park Roads* – seventeen (17) feet pavement width. On cul-de-sac bulbs, the inside radius shall be a mountable curb. The "Park Road" paving detail (see the "Road Design Standards" manual kept in the Department of Public Works) may only be used when there is sufficient off street parking to provide three (3) parking spaces per dwelling unit, and the total future parcels served by the road do not exceed twenty-five (25). For common areas, a shared parking space shall be considered as the equivalent of one and one-half (1½) dwelling parking spaces. (Ord. 055-12HR; 10-16-12)
- (11) *Other design standards.*
 - a. *Reverse curves.* On state maintained roads, tangent distances shall be determined by the use of South Carolina Department of Transportation standards. On other roads, the Richland County design standards shall apply.

- b. *Road grades.* Grades on roads not classified shall be established by the South Carolina Department of Transportation or by the county engineer. Grades on collector roads shall not exceed eight percent (8%) unless topographic conditions make this impractical. Grades on residential roads shall not exceed fifteen percent (15%), unless topographic conditions make this impractical. All roads shall have a minimum grade of not less than one-half ($\frac{1}{2}$) of one percent (1%).
- c. *Horizontal curves.* Where a deflection angle of more than ten (10) degrees occurs in the alignment of a road, a curve of reasonable radius shall be introduced. On roads not classified, the center line radius of curvature shall be determined by the South Carolina Department of Transportation or by the county engineer. On collector, industrial, or commercial roads, the center line radius of curvature shall not be less than three hundred fifty (350) feet. On local residential roads, the center line radius of curvature shall not be less than one hundred fifty (150) feet unless the topography of the land to be subdivided makes this impractical.
- d. *Vertical curves.* Minimum stopping sight distance on roads not classified shall be determined by the South Carolina Department of Transportation or by the county engineer. On collector, industrial, or commercial service roads, the minimum stopping sight distance shall be two hundred seventy-five (275) feet (forty miles per hour) and on minor residential roads, one hundred sixty (160) feet (twenty-five miles per hour). Stopping sight distances shall be measured from a height of three (3) feet, nine (9) inches to an object with a height of six (6) inches, both distances measured above the centerline of the road or road. Stopping sight distance shall be determined in accordance with the standards of the American Association of State Highway Officials.
- e. *Split-level roads.* Roads that 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 on each level and a slope between the two (2) traffic ways of 6:1 or flatter.
- f. *Alleys.* Alleys shall only be permitted as approved by the county engineer.
- g. *Access to parks, schools, etc.* Convenient access to places of public assembly must be ensured in all development. See also

Section 26-179 of this chapter for pedestrian amenity requirements.

- h. *Railroad rights-of-way.* Developments adjacent to railroad rights-of-way shall be required to provide for future railroad crossings.
- i. *Marginal access roads.* In order to reduce traffic congestion, marginal access roads shall be required between arterial roads and the adjacent development. Additionally, the development review team may require marginal access roads between collector roads and adjacent development, if the conditions warrant. (Ord. 055-12HR; 10-16-12)
- j. *Grading and paving.* All grading and paving work done on new roads or road improvements must be approved by the county engineer.
- k. *Road signs/traffic control devices.*

[1] Road signs, in conformance with the requirements of the Federal Highway Administration's *Manual on Uniform Traffic Control Devices 2003 Edition with Revisions 1 and 2 incorporated*; provided, however, if a later edition is published, this latest edition shall be used; and with the addressing coordinating specialist, shall be located at all intersections in a manner approved by the county engineer. Any sign within a new development shall be installed by the developer at his/her own expense. Signs will be aluminum blanks on metal posts fabricated and mounted in a standard design established by the director of public works. Such signs shall have white reflective lettering a minimum of six (6) inches in height on a reflective background. Signs located on multi-lane roads with a speed limit of 40 mph or greater shall have lettering a minimum of eight (8) inches in height. A green background shall denote a public road and a blue background shall denote a private road. (Ord. 052-09HR; 11-3-09) (Ord. 055-12HR; 10-16-12)

[2] All traffic control devices required by the Federal Highway Administration's *Manual on Uniform Traffic Control Devices 2003 Edition with Revisions 1 and 2 incorporated* shall be installed by the developer at his/her own expense. All devices shall conform to the required size and reflectivity found in the *Manual on Uniform Traffic Control Devices 2003 Edition with Revisions 1 and 2*

incorporated. Provided, however, if a later edition of the “*Manual on Uniform Traffic Control Devices*” is published, this latest edition shall be used. (Ord. 052-09HR; 11-3-09)
(Ord. 055-12HR; 10-16-12)

1. *Alternative to curbed drainage.* Minor rural roads and rural roads may be exempt from the requirement to have curbs, subject to the following conditions: (Ord. 055-12HR; 10-16-12)

[1] A minor rural road shall provide access to less than twenty (20) lots that are each greater than five (5) acres in size, and a rural road shall provide access to less than fifty (50) lots that are each greater than five (5) acres in size. (Ord. 055-12HR; 10-16-12)

[2] For design criteria, see the “Road Design Standards” manual kept in the Department of Public Works. (Ord. 055-12HR; 10-16-12)

(c) *Visibility at intersections.*

- (1) *Sight clearance to be maintained.* At each corner of each road or driveway/road intersection, a sight area shall be maintained. Within the sight area, no fence, wall, sign, slope, embankment, parked vehicle, hedge, foliage, planting, object, or structure shall be placed, erected, or maintained that will obstruct visibility within the sight area.
- (2) *Dimensions of the sight area.* The horizontal dimensions of sight areas are defined as triangular areas formed by the intersecting right-of-way lines and a straight line joining the right-of-way lines at points that are measured along the right-of-way lines as follows:
 - a. Fifteen (15) feet distant from the point of the intersection of the right-of-way lines in commercial and industrial districts.
 - b. Twenty-five (25) feet distant from the point of the intersection of the right-of-way lines in residential districts.

Those sight areas shall be established regardless of the angle of intersection of the right-of-way lines.

For the intersection of a driveway and a road, the triangular area is that formed by the right-of-way and the edge of the driveway and a straight line joining the right-of-way and driveway edge at points that are fifteen (15) feet distant from the point of intersection.

The vertical dimensions (cross-visibility) of sight areas are defined as the vertical space between the heights of two and one-half (2½) feet and ten (10) feet in elevation above the nearest edge of the road pavement of a paved road or above the nearest edge of the riding surface of an unpaved road. Trees having limbs and foliage trimmed so that the cross-visibility within the triangle is not obscured shall be allowed to overhang the sight triangle, provided the location of any tree does not create a traffic hazard.

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Sec. 26-182. Easements and utilities.

- (a) *Easements.*
- (1) *Depiction on plan or plat.* All existing and/or proposed easements shall be depicted on the development plan or subdivision plat.
 - (2) *Location and size of utility easements.* All above-ground utilities, to the maximum extent possible, shall be along the rear lot line. Easements for streams, stormwater facilities, or other watercourses shall follow the contours of the facility and shall comply with the requirements set forth in Section 26-105 of this chapter. Rear lot line easements shall be a minimum of twelve (12) feet wide and side lot line easements shall be a minimum of ten (10) feet wide. (Ord. 043-07HR; 5-1-07)
- (b) *Water and sewer.*
- (1) *General.* The method of providing water and sewer service to any development shall be shown on the development application. The developer shall obtain all appropriate construction permits from the county and state health departments.
 - (2) *Water utilities.* Water lines, valves, and hydrants shall be installed and/or dedicated according to the requirements of the provider. When required by the provider, water lines shall be stubbed out at the abutting property line or easement line.
 - (3) *Sewer systems.* When required by the provider, sewer lines shall be installed and/or dedicated according to the requirements of the provider. In addition, when required by the provider, sewer lines shall be stubbed out at the abutting property line or easement line.
 - (4) *Natural gas.* If supplied, natural gas lines shall be located outside the pavement to the extent possible but within the right-of-way.

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Sec. 26-183. Road naming and addressing.
(Ord. 022-10HR; 5-18-10)

- (a) *General provisions.* (Ord. 022-10HR; 5-18-10)
- (1) *Purpose.* A uniform system for road naming is essential in expediting the response time from all emergency services agencies, such as police, fire, ambulance or other rescue services; in facilitating postal and other service delivery; and in reducing confusion for the driving public.
 - (2) *Guidelines.* In addition to the regulations set forth herein, a uniform system of naming roads and numbering properties and principal buildings, called “Guidelines for Road Naming and Addressing in Richland County”, will be maintained by the Planning Department.
 - (3) *Jurisdiction.* The regulations set forth herein and in the “Guidelines for Road Naming and Addressing in Richland County” shall apply only to those properties, buildings, streets, and public or private roadways that are located within the unincorporated area of Richland County, and those incorporated areas that are included through intergovernmental agreement. It shall be the responsibility of all municipalities and political subdivisions not included through intergovernmental agreement to coordinate road naming and property numbering with the Planning Department.
- (b) *Changing a road name.* (Ord. 022-10HR; 5-18-10)
1. Existing road names may only be changed pursuant to Section 6-29-1200, South Carolina of Laws, 1976, as amended, and include the following reasons:
 - a. A road name duplicates or is similar to another, either phonetically or by spelling, within a 9-1-1 community or an emergency service district. In accordance with State Law, “Existing duplicated road names must be changed as necessary by the local government to ensure the efficiency of the emergency response system”; or
 - b. The 9-1-1 Central Dispatch/Communications Department submits a written request to the county that a particular road name is causing confusion with the dispatch and/or delivery of emergency service delivery; or an emergency service provider requests in writing that a particular street name is causing service delivery confusion; or
 - c. The United States Postal Service presents a request in writing stating that a particular road name is causing service delivery confusion; or

- d. When road configurations exist or change so that a road is split into two (2) or more non-continuous sections; or
 - e. When conditions result in confusion for emergency services delivery; or
 - f. A change may simplify markings or giving directions to persons looking for an address; or
 - g. Any other good and just reason that may appear to the Planning Commission.
2. *Administrative procedures for changing a road name.*
- a. The Planning Commission shall hold a public hearing regarding the proposed road name change after providing notice of such public hearing in a newspaper of general circulation at least fifteen (15) days prior to the hearing. The Planning Department shall mail written notice to the property owners of record, which are adjacent to or abutting the road, of the time, date, and location of the public hearing.
 - b. After the public hearing, the Planning Commission shall either approve, deny, or select an alternative name. The Richland County Planning Commission is responsible for approving and authorizing street names in its area of jurisdiction pursuant to Section 6-29-1200, Code of Laws of South Carolina, 1976, as amended.
 - c. Written notice shall be mailed to the affected property owners of the Planning Commission's determination.
- (c) *Addressing.* (Ord. 022-10HR; 5-18-10)
- (1) *Approval agency.* The Planning Department shall assign address numbers in the unincorporated areas of Richland County; and shall coordinate municipal addresses that are to be added to the E9-1-1 database. The Planning Department shall also assign and maintain addresses within the jurisdiction of any municipality with whom there is an intergovernmental agreement.
 - (2) *Notification of address.* Written notification of the proper address of each building shall be mailed to the owner, occupant, or agent of each building in all instances where a new number is assigned.

- (3) *Notification of new address information to proper agencies.* Notification shall be sent to all residents/property owners, the Richland County 9-1-1 Communications Department, the U.S. Postal Service, the E9-1-1 database maintenance organization, appropriate state agencies, and public utility and affected emergency service providers whenever a new address has been assigned. It shall be the responsibility of the occupant to notify their respective telephone companies by informing the company of the correct address at the time telephone service is requested.
- (4) *Placement and posting of numbers.*
- a. When a house or building has been assigned its respective number or numbers, the owner, occupant, or agent/person in charge shall place or cause to be placed upon each house or building controlled by him/her the number or numbers assigned under the uniform system as outlined in this Section and in the “Guidelines for Road Naming and Addressing in Richland County”.
 - b. All numbers shall be made of a durable, clearly visible, and reflective material that contrasts with the color of the house, building or structure on which it is being placed.
 - c. The numbers must be posted as numerals and must not be spelled out.
 - d. The address shall be placed on existing buildings within twenty-one (21) days from the date shown on the written notification that is referenced in subsection (c) (2), above.
 - e. Residential numerals shall be at least three (3) inches in height, and numerals for multiple dwelling units and nonresidential buildings shall be at least six (6) inches in height, and shall be placed on the front of the building facing the road or on the end of the building nearest the road.
 - f. Numbers shall be conspicuously placed immediately above, on, or at the side of the door facing the road off which the structure is addressed so that the number is clearly visible from the road line.
 - g. In the case where the building cannot be seen from the road or is situated more than fifty (50) feet from the road line, the building number shall also be placed near the walk, driveway, or common entrance to the building, or upon the mailbox, gatepost, fence, or other appropriate place so as to clearly be visible from the street or road.

upon conviction shall be fined or imprisoned for a term not to exceed the authority of the Magistrate's Courts.

- (5) *Removing or defacing numbers.* Any person who unlawfully removes, defaces, mars, changes, destroys, or renders an existing number or numbers unreadable in any manner shall be deemed guilty of a misdemeanor, and upon conviction shall be fined or imprisoned for a term not to exceed the authority of the Magistrate's Court.

Sec. 26-184. Reserved.
(Ord. 027-09HR; 5-19-09)

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Sec. 26-185. Temporary and accessory uses.

(a) *Temporary uses.*

(1) *General standards and permit requirement.*

- a. *Permit required.* All permitted temporary uses listed in this section require a temporary use permit. Temporary use permits shall be reviewed and issued by the planning department. A temporary use permit may only be issued when all applicable criteria set forth in this section have been met. All additional permits and inspections required by the building code or fire officials must be received. Special events and activities conducted on public property, such as school sites and public parks, shall be exempt from the provisions of this section but must comply with any guidelines, regulations, and permitting processes required by the authorizing agency.
- b. *Time limitations.* Temporary use permits shall be issued for no more than sixty (60) days within a calendar year on any individual lot.
- c. *General standards.*
 1. The property on which a temporary use is proposed must contain sufficient space to support the temporary use.
 2. No temporary use shall be located closer than two hundred (200) feet to a dwelling unit.
 3. Parking must be adequate to support the proposed temporary use.
 4. Restroom facilities, if needed, must be provided. Plans for security and safety must be provided.

(2) *Permitted temporary uses.*

a. *Permitted uses.*

1. *Temporary events.* Temporary uses, such as circuses, carnivals, fairs, and religious events in a temporary structure, and similar types of events, shall be allowed in all nonresidential zoning districts in accordance with the other standards set forth in this section.

2. *Temporary sales.* Temporary sales structures or areas (i.e., Christmas tree sales) are permitted in all nonresidential zoning districts in accordance with the other standards set forth in this section.
- b. *Temporary uses with specific requirements.*
1. *Contractor's office and equipment storage sheds.* A contractor's office and/or equipment storage shed(s) may be placed temporarily on the site of construction of a development for which a land development permit or preliminary subdivision plat approval has been issued. Such structures shall be allowed in all zoning districts. Placement of such temporary use is limited to a period of time determined by an estimated project completion date, with the option of an extension of up to one (1) year, as and if approved by the planning department. All temporary construction buildings and trailers shall be completely removed from the site within thirty (30) days of issuance of a certificate of zoning compliance or completion of the project, whichever comes first.
 2. *Real estate office in a construction trailer or temporary modular unit.* One (1) temporary structure, such as a construction trailer or temporary modular unit, may be used as a real estate sales office in any new construction project. Such structure shall be allowed in all zoning districts. Temporary real estate offices in construction trailers or temporary modular units may remain on the site for no more than twelve (12) months or until one-half (½) of the units for the project are completed, whichever occurs first.
 3. *Real estate offices in model home.* A model dwelling may be used as a real estate sales office in a new residential development. Such temporary use shall be allowed in all zoning districts. Temporary real estate offices in model homes may be permitted until ninety percent (90%) of the homes in the development have been sold. The number of employees utilizing the office at any one time may not exceed four (4).
- c. *Similar and compatible uses not specified.* If a particular temporary use is listed in this chapter, the zoning administrator shall have the authority to grant a temporary use permit for a "similar and compatible" use. Similar and compatible uses not specified are those uses that are similar and compatible to those

allowed as temporary uses in this section. Determination of what constitutes similar and compatible shall be made by the zoning administrator looking at the type of use, the number of employees, the parking/circulation needs, the hours of operation, etc.

(b) *Accessory uses and structures (customary).*

(1) *General standards and limitations.*

a. *General standards.* All customary accessory uses and accessory structures shall conform to the applicable requirements of this chapter. The provisions of this subsection establish additional requirements and restrictions for these uses and structures. Except as otherwise provided in this chapter, any accessory use or accessory structure shall be treated as a permitted use in the zoning district in which it is located.

b. *Yard requirements.*

1. *Front yard requirements.* Except as otherwise provided in this section, an accessory structure or use shall not be located in front of the building line of the principal structure.

2. *Side yard requirements.* Accessory uses and structures may be permitted in side yards, provided that their placement shall not exceed the minimum side yard requirement of that district.

3. *Rear yard requirement.* Accessory uses and structures may be permitted in rear yards, provided that they are located not less than ten (10) feet from any property line.

c. *Height restrictions.* Accessory structures shall not exceed the height limitations of the district in which they are located, unless otherwise exempted.

d. *Size restrictions.*

1. Accessory structures in residential districts shall not exceed a maximum total area of fifty percent (50%) of the gross floor area of the principal building or one thousand two hundred (1,200) square feet, whichever is greater, and shall not cover more than thirty percent (30%) of the yard. Provided, however, accessory structures on lots that are two (2) acres in size or greater in the RU Rural district shall not exceed a maximum total area of fifty percent (50%) of the gross floor

area of the principal building or twenty five hundred (2,500) square feet. (Ord. 027-11HR; 5-17-11)

2. There are no size restrictions for accessory structures that are associated with agricultural uses in the RU district, provided that the lot size is greater than two (2) acres and that a one hundred (100) foot setback is maintained from all property lines. (Ord. 027-11HR; 5-17-11)

Sec. 26-186. Development with Open Space Design Standards.
(Ord. 045-13HR; 9-10-13)

- (a) *Purpose.* The purpose of this section is to provide optional standards that will preserve land for conservation by permitting variation in lot sizes. Subdivision of land into varying lot sizes provides home buyers a choice of lot sizes according to their needs, while at the same time preserving open space, tree cover, scenic vistas, natural drainage ways, and natural topography. Such measures prevent soil erosion and flooding by allowing development to occur according to the nature of the terrain, provide larger open areas with greater utility for recreation and a “sense of community”, and encourage the development of more attractive and economical site design. (Ord. 045-13HR; 9-10-13)

Incorporating open space into development has numerous environmental, conservation and community benefits, including the following:

- (1) Preserves green space.
- (2) Provides open space for recreation.
- (3) Reduces the impervious cover in a development. Impervious cover contributes to degradation of water resources by increasing the volume of surface runoff, degrading water quality by preventing infiltration into the soil surface.
- (4) Reduces stormwater pollutant loads to streams, receiving streams and other resources. Protects and enhances stream and other resources.
- (5) Reduces soil erosion and sediment delivery by reducing the amount of clearing and grading on the site while increasing overall infiltration.
- (6) Reduces the cost of stormwater management by minimizing the area contributing to runoff and reducing runoff volumes and stormwater contaminants.
- (7) Provides air quality benefits and reduces “heat island” impacts.
- (8) Reduces the capital and long-run maintenance costs of development.
- (9) Provides a wider range of feasible sites to locate stormwater best management practices (BMPs).
- (10) Reduces the cost and improves the efficiency of public services needed by the development.

- (11) Protects urban wildlife habitat, with a focus for corridors which provide important habitat linkages.
- (12) Creates a sense of community and pedestrian connectivity.

This optional section implements procedures to allow for development, while preserving the natural attributes of the land and providing open space. This section also encourages designing developments with open space design to maximize larger, contiguous unconstrained open space areas [see subsection (g) (2), below], especially areas adjacent to constrained open space areas [see subsection (g) (1), below], and minimize smaller, isolated areas to better achieve the benefits described in this subsection.

Conservation analysis shall take place to plan open space developments. Applicants must prepare a Natural Resource Inventory in accordance with Sec. 26-222(g).

- (b) *Applicability.* The owner, or his/her authorized agent, of property within an RU, RR, RS-E, RS-LD, RS-MD, RS-HD zoning district may apply the development standards found within this section, in lieu of the development standards set forth for the applicable zoning district, subject to meeting the requirements of this section. (Ord. 045-13HR; 9-10-13)
- (c) *Application.* A property owner, or his/her authorized agent, desiring to use the development standards of this section must first submit an application to the Planning Department and must meet the following requirements: (Ord. 045-13HR; 9-10-13)
 - (1) The minimum parcel size shall be two acres;
 - (2) The application shall be accompanied by a Natural Resource Inventory, as identified in Section 26-222(g), and a Concept Plan as required in this section;
 - (3) The property must utilize a public sanitary sewer and public water or IOU (Investor Owned Utility) regulated water or sewer system.
- (d) *Concept Plan.* At time of the development application, a Concept Plan shall be submitted by the developer for review and approval in accordance with the requirements and procedures of this chapter. A Concept Plan shall consist of either a site plan or sketch plan, including the following information: (Ord. 045-13HR; 9-10-13)
 - (1) Delineation and specifications of all open space areas and any “Neighborhood Green,” community garden, play areas or trail systems to be constructed. Information of open space areas should include size and

type and be shown on the plan and listed in a tabular format (see example).

Constrained Open Space – 8.9 acres		Unconstrained Open Space – 15.7 acres	
Subtype	Acreage	Subtype	Acreage
Floodplain	3.6	Native Forest	10.5
Stream Buffer	2.4	Rock Outcroppings	2.2
Slopes greater than 25%	2.9	Neighborhood Greens	3

- (2) A typical detail on the plan indicating building setback lines, street trees, sidewalks and street pavement and right-off-way width.
- (e) *Review.* The use of these development standards in accordance with subsection (c) and (d) above shall follow the permitting procedures outlined in Sections 26-53 and 26-54. (Ord. 045-13HR; 9-10-13)
- (f) *Open Space Requirements.* Open space set aside is required in all open space developments and shall consist of any of the following categories of land: (Ord. 045-13HR; 9-10-13)
 - (1) “Constrained Open Space” is land that shall be covered by the provisions for permanent protection, per subsection (h), below, and includes the following:
 - a. Floodways and 100-year floodplains, in lieu of exceptions defined in Section 26-106,
 - b. Jurisdictional lines and associated buffer zones per Section 26-187,
 - c. Highly erodible soils on steep slopes of 25% or greater, including water quality buffers per Section 26-187(g), except minimal changes may be allowed for necessary access or impacts (wetlands, jurisdictional or non-jurisdictional) of less than a quarter (1/4) acre,
 - d. Federal and state listed rare, endangered or threatened species/habitats,
 - e. Archeological features eligible for or listed in the national Register of Historic Places,
 - f. Human cemeteries or burial grounds, and

(4) “Recreational Open Space” includes pervious recreational areas.

(g) *Open space design standards.* (Ord. 045-13HR; 9-10-13)

(1) To use these standards, one of the following alternatives must be utilized, as appropriate for the applicable zoning district:

a. To utilize the density-based zoning and flexibility in lot size, in all allowable zoning districts per subsection (b), above, all constrained open space on a site must be set aside, plus a minimum of ten percent (10%) unconstrained open space, for a total actual acreage set aside of fifteen percent (15%). Open space set asides between fifteen percent (15%) and twenty-five percent (25%) are based on a 1:1 ratio open space area to actual area. Open space credits, as determined by the “Unconstrained Open Space Credit Calculations” table in Section 26-186 (h) (1) b. 2., cannot be utilized to meet the open space requirements under this alternative.

If the constrained open space meets the twenty-five percent (25%) minimum, then no additional unconstrained open space is required.

b. To utilize a density bonus over the base density, allowable only in RU, RR, RS-E and RS-LD, a minimum of twenty-five percent (25%) open space credits are required, which includes a minimum of ten percent (10%) unconstrained open space credits, calculated using the “Unconstrained Open Space Credit Calculations” table below. Constrained open space areas are based on a 1:1 ratio of open space area to actual acreage.

1. A five percent (5%) density bonus is awarded for twenty-five percent (25%) open space credits, under this alternative. Then, one percent (1%) density bonus for every additional one percent (1%) of open space credits, up to a maximum density bonus of twenty percent (20%) for RU, RR and RS-E and fifteen percent (15%) for RS-LD zoning districts.

2. Open Space will be credited based upon the following:

i. Constrained open space shall be credited at one hundred percent (100%) of the land area.

ii. Restored open space shall be credited at two hundred percent (200%) of the land area; except where exceptions apply per subsection (f)(3), above.

- iii. Recreational open space shall be credited at fifty percent (50%) of the land area.
- iv. Unconstrained open space shall be credited based on the following table titled “Unconstrained Open Space Credit Calculations”.

“Unconstrained Open Space Credit Calculations”

Unconstrained Open Space Category	Credit Calculation with Multiplier
Natural Resource Factors	
Water Quality Buffer Extension (1)	Total Additional Buffer Area* 1.75
Water Quality Buffer Extension (303d listed water) (1)	Total Additional Buffer Area* 2.0
Upstream Headwater Protection (2)	Total Headwater Area* 2.0
Steep Slopes – Erosive Soils	
(Average $\geq 15\% \leq 20\%$)	
B Hydrologic Group	Total Steep Slope Area* 1.25
C Hydrologic Group	Total Steep Slope Area* 1.5
(Average $\geq 21\% \leq 25\%$)	
B Hydrologic Group	Total Steep Slope Area* 1.75
C Hydrologic Group	Total Steep Slope Area* 2.0
Native, Mixed Forests (0.5 acre minimum) (3)	
Clear Cut within last 2 years (Unmanaged)	Total Forest Area* 0.5
Clear Cut within last 2 years (Managed)	Total Forest Area* 0.75
Clear Cut within 2 to 10 years (Unmanaged)	Total Forest Area* 0.75
Clear Cut within 2 to 10 years (Managed)	Total Forest Area* 1.0
Clear Cut within 10 to 20 years (Unmanaged)	Total Forest Area* 1.25
Clear Cut within 10 to 20 years (Managed)	Total Forest Area* 1.5
Forest older than 20 years (Unmanaged)	Total Forest Area* 1.75
Forest older than 20 years (Managed)	Total Forest Area* 2.0
Pine, Monoculture Forests (0.5 acre minimum)	
Clear Cut within last 2 to 10 years (Unmanaged)	Total Forest Area* 0.5
Clear Cut within last 2 to 10 years (Managed)	Total Forest Area* 0.75
Clear Cut within last 10 to 20 years (Unmanaged)	Total Forest Area* 1.0
Clear Cut within last 10 to 20 years (Managed)	Total Forest Area* 1.25
Forest older than 20 years (Unmanaged)	Total Forest Area* 1.75
Forest older than 20 years (Managed)	Total Forest Area* 2.0
Protective Area of Groupings of Grand Trees (4)	Area* Percentage of All Grand Trees Protected* 1.75
Prime Agricultural Soils (0.5 acre minimum)	Total Prime Agricultural Soil Area* 1.5
Important Historic Sites/Structures not considered constrained	Total Historic Site Area* 1.5
Scenic Viewsheds (5)	Total Parcel Viewshed Area Protected* 1.0

Rock Outcrops	Total Rock Outcrop Area* 1.0
Pasture or Meadow (Unmanaged)	Total Area* 0.75
Pasture or Meadow (Managed)	Total Area* 1.25
Engineered Factors	
LID Practice (6)	
Green/Permeable Pavement (only in open space)	LID Practice Area* 1.5
Infiltration Bio-retention	LID Practice Area* 2.0
Neighborhood Greens	Neighborhood Green Area* 1.0
Trails	Trail Area* 1.25
Wet Stormwater Detention Ponds serving as an amenity (Managed)	Total Area* 0.5
Notes:	
(1) Not to exceed a total width of 300 feet, including the Constrained Water Quality Buffer. Must be within the stream watershed area.	
(2) Drainage area upstream of the jurisdictional line	
(3) Clear cut date based on best available data and estimated age of trees. To determine whether a forest, meadow, or pasture is managed, the applicant must provide proof to the Planning Department consistent with the Richland County Open Space Management Manual.	
(4) Cluster area = critical root zone; percent of all grand trees on the site.	
(5) Viewshed area = area on the parcel where the view is visible.	

(2) Unconstrained open space areas may only be credited once per the calculations in this section. When an unconstrained open space area qualifies in two categories, it shall be credited as follows:

- a. Where both categories have a factor of 1.0 or greater, the greater credit shall be applied.
- b. If one of the two categories has a factor of less than 1.0, the lesser credit shall be applied.

(3) The following activities or land uses may not be counted as a part of designated open space:

- a. Existing rights-of-way and utility easements
- b. Setbacks and lawns
- c. Dry stormwater detention ponds

(h) *Open Space Management.* (Ord. 045-13HR; 9-10-13)

(1) *Open Space Areas.* To maintain, enhance and sustain the environmental, conservation, wildlife, recreational, historic, public and community values and benefits of open space areas, property owners or his/her authorized agents using the provisions of this Section must develop an Open Space

Management Plan. The Plan shall include guidance on how to best manage open space areas in their current condition, increase conservation values through enhancement of existing conditions or establish processes to modify open spaces to other intended open space functions and resultant conservation values and benefits. The plan shall incorporate approved and current best management practices (BMPs) for all constrained and unconstrained open space areas as set forth in the Richland County Open Space Management Manual.

The Open Space Management Plan must be approved by the Planning Department prior to approval of the Final Plat.

- a. *Open Space Area Management and Maintenance.* Management of the open space area includes specific limitations on alteration of the natural conditions. The following practices and activities are restricted within open space areas, except with prior approval by the Planning Department:
 1. Clearing or grubbing of existing vegetation,
 2. Clear cutting of vegetation,
 3. Soil disturbance by grading, stripping, or other practices,
 4. Filling or dumping,
 5. Use, storage, or application of pesticides, herbicides, and fertilizers,
 6. Conversion of vegetation from native to exotic species, and
 7. Motor vehicles are not permitted in open space areas unless during the installation of certain permitted utilities.
- b. The following structures, practices, and activities are permitted in open space areas, subject to prior approval from the County, and when specific design or maintenance features are adhered to:
 1. All activities within water quality buffers located within open space areas shall be consistent with Section 26-187.
 2. Pedestrian crossings, public or neighborhood bicycle or pedestrian access, passive recreational amenities, such as pervious-surface paths and minimum green infrastructure parking spaces, stream bank stabilization efforts and LID stormwater control practices.

3. Utilities are allowed; however, utility easements shall not qualify as open space areas.
- (2) *Open Space Area Plat Requirements.* All preliminary, bonded and final plats prepared for recording and all right-of way-plats (submitted under this Section) shall clearly:
- a. Delineate and label all open space areas,
 - b. Provide a note to state: “There shall be no clearing, grading, disturbance or construction or construction runoff impacts to the open space areas except as allowed by the Public Works Department”,
 - c. Provide a note to state: “All open space areas shown on the plat are subject to perpetual conservation easements which are contained in land records or covenants pertaining to the development”,
 - d. Provide a note indicating ownership of the open space areas by the property owners association, and
 - e. Show the location of all permanent open space boundary marker signs.
 - f. All water quality buffer access easements shall be consistent with Section 26-187.
- (3) *Open Space Area Protection Requirements during Construction.* The following steps shall be taken during the site plan development and site construction process to protect existing open space areas:
- a. Open space areas must be clearly identified on all plan submittals and construction drawings and marked with the statement “Open Space Area. Do Not Disturb or Encroach”.
 - b. Open space areas cannot be encroached upon or disturbed at any time, unless in accordance with Section 26-187 (c), Section 26-187 (k) or without approval from the County.
 - c. Open space areas must be clearly marked with a warning barrier prior to any construction activities. The marking(s) shall be maintained until completion of all construction activities. All contractors and others working on the construction site must be

made aware of the existence of the open space areas and the restrictions on disturbing these areas.

- d. All open space areas must be left in the existing condition upon completion of construction activities. Should any activities during construction, including encroachment, cause damage or degradation to any of the open space areas, these areas must be restored based upon pre-existing conditions or to conditions acceptable through a Richland County-approved restoration plan.
- e. If any trees are allowed to be removed, the tree location shall be shown and a note shall be provided stating that the tree must be hand cleared.
- f. Where stormwater is concentrated into open space areas, best management practices must be placed to protect it, as approved by the County.
- g. The open space areas shall be shown and labeled on the engineering plans, preliminary, bonded and final plat.

(4) *Open Space Area Protection Requirements after Construction.* Open space areas must be protected in perpetuity by either of the following options and be in compliance with the Open Space Management Plan:

- a. Option 1. *Previous Granting to Qualified Organization or Entity.* Any proposed open space area found in this section and having previously been granted in a conservation easement running in perpetuity to a third party “qualified organization” recognized by Federal Treasury Regulation Section 1.170A-14(c)(1), or successor provision, may qualify as open space area under this section with certain exceptions. The owner must submit a copy of the recorded easement, baseline assessment and annual monitoring inspections for the previous three years to the Planning Department for review. Based on a review of the information, the Department will determine if the proposed open space areas and permitted uses protected in the easement qualify under this section.

Potential exceptions include, but are not limited to, active timberlands or areas of the easement on which the conservation values have been damaged by poor cutting and harvesting practices (conflicting with current BMP’s), encroachment by development, illegal dumping, above or below-ground utility easements, runoff and erosion, fires, storms, insect infestation or other damaging activity which has or continues to diminish the conservation value of the open space area. Failure of the monitoring organization to

adequately enforce the provisions of the conservation easement shall be grounds for refusing to accept such easement into the program.

The Property Owner or Property Owners' Association (POA) shall be responsible for the continuous and perpetual protection, management, maintenance and annual monitoring of all open space areas.

- b. *Option 2. Easement Granted to Richland County.* Any proposed open space area found in this section may be granted in a conservation easement running in perpetuity to the Richland County Conservation Commission at the time of application for an Open Space development. The purpose of the granting to the Richland County Conservation Commission is to ensure the protection and proper management of the open space areas and has no impact or bearing on the acceptance of any open space areas or approval under this section by Richland County.

The property owner or POA (once deeded) agrees to pay a one-time stewardship fee, to be established by the Richland Conservation Commission, to cover the cost of annual monitoring, compliance and enforcement of the conservation easement.

The property owner or POA assumes the responsibility for the continuous and perpetual protection, management, and maintenance of all open space areas consistent with the guidance contained in the Richland County Open Space Management Manual.

- c. *Option 3. Conveyance to the Property Owners' Association.* If not utilizing Option 1 or 2 of this subsection, the property owner shall convey ownership in a deed all open space areas in fee-simple to the POA which shall be recorded and delivered prior to, or concurrent with, the recording of the Bonded Plat for the first phase of the subdivision. To meet the purposes of this section, the deed and covenants of the POA shall contain the following language:

“The conservation values and benefits of the areas conveyed by deed and shown on the Final Plat shall remain permanently protected and shall not be disturbed, or modified without prior approval from the Planning Department. The open space areas identified in this covenant are intended for public benefit, but for association members use, and it shall run in perpetuity.”

The POA may establish criteria for public use of open space areas protected under this section. The POA assumes the responsibility for the continuous and perpetual protection, management, maintenance and annual monitoring of all open space areas consistent with the guidance contained in the Richland County Open Space Management Manual.

- d. Option 4. *Retention by the Property Owner.* If not utilizing the Options above in this subsection, the property owner shall retain ownership of all open space areas, which shall be recorded and delivered prior to, or concurrent with, the recording of the Bonded Plat for the first phase of the subdivision. To meet the purposes of this section, the deed shall contain the following language:

“The conservation values and benefits of the areas covered base by deed and shown on the Final Plat shall remain permanently protected and shall not be disturbed, or modified without prior approval from the Planning Department. The open space areas identified in this covenant are intended for public benefit, but for residents use, and it shall run in perpetuity.”

The property owner may establish criteria for public use of open space areas protected under this section. The property owner assumes the responsibility for the continuous and perpetual protection, management, maintenance and annual monitoring of all open space areas consistent with the guidance contained in the Richland County Open Space Management Manual.

- e. Regardless of which option above is utilized, conservation easements and/or open space areas are the property of the property owner or POA. If a POA is established to manage open space areas, the following criteria are recommended:
1. Membership in the POA is mandatory and automatic for all property owners for the subdivision and their successors;
 2. The POA shall have lien authority to ensure the collection of dues from all members; and
 3. The POA is responsible for informing each property owner at the time of closing of the location of the open space areas and the requirement not to disturb or encroach upon these areas.

- f. Richland County retains an independent right of entry and enforcement under such conservation easements independent of the property owner or POA and such right of enforcement shall be included in all conservation easements granted under this section and contained in the covenants for the subdivision.
- (5) *Open Space Baseline Surveys and Annual Monitoring.* To quantify the pre-construction condition and conservation values of the open space areas, the developer shall:
- a. Conduct a baseline survey by the applicant prior to any earth-moving, tree clearing, infrastructure installation or home construction. The baseline survey shall photo-document the condition of the open space areas prior to the above activities. Photos must be of adequate quality, number and distribution to adequately document all open space areas. Each photograph should be geocoded to indicate both the location and bearing of the photograph and each digital photographic file must be submitted electronically in a high-resolution digital format.
 - b. Annual monitoring shall be conducted by the developer, POA or qualified entity and document the existing condition of the protected open space area. The annual monitoring shall photo-document the condition of the open space areas. Photos must be taken at the same location and bearing as the original baseline survey. Each photograph should be geocoded to indicate both the location and bearing of the photograph and each digital photographic file must be submitted electronically in a high-resolution digital format.

As an alternative, the POA can retain the services of a qualified entity (which could include Richland County) to perform the annual monitoring survey.

The annual monitoring should document any violations or changes that have taken place since the last monitoring report, such as:

1. Homeowner or POA encroachment,
2. Removal of sand, gravel, loam, rock, etc,
3. Trash accumulation, dumping, organic debris,
4. Alteration of the open space,

5. Storm damage, erosion, etc,
 6. Construction of roads, parking lots, utility lines, trails,
 7. Removal or planting of trees or other vegetation,
 8. Invasion of non-native species, and/or
 9. Current use of adjacent properties and whether there are any problems with encroachment and/or trespassing.
- c. All baseline surveys and annual monitoring documents shall be submitted to the Planning Department.

(6) *Signage.* For subdivisions, final permanent open space area boundary marker signs are to designate open space areas prior to bonding of the subdivision and/or finalizing the subdivision with the intent to transfer property. Permanent boundary markers are required to ensure that property owners are aware of the buffer. The Planning Department has the authority to require the POA to replace boundary markers that have been removed or destroyed.

The following requirements shall apply to buffer boundary markers:

- a. Open space area boundary markers shall be located in such a manner as to accurately delineate the boundary. For commercial developments, markers shall be posted every one hundred (100) feet along the buffer boundary. For subdivisions where multiple lots are located along the boundary, a boundary marker must be located at the intersection of every other lot line and the boundary. The developer or POA may petition the Planning Department for a lesser marker density as long as the markers are adequate to clearly mark the boundary.
- b. Open space area boundary markers shall include the statement “Open Space Area – Do Not Disturb or Encroach”.
- c. The markers should be mounted to a treated wood or metal signpost or on a non-grand tree, if not encroaching on the open space, between four (4) and six (6) feet above the ground surface. The post must extend below the ground surface at least twenty four (24) inches.
- d. The boundary markers must be at least eight by twelve inches (8”x12”) and have a white or yellow background with dark lettering.
- e. When water quality buffers are contained within an open space

area, the Public Works Department may forgo boundary markers for the water quality buffer. This decision is at the discretion of the Public Works Director.

- f. In dark lettering, include a number for Ombudsman to call for encroachment or issues.

(7) *Open Space Area Restoration and Enhancement Plans.* Prior to reestablishing or planting the open space area, a restoration or enhancement plan must be submitted to and approved by the Planning Department. Buffer restoration and/or enhancement plans must include the following:

- a. A drawing or plan that shows the location of the open space area in relation to the existing or planned development; the disturbance limits for the planned buffer restoration; direction of flow of runoff from the area; erosion prevention and sediment control measures to be installed to protect the open space area; access to a water source for the purposes of irrigating vegetation; and other pertinent information. For large scale restoration and enhancement projects the plan(s) must be stamped by a registered landscape architect or engineer.
- b. A visual plan and a narrative describing the vegetation plan to restore or enhance the open space area: the area must be planted with native trees, grasses and shrubs. Suitable native plants can be chosen from plant species recommended and approved by the Planning Department.
- c. The schedule for when plantings will occur and a two (2) year survival guarantee provided by the responsible party.

(8) *Penalty for noncompliance.* In the event that the party responsible for maintenance of the open space fails to maintain all or any portion of such area as enumerated, upon ninety (90) days' notice served to the owner, Richland County may assume responsibility for the maintenance and may enter the premises and take corrective action, including the provision of extended maintenance. The costs of said corrective action and maintenance by Richland County may be charged to the owner or property owners' association.

(i) *Development Requirements.* Subdivisions shall meet the following requirements: (Ord. 045-13HR; 9-10-13)

- (1) Minimum Subdivision Size: Two (2) contiguous acres.

(2) The following densities will apply to the application of these standards, based on the applicable property zoning:

- a. RU = 1.32
- b. RR = 1.32
- c. RS-E = 2.20
- d. RS-LD = 3.63
- e. RS-MD = 5.12
- f. RS-HD = 8.7

(3) The total number of units allowed shall be determined by using the density of the zoning district and the following formula:

$$T = D * A * B$$

Where:

T = total units (dwelling units)

D = density (dwelling units/gross acre)

A = total site area (acres)

B = density bonus per Section 26-186(g) (percent)

- (4) Lot Size: No minimum.
- (5) Lot Width: No minimum.
- (6) Minimum Yard Areas (Setbacks):

a. Front:

For front loaded – 20 feet to garage, where the front porch can extend into setback no more than 10 feet.

For Side or Rear loaded – 10 feet, inclusive of front porch.

For secondary front – half (0.5) the front or 10 feet on the road intersecting the local residential road.

b. Rear: 20 feet for front loaded lots (or 5 feet from rear garage on alley).

c. Side: 5 feet.

- d. For a zero “lot line” parallel development:

No side setbacks; front and rear setbacks are as stated in paragraphs (6) a. and (6) b., above.
- (7) Buffer Transition Yards: A twenty five foot (25’) minimum, vegetated buffer transition yard is required along any lot line that abuts an existing residential use. Properties with a residential plan approved by the Planning Department are considered to have an existing residential use. Provided, however, this requirement does not apply when continuity exists by way of all of the following: the streets provide connectivity between developments, the developer is the same, and the parcels within the development are similar in lot size.
 - a. *Location:* As set forth in Sections 26-176(f)(2)(a) and (b). Residential yards (front, side or rear) shall not apply towards buffer transition yards.
 - b. *Buffer yard credits:* All existing healthy, mature trees retained in buffer areas, can be credited toward meeting the buffer yard requirements, upon determination that adequate screening is provided. This may require a field visit and determination by the Planning Department.
 - c. *Buffer yard reductions:* Reductions of the minimum transition buffer yard widths are not permitted.
 - d. *Buffer material specifications:* As set forth in Section 26-176(f)(7).
- (8) Maximum Height: Three (3) stories above ground level. (For the purpose of this subparagraph, “ground level” shall mean: the average finished ground elevation at the base of a 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 that are placed above roof level and are not intended for human occupancy, shall not be subject to height limitations).
- (9) Street trees shall be provided along all roads at intervals of thirty-five (35) feet and shall be 2½ inch caliper/10 feet in height at time of planting.
- (10) Proposed utilities shall be located underground.
- (11) Roads shall follow the provisions of Section 26-181.

- (12) Street Lighting - if street lighting is proposed, a pedestrian scale shall be utilized (maximum 12 feet in height).
- (13) Stormwater Controls: Low Impact Development (LID) techniques are the preferred stormwater Best Management Practice (BMPs) within open space developments. In order to use LID as open space credit, the applicant must assess the feasibility of LID practices as the exclusive stormwater BMPs or the use of LID techniques as part of an integrated stormwater management system incorporating traditional stormwater BMPs unless shown to not meet Richland County's stormwater standards, or pertinent State or Federal statutes or regulations. The applicant must submit data and design standards detailing the engineering and technical specifications on the use of LID techniques. Such data and design include:
 - a. An assessment of the existing pre and post development runoff and the feasibility of the existing onsite soils, or engineered soils, to handle LID techniques.
 - b. Stormwater controls shall meet Richland County's standards.
 - c. All stormwater systems, including LID, should be owned and maintained by the POA.

Sec. 26-187. Water Quality Buffer Requirements.

(Ord. 006-10HR; 1-19-10)

- (a) *Purpose and applicability.* It is the intent of the Public Works Department to establish minimal acceptable requirements for the design of buffers to protect the streams, wetlands and floodplains of the County of Richland; to protect the water quality of watercourses, reservoirs, lakes, and other significant water resources; to protect riparian and aquatic ecosystems; and to provide for the environmentally sound use of the county's land resources. (Ord. 006-10HR; 1-19-10)
- (1) *Purpose.* A water quality buffer is an area of original or re-established vegetation that borders streams, rivers, ponds, lakes, wetlands, and seeps. Buffers are most effective when stormwater runoff is flowing into and through the buffer zone as shallow sheet flow, rather than concentrated flow such as channels, gullies, or wet weather conveyances. Therefore, it is critical that design of all development include management practices, to the maximum extent practical, that will result in stormwater runoff flowing into the buffer zone as shallow sheet flow. Water quality buffers provide numerous environmental protection and resource management benefits including: (Ord. 006-10HR; 1-19-10)
- a. Restoring and maintaining the chemical, physical and biological integrity of the water resources,
 - b. Removing pollutants delivered in urban stormwater,
 - c. Reducing erosion and controlling sedimentation,
 - d. Stabilizing stream banks,
 - e. Providing infiltration of stormwater runoff,
 - f. Maintaining base flow of streams,
 - g. Contributing the organic matter that is a source of food and energy for the aquatic ecosystem,
 - h. Providing tree canopy to shade streams and promote desirable aquatic organisms,
 - i. Providing riparian wildlife habitat, and
 - j. Furnishing scenic value and recreational opportunity.
- (2) *Applicability.* Water quality buffers are required along all perennial and intermittent streams, waterways, shorelines and wetlands according to a

USACE jurisdictional determination, to be submitted from the developer and approved by the Public Works Department. In addition, water quality buffers may be required to protect waters (such as isolated wetlands) pursuant to the S.C. Pollution Control Act, as determined by the Public Works Department. (Ord. 006-10HR; 1-19-10)

(3) *This Section shall apply to the following:* (Ord. 006-10HR; 1-19-10)

- a. All proposed development except for that development which meets the criteria for an exemption [Section 26-187 (b)] and/or a waiver [Section 26-187 (k)].
- b. All surface mining operations except active surface mining operations which are operating in compliance with an approved DHEC surface mining permit. A copy of the approved surface mining permit shall be provided to the Public Works Department.
- c. The construction of agricultural structures as stated in this chapter.
- d. Except as provided in Sections 26-187 (b), and 26-187 (k), this shall apply to all parcels of land, structures and activities which are causing or contributing to:
 1. Pollution, including non-point pollution, of the waters of Richland County,
 2. Erosion or sedimentation of stream channels, or
 3. Degradation of aquatic or riparian habitat.

(b) *Exemptions.* The water quality buffer requirements shall not apply to the following: (Ord. 006-10HR; 1-19-10)

- (1) Ephemeral streams, ditches, manmade ponds, and lakes, which are outside of natural hydrologic connectivity.
- (2) Any existing structure or structure under construction located within the buffer area, provided the land owner can document prior existence.
- (3) The addition or expansion to an existing structure, provided it does not result in an increase in the total impervious area within the buffer area.
- (4) Activities associated with emergency operations, such as hazardous materials removal, flood or fire control, evacuations, and storm damage clean up.

- (5) Single-family parcels of land, which exist as individual lots that are two (2) acres or less and are not part of a new subdivision development.
- (6) All “Entitled Property”; provided, however, this exemption shall no longer be in effect after January 19, 2017. In addition, all entitled property shall comply with the stormwater regulations that were in effect prior to January 19, 2010.

If any portion of a parcel proposed for development lies within an area designated on an officially adopted Conservation Easement as a proposed trail or greenway, the developer shall construct the designated improvements in accordance with county standards and dedicate such land to the county.

(c) *Stream Buffers.* (Ord. 006-10HR; 1-19-10)

- (1) Stream buffers shall be considered a “no disturb zone” along jurisdictional lines. Vegetation cannot be disturbed, removed or replanted unless a buffer restoration plan has been approved by the Public Works Department. Section 26-187 (g) provides requirements to expand the buffer widths depending on slopes, water pollution hazards, or other uses that may contribute to water quality degradation. The buffer width shall be calculated as follows: (Ord. 006-10HR; 1-19-10)
 - a. Along jurisdictional perennial streams identified by the USACE, not associated with a floodplain or wetlands, the buffer shall be at least fifty (50) feet perpendicular from the jurisdictional line on each side of the waterway.
 - b. In areas where a floodway profile has been computed along a perennial stream (AE Zones) as part of an approved flood study, the buffer area shall be equal to the width of the floodway, but never less than fifty (50) feet.
 - c. In areas where a floodway profile has not been computed along a perennial stream (A Zones) the developer shall perform a flood study, determine the floodway and follow the buffer requirements outlined above. As an alternative to preparing the flood study, the buffer limits shall extend to the delineated flood plain limits.
 - d. Along jurisdictional intermittent streams identified by the USACE, the buffer shall be at least fifty (50) feet perpendicular from the jurisdictional line on each side of the waterway. If these streams have associated floodway as described above, the same requirements would apply to have a total width of fifty (50) feet.

- e. For delineated wetland areas associated with perennial streams, the buffer shall be at least fifty (50) feet. This buffer width is independent of any wetland offset requirements of the USACE.
 - f. For delineated wetland areas associated with intermittent streams, the buffer shall be at least fifty (50) feet. This buffer width is independent of any wetland offset requirements of the USACE.
 - g. For wetland areas not associated with perennial, intermittent streams, or floodway, the buffer shall be the extent of the wetland area plus an additional fifty (50) feet perpendicular beyond the wetland edge.
- (2) Stream Buffer Management and Maintenance. The function of the stream buffer is to protect the physical and ecological integrity of the waterway, to reduce flooding potential, and to filter runoff from all development. The objective of a stream buffer is undisturbed native vegetation. (Ord. 006-10HR; 1-19-10)
- a. Management of the stream buffer includes specific limitations on alteration of the natural conditions. The following practices and activities are restricted within stream buffers, except with prior approval by the Public Works Department:
 - 1. Clearing or grubbing of existing vegetation,
 - 2. Clear cutting of vegetation,
 - 3. Soil disturbance by grading, stripping, or other practices,
 - 4. Filling or dumping,
 - 5. Use, storage, or application of pesticides, herbicides, and fertilizers,
 - 6. Conversion of vegetation from native to exotic species.
 - 7. Motor vehicles are not permitted in stream buffers unless during the installation of certain utilities permitted in the buffer zone.
 - b. The following structures, practices, and activities are permitted in the stream buffer, subject to prior approval of the Public Works Department, and when specific design or maintenance features are adhered to: (Ord. 006-10HR; 1-19-10)
 - 1. Stream crossings and utilities:

- [a] An applicant shall demonstrate that stream crossings are minimized;
 - [b] The right of way should be the minimum width needed to allow for maintenance access and installation;
 - [c] The angle of a crossing shall be as nearly perpendicular to the stream or buffer as practical in order to minimize clearing requirements; and
 - [d] The minimum number of crossings should be used within each development, and no more than one crossing is allowed for every one thousand (1,000) linear feet of buffer zone unless the applicant demonstrates to the Public Works Department the need for additional crossings. Where possible, the design of roadways and lots within a development should be aligned such that all streams are either to the rear or the side of individual lots, never along the front.
- 2. Transportation right-of-ways, pedestrian crossings, public access, boat ramps, docks, fishing platforms, unpaved paths (i.e. trails and greenways), and stream bank stabilization efforts.
 - 3. Utilities are allowed; and shall be installed a minimum distance of twenty-five (25) feet measured perpendicular from the jurisdictional line within the buffer area.
- c. In order to maintain the functional value of the stream buffer, indigenous vegetation may be removed as follows: (Ord. 006-10HR; 1-19-10)
 - 1. Dead, diseased, or dying trees that are in danger of falling and causing damage to dwellings or other structures may be removed with approval from the Public Works Department;
 - 2. Debris in the buffer area that is caused by storm damage may be removed; and
 - 3. Invasive plant species may be removed if they are replaced by native species that are equally effective in retarding runoff, preventing erosion and filtering non-point source pollution from runoff. A buffer restoration plan for removal

of invasive species must be approved by the Public Works Department.

(d) *Shoreline Buffers*. (Ord. 006-10HR; 1-19-10)

- (1) Shoreline buffers shall be considered an area of managed vegetation adjacent to shorelines with hydrologic connectivity (stream leading into/out of the pond/lake or obvious spring input. The shoreline buffer width shall be fifty (50) feet perpendicular from the jurisdictional line. For ponds and lakes, the buffer shall be a minimum of fifty (50) feet from the jurisdictional line. (Ord. 006-10HR; 1-19-10)

For Lake Murray, the buffer shall be measured from the 360' elevation or current jurisdictional line as determined by USACE. (Ord. 006-10HR; 1-19-10)

- (2) **Shoreline Buffer Management and Maintenance.** The function of the shoreline buffer is to protect the physical and ecological integrity of the water body by providing a functional distance to reduce flooding potential, reduce erosion, sedimentation, and filter runoff between development and the water body. (Ord. 006-10HR; 1-19-10)

- a. Management of the shoreline buffer includes specific limitations on alteration of the natural conditions. The following structures, practices and activities are restricted in the shoreline buffer unless prior approval is granted by the Public Works Department:

1. Septic systems;
2. Permanent structures;
3. Impervious cover, with the exception of paths;
4. Soil disturbance by grading, stripping or other practice;
5. Filling or dumping;
6. Stormwater management facilities; and
7. Use, application, or storage of pesticides or herbicides except for the spot spraying of noxious weeds or other non-native species consistent with approved agency recommendations. (Richland County, South Carolina Forestry Commission, South Carolina Electric & Gas' Lake Management Department).

- b. The following structures, practices, or activities are permitted in the shoreline buffer, subject to the prior approval of the Public Works Department:
 1. Biking or hiking paths;
 2. Recreational uses as approved by the Public Works Department; and
 3. Limited tree or underbrush clearing with approval from the Public Works Department.

- (e) *Water Quality Buffer Plat Requirements.* All preliminary, bonded and final plats prepared for recording and all right-of way-plats shall clearly: (Ord. 006-10HR; 1-19-10)
 - (1) Show the extent of any stream or shoreline buffer on the subject property by metes and bounds;
 - (2) Label the stream and shoreline buffer;
 - (3) Provide a note to reference all buffers stating: “There shall be no clearing, grading, construction or disturbance of vegetation except as permitted by the Public Works Department”;
 - (4) Provide a note to reference any protective covenants governing all buffer areas stating: “Any buffer shown on the plat is subject to protective covenants which may be found in the land records and which restrict disturbance and use of these areas”;
 - (5) If the buffer area will not be part of an individual lot, then ownership must be stated by identifying who is the responsible party; and
 - (6) Provide the location of permanent boundary marker signs.

- (f) *Design Requirements.* (Ord. 006-10HR; 1-19-10)
 - (1) The buffer plan must be submitted in conjunction with the sediment and erosion control plan, SWPPP document, and all applicable calculations for a land disturbance permit. (Ord. 006-10HR; 1-19-10)
 - (2) It is recommended that the buffer be marked off with a warning barrier (orange safety fence) to show that no disturbance is allowed in the buffer area. (Ord. 006-10HR; 1-19-10)

- (3) The following steps shall be taken during the site plan development and site construction process to protect water quality buffers during construction: (Ord. 006-10HR; 1-19-10)
- a. Water quality buffers must be clearly identified on all stormwater management plans and construction drawings and marked with the statement “Water Quality Buffer. Do Not Disturb”.
 - b. Water quality buffers cannot be encroached upon or disturbed during project construction, unless in accordance with Section 26-187 (b), Section 26-187 (k) or unless they are being established, restored, or enhanced in accordance with an approved Buffer Enhancement Plan.
 - c. Water quality buffers must be clearly marked with a warning barrier before the preconstruction conference. The marking shall be maintained until completion of construction activities. All contractors and others working on the construction site must be made aware of the existence of the buffer(s) and the restrictions on disturbing the buffer(s).
 - d. All areas of the water quality buffer, including stream banks, must be left in the existing condition upon completion of construction activities. Should construction activities associated with development cause degradation to stream banks, all eroding, bare or unstable stream banks shall be restored to existing conditions.
 - e. If any trees are allowed to be removed, the tree location shall be shown and a note shall be provided stating that the tree must be hand cleared.
 - f. The locations of all signage must be clearly shown on plans.
 - g. A narrative stating the extent of the buffer areas, including any allowed disturbance in the buffer areas (this should be in the narrative as well as in the SWPPP document), must be included with the plans.
 - h. A double row of silt fence (with metal posts and wire backing) shall be shown on the upstream side of applicable buffer area(s) that are adjacent to a land disturbance.
 - i. The stream buffer shall be shown and labeled on the engineering plans, preliminary, bonded and final plat.

- j. If the stream buffers are dedicated to Richland County, placed in a conservation easement, or turned over to a Homeowners Association (HOA), the buffers shall be maintained in accordance with the maintenance and inspection requirements for permanent storm water management structures.
 - 1. If the buffer is dedicated to Richland County:
 - [a] All property lines shall terminate at the water quality buffer.
 - [b] Access easements shall be a minimum twenty (20) foot wide to allow maintenance of the buffer. Access points for these easements will be coordinated with storm drainage easements during the plan review process.
 - 2. If placed in a conservation easement or if the easement is held by a viable third party, such as a land trust, land management company, or utility, the organization shall:
 - [a] Have the legal authority to accept and maintain such easements;
 - [b] Be bona fide and in perpetual existence; and
 - [c] Have conveyance instruments that contain an appropriate provision for retransfer in the event the organization becomes unable to carry-out functions.
 - 3. If given to an HOA, the following criteria must be met:
 - [a] Membership in the HOA is mandatory and automatic for all homeowners for the subdivision and their successors;
 - [b] The HOA shall have lien authority to ensure the collection of dues from all members; and
 - [c] The HOA assumes the responsibility for protecting, monitoring and maintaining the area as an undisturbed natural area, in perpetuity.
- (4) Shoreline buffers shall be shown and labeled on the engineering plans. Shoreline buffers shall be maintained by the owner in accordance with the maintenance and inspection requirements for permanent storm water

management structures outlined in this chapter. Shoreline buffers may be deeded to Richland County, placed in a conservation easement, or given to the HOA as outlined in Section 26-187 (f) (3) j. (Ord. 006-10HR; 1-19-10)

- (g) *Water Quality Buffer Width Adjustments.* Adjustments to the buffer width shall be made for the following conditions: (Ord. 006-10HR; 1-19-10)
- (1) If streams are on a current 303d list or with an approved TMDL, the buffer area shall be increased to one hundred (100) feet. However, see also section 26-187 (g) (10) below. (Ord. 006-10HR; 1-19-10)
 - (2) If water bodies are on DHEC'S Outstanding National Resource Waters (ONRW) list, the buffer area shall be increased to one hundred (100) feet. However, see also section 26-187 (g) (10) below. (Ord. 006-10HR; 1-19-10)
 - (3) If there are fifteen percent (15%) to twenty-four percent (24%) slopes within the required buffer area, the buffer width must be adjusted to include an additional ten (10) feet. (Ord. 006-10HR; 1-19-10)
 - (4) If there are twenty-five percent (25%) or greater slopes within the required buffer area width, the buffer width must be adjusted to include an additional twenty-five (25) feet. (Ord. 006-10HR; 1-19-10)
 - (5) If the adjacent land use involves drain fields from on-site sewage disposal and treatment systems (i.e., septic systems), subsurface discharges from a wastewater treatment plant, or land application of bio-solids or animal waste, the buffer area width must be adjusted to include an additional twenty-five (25) feet. (Ord. 006-10HR; 1-19-10)
 - (6) If the land use or activity involves the storage of hazardous substances or petroleum facilities, the buffer area width must be adjusted to include an additional fifty (50) feet. However, see also section 26-187 (g) (10) below. (Ord. 006-10HR; 1-19-10)
 - (7) If the land use or activity involves raised septic systems or animal feedlot operations, the buffer area width must be adjusted to include an additional one hundred (100) feet. However, see also section 26-187 (g) (10) below. (Ord. 006-10HR; 1-19-10)
 - (8) If the land use or activity involves solid waste landfills or junkyards, the buffer area width must be adjusted to include an additional two-hundred (200) feet. However, see also section 26-187 (g) (10) below. (Ord. 006-10HR; 1-19-10)
 - (9) If all on-site stormwater runoff is captured and routed through a permanent water quality basin, and there is no sheet flow discharging into

the buffer, the buffer area may be reduced to twenty-five (25) feet. This is intended to apply in limited situations, such as small commercial developments. (Ord. 006-10HR; 1-19-10)

- (10) If the applicant satisfactorily demonstrates that there will be no degradation of the receiving water body by implementing the proposed storm water quality controls, then the established buffer may be reduced on a case by case basis upon approval by the Public Works Department. (Ord. 006-10HR; 1-19-10)
- (h) *Water Quality Buffer Averaging*. This subsection outlines the criteria for buffer averaging on new and redevelopment sites. Buffer averaging can be utilized to adjust the required buffer width, allowing some flexibility for site development. Using buffer averaging, the width of the buffer can be varied with the criteria stated below, as long as a minimum average width of fifty (50) feet from the jurisdictional line are maintained. (Ord. 006-10HR; 1-19-10)
 - (1) Requirements and policies. The following criteria must be met in order to utilize buffer averaging on a development site: (Ord. 006-10HR; 1-19-10)
 - a. Buffer averaging is required for water quality buffers that have stream crossings.
 - b. An overall average buffer width of fifty (50) feet, depending on the water quality buffer requirement, must be achieved within the boundaries of the property to be developed.
 - c. The average width must be calculated based upon the entire length of the stream bank or shoreline that is located within the boundaries of the property to be developed. When calculating the buffer length, the natural stream channel should be followed.
 - d. Stream buffer averaging shall be applied to each side of a stream independently. If the property being developed includes both sides of a stream, buffer averaging can be applied to both sides of the stream, but must be applied to both sides of the stream independently.
 - e. That portion of buffers in excess of one hundred (100) feet will not be credited toward the buffer averaging formula within the boundaries of the property to be developed. The total width of the buffer shall not be less than twenty-five (25) feet, or the width of the floodway at any location, except at approved stream crossings. Those areas of the buffer having a minimum width of twenty-five (25) feet (or less at approved stream crossings) can comprise no more than fifty percent (50%) of the buffer length.

- (2) Areas where buffer averaging is prohibited. Buffer width averaging is prohibited in developments that have, or will have after development, the land uses listed below: (Ord. 006-10HR; 1-19-10)
- a. Developments or facilities that include on-site sewage disposal and treatment systems (i.e., septic systems), raised septic systems, subsurface discharges from a wastewater treatment plant, or land application of bio-solids or animal waste;
 - b. Landfills (demolition landfills, permitted landfills, closed-in-place landfills);
 - c. Junkyards;
 - d. Commercial or industrial facilities that store and/or service motor vehicles;
 - e. Commercial greenhouses or landscape supply facilities;
 - f. Developments or facilities that have commercial or public pools;
 - g. Animal care facilities, kennels, and commercial/business developments or facilities that provide short-term or long-term care of animals;
 - h. Other land uses deemed by the Public Works Department to have the potential to generate higher than normal pollutant loadings.
- (i) *Signage.* For subdivisions, permanent boundary marker signs are required for stream buffers prior to bonding of the subdivision and/or finalizing the subdivision with the intent to transfer property. Permanent boundary markers are required to ensure that property owners are aware of the buffer. Permanent boundary markers are recommended, but not required, in shoreline buffers. The Public Works Department has the authority to require the person or entity responsible for permanent maintenance of the buffer to replace boundary markers that have been removed or destroyed. The following general requirements shall apply to buffer boundary markers: (Ord. 006-10HR; 1-19-10)
- (1) Generally, buffer boundary markers shall be located on the landward edge of the buffer, and at other locations which will approximately delineate the buffer boundary. For commercial developments, markers shall be posted every one hundred (100) feet along the buffer boundary. For subdivisions where multiple lots are located along the buffer, it is recommended that a buffer boundary marker be located at the intersection of every other lot line with the landward edge of the buffer. (Ord. 006-10HR; 1-19-10)

- (2) Buffer boundary markers shall include the statement “Water Quality Buffer – Do Not Disturb”. (Ord. 006-10HR; 1-19-10)
 - (3) Where possible, the markers should be mounted to a tree larger than three (3) inches in diameter. Where it is not possible to mount the marker to a tree, a treated wood or metal signpost must be used. The post must extend below the ground surface at least twenty four (24) inches. (Ord. 006-10HR; 1-19-10)
 - (4) The boundary markers must be mounted between four (4) and six (6) feet above the ground surface. (Ord. 006-10HR; 1-19-10)
 - (5) The boundary markers must be at least twelve by eighteen inches (12”x 18”). (Ord. 006-10HR; 1-19-10)
 - (6) Buffer boundary markers may be purchased from the Public Works Department or from another vendor. (Ord. 006-10HR; 1-19-10)
- (j) *Buffer Restoration and Enhancement Plans.* Buffer restoration is required when a buffer is disturbed without prior approval from the Public Works Department. A developer or property owner may also wish to enhance a buffer to bring it closer to an optimal, undisturbed native forest condition. Prior to reestablishing or planting the buffer, a restoration or enhancement plan must be submitted to and approved by the Public Works Department. Buffer restoration and/or enhancement plans must include the following: (Ord. 006-10HR; 1-19-10)
- (1) A drawing or plan that shows the location of the buffer in relation to the existing or planned development and to the buffered waterway; the disturbance limits for the planned buffer restoration; direction of flow of runoff from the site and flow within the water feature; erosion prevention and sediment control measures to be installed to protect the waterway; any existing or proposed stream crossings; existing or proposed stream bank stabilization measures; access to a water source for the purposes of watering vegetation; and other pertinent information. For large scale restoration and enhancement projects the plan(s) must be stamped by a registered landscape architect. (Ord. 006-10HR; 1-19-10)
 - (2) A visual plan and a narrative that describe the vegetation plan for the buffer: stream buffers must be planted with native trees, shrubs, and grasses that will not be mowed. Suitable native plants can be chosen from the recommended plant species, as listed in the “Stormwater Design Manual”. Species of plants other than those listed on the pre-approved list shall be approved by the Public Works Department prior to planting. (Ord. 006-10HR; 1-19-10)
 - (3) The schedule for when plantings will occur and a two (2) year survival guarantee provided by the responsible party. (Ord. 006-10HR; 1-19-10)

(k) *Waivers.* (Ord. 006-10HR; 1-19-10)

- (1) No waiver shall be granted to alter a buffer established pursuant to this section unless the Public Works Department (or the Planning Commission, in the event of an appeal) determines that a hardship exists and relief meets the general purpose and intent of this Section. Within Water Quality Protection Areas, no waiver shall be granted unless the applicant demonstrates that alternative protection measures can be provided that exceed the protection afforded by the established buffer. In no case will the buffer be reduced to less than twenty five (25) feet from the jurisdictional line. (Ord. 006-10HR; 1-19-10)
- (2) In granting a request for a waiver, the Public Works Department or Planning Commission may require site design, landscape planting, fencing, the placement of signs, and the establishment of water quality best management practices in order to reduce adverse impacts on water quality, streams, wetlands, and floodplains. (Ord. 006-10HR; 1-19-10)
- (3) Waiver requests shall only be considered if a request meets any of the criteria listed below. (Ord. 006-10HR; 1-19-10)
 - a. The project involves construction of:
 1. One single-family home for residential use by the owner of the property; and
 2. The property has an unusual shape or topography and there is no opportunity to develop under any reasonable design configuration.
 - b. The project involves the construction or repair of a structure which, by its nature, must be located within the buffer:
 1. Dams;
 2. Public water supply intakes;
 3. Waste water discharges;
 4. Docks, and boat launches;
 5. Stabilization areas of public access to water;
 6. Buffer intrusion is necessary to provide access to the property; or

7. Project will:

- [a] Require a Wetland Permit from USACE for impacts to jurisdictional wetlands; and
- [b] The USACE has approved a mitigation plan; and
- [c] Implementation of the plan in a 404 permit condition.

(4) Buffer Waiver Submittal Requirements. (Ord. 006-10HR; 1-19-10)

- a. The applicant shall submit a written request for a waiver to the Public Works Department. The request shall include specific reasons justifying the waiver and any other information necessary to evaluate the proposed waiver request. The Public Works Department may require an alternative analysis that clearly demonstrates that no other feasible alternative exist and that minimal impact will occur as a result of the project or development.
- b. The Public Works Department shall make a determination and decision concerning the waiver request. An appeal may be made to the Planning Commission. An appeal of the Public Works Department's decision shall be filed in writing within thirty (30) days after the final decision. The Planning Commission shall make all final determinations and decisions.

Secs. 26-188 – 26-200. Reserved.

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ARTICLE VIII. RESOURCE PROTECTION STANDARDS

Sec. 26-201. General.

- (a) *Purpose.* In order to protect the general health, safety and welfare of the people of Richland County, and to protect the natural assets and resources for posterity, this article is enacted to protect the lands and waters from the effects of excessive soil erosion and sedimentation, to prevent siltation of streams and lakes, to prevent clogging of drainage channels, and to prevent damages to the property of adjacent landowners. It is furthermore the purpose of this article to provide proper drainage channels, clear of obstruction, for stormwater runoff; to control pollution of streams and drainage channels by urban stormwater runoff; and to prevent encroachment into natural drainage channels by buildings or other land improvements. Proper management of the quality and quantity of stormwater runoff will minimize damage to public and private property, ensure a functional drainage system, promote the attainment and maintenance of property, ensure a functional drainage system, promote the attainment and maintenance of water quality standards, enhance the local environment associated with the drainage system, maintain as nearly as possible the predevelopment runoff characteristics of the area, and facilitate economic development while mitigating associated flooding and drainage impacts.

- (b) *Jurisdiction.* The provisions of this article dealing with erosion and sediment control (Section 26-202 of this chapter) and stormwater management (Section 26-203 of this chapter) shall apply to all land in the unincorporated areas of Richland County, South Carolina and to all land within the jurisdiction of those municipalities that agree, in writing, to have these provisions administered within their corporate limits.

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Sec. 26-202. Stormwater management and SWPPPs. (Ord. 006-10HR; 1-19-10)

- (a) *Applicability.* Unless otherwise provided in this chapter, the surface of land in the county shall not be disturbed or changed for any purpose, except in accordance with this section and other applicable sections of this chapter. (Ord. 006-10HR; 1-19-10)

- (b) *Guidelines.* For all sites subject to this section, an SWPPP shall be prepared based on the following guidelines (see Section 26-64 of this chapter for procedural requirements for review). Plans shall include appropriate measures and practices for erosion and sediment control, installed in a timely sequence during the development process, and maintained to ensure their proper function. (Ord. 006-10HR; 1-19-10)
 - (1) *Land selection for development.* Land should be selected where the drainage pattern, topography, and soils are favorable for the intended use. Tracts of land vary in suitability for different uses. Consideration shall be given to the major characteristics of the land area and the kinds of soil (identifying and evaluating potential erosion and sediment problems) and to the selection of appropriate control measures and practices.
 - (2) *Land exposure.* The erosion and sediment control plan shall expose the smallest practical area of land for the least possible time during development.
 - (3) *Retention of vegetation and topsoil.* When feasible, natural vegetation shall be retained and protected. Topsoil, where practical, shall be saved for replacing on graded areas.
 - (4) *Temporary measures.* Temporary plant cover, mulching and/or structures shall be utilized to protect areas subject to erosion during construction.
 - (5) *Provisions for increased runoff.* Provisions shall be made for the increased runoff caused by changed soil and surface conditions. Emphasis should be placed on conservation of existing on-site soil. Effective means include the use of diversion ditches, grassed or surfaced waterways and outlets, enlarged and protected drainage channels, grade control structures, and effective use of road gutters and storm sewers.
 - (6) *Silt traps.* Sediment basins or other forms of silt traps shall be used, where practical, to remove heavy sediment loads from runoff waters leaving the disturbed area.
 - (7) *Long-term measures.* Permanent vegetative cover and long-term erosion protection measures or structures shall be installed as soon as practical in the development process.

(c) *Requirements and standards.* (Ord. 006-10HR; 1-19-10)

(1) *Methods of calculating stream flow and runoff.* SWPPPs shall be based on stream flow and runoff for the site to be developed. Formulas and values as prescribed in the county’s “Stormwater Design Manual” shall be used for calculating all stream flow and runoff. Copies of the “Stormwater Design Manual” may be obtained through the county engineer’s office. (Ord. 006-10HR; 1-19-10)

a. *Rainfall frequencies.* The following rainfall frequencies shall be used in the calculations for stormwater runoff and stormwater management facility design, depending upon the size of the watershed:

<i>Size-Acres</i>	<i>Frequency-Years</i>
300 +	50 year
40 – 299	25 year
0-39	10 year

The two (2) year, twenty-four (24) hour rainfall shall also be used as prescribed in the “Stormwater Design Manual”.

b. *Future development.* Calculations used in the design of proposed stormwater management facilities shall reflect the anticipated future development of the entire watershed.

c. *Inlet and outlet control curves.* Appropriate inlet control and outlet control curves shall be used to determine headwater depths, where applicable.

(2) *Primary drainage channel requirements.* (Ord. 006-10HR; 1-19-10)

a. *General.* All primary drainage channels located within or immediately adjacent to any improvement, development or subdivision shall be protected or improved by the applicant in accordance with the following requirements. The applicant shall be responsible for carrying out the proposed work in accordance with the approved SWPPP, and in compliance with the requirements of this section. The applicant shall plan and carry out his/her developments in a manner that will not interfere with or restrict the flow of water, nor increase the 100-year flood elevation by more than one (1) foot. The developer shall be responsible for any improvements to such channels, as needed to handle increased

runoff or other changes resulting from his/her development, in accordance with the provisions of this section.

- b. *Dedication of primary drainage channels.* All land adjacent to a primary drainage channel and not protected by levees, dikes, or fill shall be dedicated for the purpose of providing drainage right-of-way as follows:
 1. *Commercial and/or residential subdivisions.* In commercial and/or residential subdivisions, drainage easements of satisfactory width to provide working room for construction and maintenance equipment shall be deeded to the county for all drainage improvements, including stormwater management facilities, and shall be separate and apart from adjoining lots.
 2. *Planned developments or town and country developments.* In PDD Planned Development Districts or TC Town and Country Districts, the property owner(s) or HOA shall be responsible for maintenance of drainage channels and easements. The final plat approved for recordation shall indicate the available public easements for drainage channels. The county shall have the right to encroach onto these public easements or permit others to encroach for any purpose deemed appropriate by the county engineer. In no way does this right of encroachment lessen the obligation of the property owner(s) or the responsibility of the HOA for maintenance of the drainage channels and easements.
- c. *Existing channel modifications.* It is the intent of these regulations that existing drainage channels within buffer areas be maintained in their natural conditions whenever possible and whenever engineering is feasible. It is recognized that additional capacity may be required, and the ability to maintain such facilities must be provided, for which the following provisions shall be followed. The existing channel lying within or contiguous to a subdivision or parcel of land proposed for development or redevelopment may be:
 1. Cleaned to provide for free flow of water; and
 2. Straightened, widened, and improved to prevent overflow resulting from the 50-year frequency rainfall beyond the limits of the dedicated drainage easement provided for in subsection b. above; provided:

[a] The SWPPP contains details of the proposed channel modifications and includes either:

[1] A mitigation plan for water quality impacts, including best management practices to be implemented as part of the channel modification and overall project; or

[2] An engineering analysis demonstrating no water quality impacts resulting from the proposed modifications.

[b] The SWPPP must be approved in accordance with this section prior to commencing any channel modifications.

Whenever existing channel modifications are made, sodding, backsloping, cribbing, and other bank protection shall be designed and constructed to control erosion for the anticipated conditions and flow resulting from a 50-year rainfall.

d. *Areas of special flood hazard.* In areas of special flood hazard, final grading of all lots and building sites for new construction or substantial improvement shall provide for elevation on fill, pilings, or earth filled curtain walls of the lowest habitable floor to at least two (2) feet above the 100-year flood elevation. Where fill is used to meet this requirement, the area two (2) feet above the 100-year flood elevation shall extend at least ten (10) feet from each side of the building pad. Certain types of non-residential structures are permitted within the floodplain if properly "flood-proofed" in compliance with Section 26-104(d) of this chapter and all applicable building code requirements.

e. *Primary channels located within road easements.* Primary drainage channels located within road easements shall be placed in enclosed storm sewers, except under the following conditions:

1. Where a paved road surface at least two (2) lanes wide is provided on both sides of an improved channel so as to provide access to abutting properties.

2. For lots with a double-road frontage, an open drainage channel is permitted between the rear lot line and the paved road, provided that access from the road to the lot is prohibited both at the time of construction and in the future.

3. When a condition outlined in either 1. or 2. above is present, adequate width shall be dedicated as right-of-way to provide for the maintenance of an improved drainage channel and its bank.
- f. *Levees protecting structures.* All levees protecting residential structures or non-residential structures that are not flood-proofed shall be designed, constructed, and maintained to provide protection against the 500-year flood, plus three (3) feet of freeboard. Flood elevations shall be as shown on the latest Flood Insurance Rate Maps or as determined by appropriate hydrologic methods. Any levee constructed or improved under this subsection shall also comply with the other provisions of this article, including, but not limited to, subsection g. below.
 - g. *Structures or obstructions in regulatory floodway.* Notwithstanding any other provision of this chapter, no levees, dikes, fill materials, structures or obstructions that will impede the free flow of water during times of flood will be permitted in the regulatory floodway, unless:
 1. Such proposed impediment is a permitted use pursuant to Section 26-104(d)(2)i. of this chapter; or
 2. Such impediment was approved by the county engineer under this subsection g., or under any predecessor provision, before January 1, 2001;

PROVIDED, HOWEVER, that any specified activity permitted above must comply with all applicable federal, state, and local requirements, including, but not limited to, 44 C.F.R. 60.3(d)(3), as amended. Nothing in this subsection g. shall limit provisions in this chapter or elsewhere authorizing or requiring the maintenance and repair of levees, dikes, dams, and similar structures; provided, however, that this sentence shall not be construed as authorizing or requiring the repair or maintenance of any such structure to the extent that such repair or maintenance would result in a structure that would be higher or wider than it was before the need arose for such repair or maintenance.
 - h. *National Flood Insurance Program.* All applicable regulations of the National Flood Insurance Program are incorporated by reference herein.

(3) *Secondary drainage channel and surface requirements.* (Ord. 006-10HR; 1-19-10)

- a. *General.* All secondary drainage channels that are within or immediately adjacent to an improvement, development, or subdivision shall be protected and improved by the applicant in accordance with the following requirements.
- b. *Drainage maintenance.* Drainage easements of satisfactory width to provide working room for construction and maintenance equipment shall be dedicated to the county for all drainage improvements in subdivision developments, including stormwater management facilities. Drainage improvement maintenance for planned developments, town and country developments, and commercial buildings shall be the responsibility of the property owner(s) or HOA.
- c. *Improvements.*
 - 1. Secondary drainage channels having a primary function of, 1) collecting surface water from adjacent properties, or 2) intercepting and diverting side hill drainage, shall be improved open channels.
 - 2. Secondary drainage channels having a primary function of, 1) transporting surface water through a block or development; or 2) collecting surface water from cross channels, shall be improved as follows:
 - [a] Secondary drainage channels having drainage basins forty (40) acres or larger shall be improved with either a closed storm sewer or improved open channel designed to carry the runoff resulting from a 25-year frequency rainfall. A natural stream may be approved by the county engineer for environmental or aesthetic purposes, provided that it has the required carrying capacity and that flood protection requirements are met.
 - [b] Secondary drainage channels having less than forty (40) acres shall be improved with closed storm sewers designed to carry the runoff resulting from a 10-year frequency rainfall. Variation from this requirement may be approved by the county engineer for environmental or aesthetic purposes,

provided that it has the required carrying capacity and that flood protection requirements are met.

3. All improvements to drainage channels shall be carried out such that waters protected by the Federal Clean Water Act are not degraded.
- d. *Areas of special flood hazard.* In areas of special flood hazard, final grading of all lots and building sites for new construction, or substantial improvement of residential structures, shall provide for elevation on fill, pilings, or earth filled curtain walls of the lowest habitable floor to at least two (2) feet above the 100-year flood elevation. Where fill is added to meet this requirement, the area two (2) feet above the 100-year flood elevation shall extend at least ten (10) feet from each side of the building pad. Certain types of structures are permitted within the floodplain if properly "flood-proofed" in compliance with Section 26-104(d) of this chapter and all applicable building code requirements.
 - e. *Secondary drainage channels within road easements.* Secondary drainage channels located within road easements shall be placed in enclosed storm sewers, except under the following conditions:
 1. Where a paved road surface at least two (2) lanes wide is provided on both sides of an improved channel so as to provide access to abutting properties.
 2. For lots with a double-road frontage, an open drainage channel is permitted between the rear lot line and the paved road, provided that access from the road to the lot is prohibited both at the time of construction and in the future.
 3. When a condition outlined in either 1. or 2. above is present, adequate width shall be dedicated as right-of-way to provide for the maintenance of an improved drainage channel and its bank.
 - f. *Off-site discharges.* Off-site discharges from closed storm sewers or improved open channels will only be permitted at natural streams or man-made drainage channels acceptable to the county engineer, unless a drainage easement is obtained from the adjoining landowner. Adequate provisions shall be made to reduce discharge velocities such that the receiving channel is not degraded. When off-site drainage channels are not adequate to accept the additional runoff resulting from development, the developer shall install on-site facilities for controlled release of

stormwater runoff. These on-site drainage facilities shall be designed to limit the runoff rate to predevelopment levels during the design storm and the two-year storm.

g. *Additional development requirements.*

1. *Single-family residential, duplex or manufactured home development.* Site grading for single-family, duplex, or manufactured home development shall be carried out in such a manner that surface water from each dwelling lot will flow directly to a storm sewer, improved channel, sodded swale, or paved road without running more than two hundred (200) feet. Rooftop runoff may be directed to pervious areas, infiltration practices, rainwater harvesting systems, or other stormwater treatment facilities on the dwelling lot. (Ord. 055-12HR; 10-16-12)

2. *Commercial, industrial, multi-family, and institutional development.* For commercial, industrial, multi-family, and institutional development, roofs, paved areas, yards, courts, courtyards, and other impervious surfaces shall be drained into a stormwater management facility, with the exception that such drainage may flow directly into a road, curb and gutter system, or improved channel when of small area and approved by the county engineer. Construction of buildings over storm drainage improvements is not permitted.

h. *Surface water on roads.* Surface water collected on roads shall be diverted to enclosed storm sewers or drainage channels at satisfactory intervals to prevent overflow of the road and its curbs and gutters, where provided, during a 10-year frequency rainfall.

(4) *Minimum water quality requirements.* (Ord. 006-10HR; 1-19-10)

a. *Minimum water quality requirements.* Requirements from the current “Stormwater Design Manual” and “BMP Manual” shall be followed, and shall provide for minimum quality control requirements for development. Such requirements shall be adhered to unless waived by the county engineer after a determination that both of the following have occurred:

1. It can be shown, by engineering calculations acceptable to the county engineer, that stormwater management facilities are not needed to control developed peak discharge rates and meet water quality requirements.

2. It can be shown that installing such facilities would not be in the best interest of local citizens or the county.
- b. *Additional requirements.* The county engineer may determine that additional stormwater management facilities, beyond those required under this section, are necessary for on-site stormwater management. Additional facilities may be needed to enhance or provide for the general health, safety, and welfare; to correct unacceptable or undesirable existing conditions; or to provide protection for future development in a more desirable fashion. If such a determination is made, the county engineer may do the following:
1. Require that the owner/applicant grant any necessary easements to provide access to or drainage from the stormwater management facility.
 2. Develop an agreement with the owner/applicant for the over-design of the stormwater management facility to provide additional water quality benefits beyond that required by this section.
 3. Recommend financial participation by the county in construction of the stormwater management facility, to the extent that such facility exceeds the on-site stormwater management requirements, as determined by the county engineer. The county may pay the additional expenses incurred in providing the additional storage capacity or water quality benefits, including land costs and increased design and construction costs.
- (5) *Design criteria for improvements.* (Ord. 006-10HR; 1-19-10)
- a. *Open channels.* Open channels shall be provided with an improved section that will carry runoff from the appropriate design storm and preclude the creation of backwater inundating any areas outside of dedicated drainage easements. The channel shall be designed to minimize negative water quality impacts and protect against erosion in accordance with standards adopted by the county engineer.
 - b. *Closed storm sewers and culverts.* Closed storm sewers and culverts shall be constructed of pre-cast or prefabricated pipe or box culvert or built in place, of closed box design, in conformity with county specifications. They shall be sized to carry the runoff from the appropriate design storm and to preclude the creation of

headwater inundating any areas outside of dedicated drainage easements.

- c. *Bridges.* Bridges shall be designed in accordance with standards adopted by the county engineer. Construction shall be in accordance with South Carolina Department of Transportation specifications.
- d. *Levees.* Levees shall be designed, constructed, and maintained as follows:
 - 1. *USACE Manuals.* Design and construction shall be in accordance with USACE's Manual EM 1110-2-1913 (31 March 1978) *Design and Construction of Levees*. The design and construction of drainage systems within levees shall be in accordance with the USACE's Manual EM 1110-2-1413 (15 Jan 1987) *Hydrologic Analysis of Interior Areas*. A South Carolina Registered Professional Engineer shall certify that he/she has been involved in the design, construction, and inspection phases and shall certify that the construction meets requirements of the corps of engineers.
 - 2. *Maintenance.* Owners of levees will perform the necessary and required maintenance and provide appropriate records to the county engineer. These records shall include all of the following:
 - [a] Signed agreements of perpetual operation and maintenance between the constructor and/or owner and the county.
 - [b] As-built construction plans sealed by a South Carolina Registered Professional Engineer.
 - [c] A levee maintenance program in accordance with the levee maintenance standards and procedures of the county.
 - [d] Periodic maintenance reports as required by the county engineer.
- e. *Stormwater management facilities.*
 - 1. *General.* Stormwater management facilities may include both structural and non-structural elements incorporating

quantity and/or quality control. A variety of different types of stormwater management facilities exist and can be used to satisfy the minimum quantity and/or quality control requirements. All proposed stormwater control measures shall be in accordance with the county's "Stormwater Design Manual". The county engineer may reject a SWPPP if it incorporates structures and facilities that do not meet the requirements of this section or if the plan utilizes numerous small structures where other alternatives are physically possible.

2. *Restriction of runoff rate.* Stormwater management facilities shall restrict the peak post-development runoff rate to the peak pre-development rate for the design storm. The design storm shall be ten (10), twenty-five (25), or fifty (50) years, depending on the size of the drainage basin. Overflow structures and emergency spillways shall be designed to accommodate the 100-year rainfall.
3. *Wet ponds.* Wet ponds (retention structures with a permanent pool) shall be utilized for drainage areas of twenty-five (25) acres or more, in accordance with the county's "Stormwater Design Manual". Wet ponds may be required for smaller drainage areas, as determined by the county engineer on a case-by-case basis. In all cases, wet ponds shall be located at least fifteen (15) feet from the property line of adjacent property.
4. *Wet (retention) and dry (detention) facilities.* Where wet (retention) and dry (detention) facilities are used, designs that consolidate them into a limited number of large structures are preferred over designs utilizing a large number of smaller structures. Additional state and/or federal permits may be required for larger stormwater management facilities impacting waters of the state protected by the Federal Clean Water Act.
5. *Landscaping.* Landscaping of stormwater management areas shall conform to all requirements of this chapter and to the design approved by the Public Works Department for any particular development. Retention/detention areas shall be landscaped with trees, shrubs, ground covers, and native perennials appropriate to the function as a wet or dry basin. If the landscaped area is also designed to meet on-site stormwater management requirements, one of the following must be met:

- [a] The area must be designed to provide an aesthetic focal point, such as a lake, creek or other water feature; to preserve a tree grouping; or to utilize the existing terrain and/or geological features of the site; or
 - [b] The landscaping for the basin shall be integrated within the entire landscape plan.
 - 6. *Stormwater facilities records requirements.* Drainage system and all stormwater management structures within the county (including public and private portions) shall be designed to the same engineering and technical criteria and standards. Owners of stormwater management facilities shall perform the required maintenance and provide appropriate records to the county engineer. These records shall include all of the following:
 - [a] As-built construction plans certified by a South Carolina Registered Civil Engineer, Registered Landscape Architect, or Tier B. Land Surveyor; and
 - [b] Periodic maintenance reports as required by the county engineer.
- (6) *Maintenance of stormwater management facilities.* (Ord. 006-10HR; 1-19-10)
- a. *General maintenance requirements.* All stormwater management facilities shall be maintained by the owner(s) in such a manner as to maintain and enhance the general health, safety, and welfare; to reduce and minimize damage to public and private property; to reduce and minimize the impact of such facilities on land and stream channel erosion; to promote the attainment and maintenance of water quality standards; and to maintain, as nearly as possible, the pre-development runoff characteristics of the area. All maintenance of privately owned stormwater management facilities shall be at the sole cost and expense of the owner(s) of such facilities.
 - b. *Failure to maintain stormwater management facilities.* It shall be unlawful for the owner or occupant of any property upon which a stormwater management facility is located, to fail to maintain the facility in such a manner that the facility creates a danger to the general health, safety, and welfare. Should the owner fail to so maintain the stormwater management facility, this failure shall

constitute a violation of this chapter and shall be subject to the penalty provisions of Section 26-272.

- c. *County assistance in maintenance.* All stormwater management facilities shall be privately owned and/or maintained unless the county accepts the facility for county ownership and/or maintenance. The county may assist with maintenance only if the county has entered into a maintenance agreement and the owner provides an easement (and provided that the county has available resources to provide such assistance).
- (d) *Inspection of stormwater facilities.* (Ord. 006-10HR; 1-19-10)
 - (1) *Inspection during construction.* The county engineer shall periodically inspect the work completed under the approved SWPPP. Upon completion of such work, he/she shall make a final inspection, and if the work has been carried out in accordance with the plan, he/she shall issue a letter of satisfactory completion upon receipt of the as-built drawings. (Ord. 006-10HR; 1-19-10)
 - (2) *Right of entry.* (Ord. 006-10HR; 1-19-10)
 - a. General. The county engineer shall have a right-of-entry on or upon the property of any person subject to this section. The county engineer shall be provided ready access to all parts of the premises for the purposes of inspection, monitoring, sampling, inventory, examination and copying of records, and the performance of any other duties necessary to determine compliance with this section.
 - b. Security. Where a person has security measures in force requiring proper identification and clearance before entry onto the premises, the person shall make necessary arrangements with security guards so that, upon presentation of suitable identification, the county engineer will be permitted to enter without delay for the purposes of performing specific responsibilities.
 - c. Sampling. The county engineer shall have the right to set up on the person's property such devices as are necessary to conduct sampling and/or metering of the property as it relate to stormwater management
 - d. Obstruction to access. Any temporary or permanent obstruction to safe and easy access to the areas to be inspected and/or monitored shall be removed promptly by the person at the written or verbal request of the county engineer. The costs of clearing such access shall be borne by the person.

- e. Imminent threat to health and/or safety. In cases where an imminent threat to the health or safety of the general public or the environment is suspected, the county engineer or the director of emergency services shall inspect existing stormwater management facilities to determine if immediate action is necessary. Such inspection shall be made with or without the consent of the owner, manager, or signatory official. If such consent is refused, the county engineer may seek issuance of an administrative search warrant.
- (e) *Levees.* (Ord. 006-10HR; 1-19-10)
- (1) *General.* Adequate levee maintenance is essential and cannot be overemphasized. Failure to properly maintain levees may render the levees inoperative during periods when their protection is needed. For safety in times of high water or floods, levee maintenance will be thorough and continuous. This requires a balanced maintenance program based on defined standards and procedures. (Ord. 006-10HR; 1-19-10)
 - (2) *Maintenance standards and procedures.* Levees in Richland County will be maintained in accordance with the following standards to ensure serviceability against floods at all times. (Ord. 006-10HR; 1-19-10)
 - a. *Sod growth.* Maintenance of a sturdy sod growth on levee embankments is highly important, as sod is one of the most effective means of protecting the levee against erosion from rain, current, and wavewash. Periodic mowing with tractor-operated equipment is essential to maintaining a good sod growth, and shall be done at such intervals as necessary to keep down weeds and other noxious growth and to prevent the grass height from exceeding twelve (12) inches. The grass shall be mowed to a height of no less than two (2) inches but no greater than twelve (12) inches. The number of mowings required each season will depend on local conditions. The last mowing of the season shall be accomplished under conditions that allow the grass to obtain a height of approximately eight (8) inches to ten (10) inches entering the winter season. Mowing shall be performed to a distance of at least five (5) feet beyond the toe of the levee or berm. Burning grass and weeds is not permitted in the levee maintenance program, except during appropriate seasons when it is not detrimental to sod growth. During the growing season, spraying with herbicides on an as-needed basis is permissible and desirable for weed and brush control on levees and berms. Reseeding and fertilizing shall be completed frequently enough to sustain sod growth on levee embankments for erosion control.

- b. *Earth embankments.* Levee embankments shall be maintained to not less than the design grade and section by replacing any material lost from the crown or slopes. Ruts, washes, slides and subsidence shall be promptly repaired and the entire embankment maintained sufficiently smooth for power mowing. Levee crowns shall be graded as necessary to drain freely and prevent impoundment of rainwater. All brush, trees, and other undesirable growth shall be removed from the levee embankment.
- c. *Animal burrows.* Levees and adjacent landward areas shall be maintained free of all types of animal burrows. Animal burrows, when found, will be backfilled with compacted material and sodded. To prevent recurrence, efforts will be made to exterminate the burrowing animals.
- d. *Prevention of encroachment.* Care must be taken to assure that levees are not encroached upon. Buildings, structures, and storage of materials or equipment shall not be permitted on the levee. Refuse dumps are an item of frequent concern and will not be permitted. Following each high water, any debris deposited on the riverside slope of the levee shall be removed promptly.
- e. *Roads and ramps.* Access roads to and on the levees, including ramps, shall be bladed as necessary to keep the roadway shaped properly and free of ruts, pockets, and washes. Ramp embankments shall be maintained to their design section and design grade. Maintenance shall be performed as necessary to correct any encroachment into the levee crown where roads cross levees. Road surfacing material shall be replaced as necessary to maintain the road surface in good condition.
- f. *Miscellaneous levee facilities and appurtenances.* Levee facilities and appurtenances that are constructed on, over, or through the levee shall be maintained in a good state of repair and/or inspected at least annually. Facilities and appurtenances that operate only during high water must be checked carefully and repaired as necessary, immediately prior to high water season. Relief wells shall be checked during periods of high water. Wells that do not flow for an extended period of time may have to be tested by pumping to determine the extent of deterioration. Critically deteriorated wells shall be rehabilitated by cleaning, surging, and pumping. Check valves shall be inspected to ensure that they open freely and that the gaskets are in good condition. The most common of the facilities and appurtenances referred to herein are:
 - 1. Drainage structures through the levee.

2. Toe drainage systems.
 3. Relief wells.
 4. Levee slope protection and protection on dike ends.
 5. Gates, cattle guards, and fences.
 6. Siphons and pipe crossings.
- (3) *Inspection.* Frequent inspections are essential to a good levee maintenance program. In addition to the formal inspections required by the engineer, inspections shall be made prior to the beginning of the flood season, during and immediately following each high water period, and at such intermediate times as necessary to ensure satisfactory care of the levee. (Ord. 006-10HR; 1-19-10)
- (f) Supplemental regulations. All applicable provisions of the Standards for Stormwater Management and Sediment Reduction (Sections 72-301, 302, 305, 307, 308, 312, 313, 314, 315, 316) administered by the South Carolina Department of Health and Environmental Control pursuant to the South Carolina Stormwater Management and Sediment Reduction Act of 1991 are incorporated herein by reference. (Ord. 006-10HR; 1-19-10)

Sec. 26-203. NPDES Municipal Separate Storm Sewer System (MS4) Program.
(Ord. 006-10HR; 1-19-10)

- (a) *Purpose and applicability.* (Ord. 006-10HR; 1-19-10)
- (1) *Purpose.* The primary intent of this section is to minimize the introduction of pollutants into stormwater runoff and subsequently into surface waters of the state. This will be accomplished through the implementation of programs developed to address specific activities that contribute to the contamination of stormwater. Richland County is required by its NPDES permit to regulate all discharges within the political boundary of the county; therefore, the county will take any measures necessary to comply with its permit and protect water quality within the jurisdictional areas defined with the NPDES permit. Discharge of pollutants shall be reduced to the Maximum Extent Practicable (MEP), shall not cause, nor contribute to, violations of South Carolina water quality standards, and shall be in compliance with TMDLs where applicable. (Ord. 006-10HR; 1-19-10)
- (2) *General. Applicability.* The DHEC re-issued NPDES permit is hereby adopted in its entirety. This adoption includes individual programs developed as part of the implementation of the NPDES permit. The current NPDES permit became effective on September 11, 2006 and expires on September 10, 2011. The duration of the adoption of the NPDES permit will be for a term of five (5) years, and will be automatically renewed for a like term unless this provision is amended by County Council with an intent to terminate. Richland County personnel, the Director of Public Works, and Stormwater Management personnel, or their designees, may enforce any of the regulations in regards to DHEC delegated Richland County's NPDES storm water discharge permit programs or language. (Ord. 006-10HR; 1-19-10)
- (b) *Components of NPDES MS4 Program.* (Ord. 006-10HR; 1-19-10)
- (1) *Pesticide, Herbicide and Fertilizer (PHF) program.* The intent of the PHF program is to aid Richland County in reducing the discharge of pollutants related to the storage and application of PHFs applied by county employees or residents or contractors to public rights-of-way, parks, and other property. (Ord. 006-10HR; 1-19-10)
- a. All commercial and non-commercial application of pesticides is regulated in the state of South Carolina by the Department of Pesticide Regulation (DPR). The DPR requires mandatory licensing for applicators involved in pest control activities in structural, landscape and turf, aquatic, and public health areas.

- b. Only Richland County staff members who are properly licensed by the DPR, or who are directly supervised by a licensed applicator, will be permitted to apply pesticides and herbicides.
- c. *Commercial Applicators.*
 - 1. Richland County will only contract for pesticide and herbicide application with commercial applicators that are licensed through the DPR.
 - 2. All commercial applicators who are contracted by the county will maintain current licensing through the DPR throughout the entire contract with the county.
 - 3. Commercial applicators contracted by the county to apply pesticides and herbicides must provide written notification to the appropriate county divisional manager, the Public Works Director, or the Vector Control Director (or their designee) prior to commencement of any work involving PHF application.
- d. Inspections may be conducted within the county by the Stormwater Manager or designee to ensure compliance with the PHF Program. The county may require monitoring if deemed necessary to protect water quality within the county.

(2) *Illicit Connections, Illegal Discharges, Illegal Dumping, Improper Disposal, Organic Waste and Spills.* The intent of this section is to aid Richland County in reducing and eliminating the discharge of pollutants to the county's MS4 related to illicit/illegal discharges, illegal dumping, destruction of stormwater facilities, improper disposal, organic waste and spills. This section will also fulfill one of the minimum control measures of the Phase II Rule: IDDE. The county shall have the authority to carry out all inspection, surveillance and monitoring procedures necessary to determine compliance and noncompliance with permit conditions, including the prohibition on illicit discharges to the county's municipal separate storm sewer, as well as the stormwater systems within the jurisdictional areas of its NPDES co-permittees. (Ord. 006-10HR; 1-19-10)

- a. *Illicit Connections.*
 - 1. It shall be unlawful to connect or allow connection to any sanitary sewer. This includes existing connections.
 - 2. It shall be unlawful to cause or allow an illicit discharge to the stormwater system, or any component thereof, or onto

driveways, sidewalks, parking lots, sinkholes, creek banks, or other areas draining to the stormwater system.

3. Building permits shall be required before the construction of any connection to the county's publicly owned stormwater management system.
- b. *Improper Disposal.* It shall be unlawful to use any stream or watercourse to carry off water from any kitchen sink, bathtub, or privy, or to carry off any fluid of an offensive or dangerous nature. No water or refuse from any industrial, commercial, or institutional process, including water used for heating or cooling, shall be discharged in any stream or watercourse by any person until such person has obtained the appropriate local, state, and/or federal permits. Richland County shall be allowed on-site if there is a suspected illegal discharge for inspection and monitoring as deemed appropriate for the protection of water quality.
 - c. *Illegal Dumping.* It shall be unlawful to dispose of any trash or wastes in an unpermitted area or by disposing of such trash or waste into any storm drain or stormwater conveyance. Richland County shall be allowed on-site if there is suspected illegal dumping for inspection and monitoring as deemed appropriate. In addition, all provisions and authority contained within Chapter 12 (Garbage, Trash and Refuse) and Chapter 13 (Hazardous Materials) of this Code of Ordinances that are applicable to the protection of water quality shall be incorporated by reference to this section.
 - d. *Destruction of Stormwater Facilities.* It shall be unlawful, either willfully or negligently, to injure, deface, mutilate, destroy, tamper or interfere with any county-owned property or any property used in the county's publicly owned stormwater management system.
 - e. *Illegal Discharges.* It shall be unlawful for any person to discharge non-stormwater to any stormwater conveyance. The following non-storm water discharges to the MS4, wherever they are not a source of pollutants, are permitted:
 1. Water line flushing.
 2. Diverted stream flows.
 3. Rising ground water.

4. Uncontaminated ground water infiltration (as defined at 40 CFR 35.2005 [20]) to separate storm sewers.
 5. Uncontaminated pumped ground water discharges from potable water sources.
 6. Foundation drains.
 7. Air conditioning condensation.
 8. Irrigation water.
 9. Springs.
 10. Water from crawl space pumps.
 11. Footing drains.
 12. Lawn watering.
 13. Car washing at one's residence, not for hire.
 14. Flows from riparian habitats and wetlands.
 15. Dechlorinated swimming pool discharges.
 16. Road wash water.
 17. Discharges from fire fighting.
 18. Dye testing is an allowable discharge provided that the Director of Public Works or Stormwater Management personnel, or designee, is verbally notified prior to the time of testing.
- f. *Oils, Toxics and Household Hazardous Wastes.* It shall be unlawful to discharge or dispose of used motor vehicle fluids and household hazardous wastes into the MS4.
- g. *Organic Waste.*
1. *Yard waste.* It shall be the duty of the property owner to keep grass clippings, leaves, tree and shrub clippings, stumps, organic materials, or any other yard trash out of gutters, inlets, catch basins, and side ditches. It shall be unlawful to place grass clippings, leaves, tree and shrub

clippings, stumps, organic materials, or any other yard trash in any road, storm drain, stream, storm water conveyance, or any other location where concentrated flows could wash such wastes into the storm sewer system. All yard waste shall be bagged and set out for collection weekly.

2. *Human and animal waste.* Privies, pigpens, and stables of all kinds shall be placed far enough away from any stream, ditch, drain, or other stormwater conveyance that human and/or animal waste(s) will not run into them. The Stormwater Manager (or his/her designee) shall have the authority to determine whether a privy, pigpen or stable is deemed “far enough away” from stormwater conveyances in order that the human or animal waste(s) will not adversely impact the receiving conveyance.

h. *Spill Response.*

1. *General.* The Richland County Director of Emergency Services, or an authorized fire official, shall have the authority to summarily abate, control and contain hazardous materials that are emitted into the environment and endanger the health or safety of the general public or the environment. The director of emergency services or an authorized fire official shall have the authority to enter public or private property with or without the owner's consent, to respond to such hazardous materials emergencies. The director of emergency services or authorized fire official shall determine the type, amount, and quantity of equipment and personnel required to adequately abate, control, and contain all hazardous materials emitted into the environment.
2. *Liability for hazardous spill.* The property owner and/or person responsible for the hazardous materials spill or release shall be held financially liable for the response, control, containment, equipment and materials costs, including legal fees, incurred by the county and supporting agencies. The property owner and/or person responsible for the hazardous material spill may provide personnel to assist abatement, removal and remedial measures, provided such personnel have been adequately equipped and trained pursuant to the requirements of local, state and federal laws. The county shall not be liable for the use of outside personnel. Assistance shall consist of any or all of the following:

- [a] Informing Richland County Emergency Services Department personnel of all matters pertaining to the incident.
 - [b] Supplying emergency response plan information for the site.
 - [c] Supplying emergency response equipment, personnel and materials.
 - [d] Charges for hazardous materials emergency response shall be based upon the actual costs of response, control, containment, equipment and materials, including legal fees. All fees collected shall be turned in to the county treasurer and credited to the county's general fund.
3. Fire incidents. In fire incidents involving hazardous materials or exposure to hazardous materials, no fee will be assessed for resources normally associated with fire fighting operations. Fees shall be assessed for those activities and resources associated with abatement, control and containment of the hazardous materials involvement or exposure.
- i. *SSSO and Inflow/Infiltration (I/I).*
- 1. Every person, firm, corporation or other entity using the sanitary sewer system of the county, or pipelines connected to said system, shall maintain all sewer lines connected to the county's sewer system, or privately owned sewer collection systems which are connected to the county's system, in good condition so that the sewer will not:
 - [a] Permit any leakage of stormwater or other surface water or groundwater into the sewer service lines or sewer collection lines system either by visual observation or low pressure leakage test.
 - [b] Receive rainwater flow from roof downspout connections, yard drains, uncovered building area drains, sump pumps or other sources of rainwater flow and any other source of inflow/infiltration.

2. The county shall notify all persons, firms, corporations, or other entities where sewer service lines or sewer collection systems are found to have excessive inflow or infiltration that their service line or sewer collection system must be repaired so as to eliminate such violation. Such repairs must be completed within sixty days of notification by the county, or within such other time schedule as prescribed by the county.
 3. All private and public sanitary sewer systems that are operated within Richland County shall report any incidences of an SSO occurring in Richland County, or has the potential to impact surface waters with untreated wastewater within Richland County, to the Stormwater Management Division of the Public Works Department. This reporting requirement shall be in addition to any other state or local SSO reporting requirement and within the same required reporting timeframe.
 4. The Director of Public Works and Stormwater Management personnel, or their designees, bearing proper credentials and identification, may enter and inspect all sanitary sewer systems and appurtenances if there is evidence of sanitary sewer overflows which have impacted or have the ability to impact water quality with the county's jurisdictional areas. County personnel shall duly notify the owner of the system or the certified operator on site, and the inspection shall be conducted at a reasonable time.
- (3) *Industrial and High Risk Runoff Program.* The intent of the Richland County Industrial and High Risk Runoff Program is to aid Richland County in reducing the amount of stormwater runoff and improving the quality of runoff from industrial and high risk facilities. The county may review industrial stormwater pollution prevention plan(s), as well as Spill Prevention Control and Countermeasure (SPCC) plan(s), as required under the NPDES storm water discharge permit, while outfall monitoring indicates a suspected violation, or proactively in its routine water quality checks, as per below guidelines: (Ord. 006-10HR; 1-19-10)
- a. The Director of the Public Works Department and/or Stormwater Management personnel, or designee, bearing proper credentials and identification, may enter and inspect all properties for regular inspections, periodic investigations, monitoring, observation, measurement, enforcement, sampling and testing. The personnel shall duly notify the owner of said property or the representative on site, and the inspection shall be conducted at a reasonable time.

- b. Upon refusal by any property owner to permit an inspector to enter or continue an inspection, the inspector shall terminate the inspection or confine the inspection to areas concerning which no objection is raised. The inspector shall immediately report the refusal and the grounds to the director. The director shall promptly seek issuance of an administrative search warrant.
- c. In the event that the director or the designee reasonably believes that discharges from the property into the Richland County MS4 may cause an imminent and substantial threat to human health or the environment, the inspection may take place at any time and without notice to the owner of the property or a representative on site. The inspector shall present proper credentials upon reasonable request by the owner or representative.
- d. Inspection reports shall be maintained in a permanent file located in the Storm Water Management Division of the Public Works Department.
- e. At any time during an inspection or at such other times as the director or his/her designee may request information from an owner or representative, the owner or representative may identify areas of its facility or establishment, material or processes which contains or which might reveal a trade secret. If the director or his/her designee has no clear and convincing reason to question such identification, all material, processes and all information obtained within such areas shall be conspicuously labeled "CONFIDENTIAL TRADE SECRET." The trade secret designation shall be freely granted to any material claimed to be such by the owner or representative unless there is clear and convincing evidence for denying such designation. In the event the director does not agree with the trade secret designation, the material shall be temporarily designated a trade secret, and the owner or representative may request an appeal of the director's decision in the manner in which all such appeals are handled in this article.
- f. All trade secret material which are prepared or obtained by or for the director shall be marked as such and filed in a secure place separate from regular, non-secret files, and documents. Reports from samples prepared or obtained by or for the director or submitted for laboratory analysis shall be marked as such and treated in the same manner as other trade secret material. Trade secret material shall not be divulged by the director to anyone other than:

1. Other employees of the county or employees of the state or federal governments engaged in an inspection or enforcement proceeding involving the designated material; and
 2. To administrative or judicial courts upon order to so divulge the material to the court.
- g. *Monitoring.* The Director of the Public Works Department and/or Stormwater Management personal, or their designee, may require the person responsible for any private property or premises, including, but not limited to, any private property or premises which is or may be the source of a stormwater discharge associated with industrial activity, or the source of a discharge from a site of industrial activity, or the source of a discharge from a high-risk facility, or the source of an illicit discharge, at that person's expense, to establish and maintain such records, make such reports, install, use and maintain such monitoring equipment or methods, sample such discharge in accordance with such methods, at such locations, and intervals as the director shall prescribe, and provide periodic reports relating to the discharge. To the extent practicable, the director/stormwater personal or designee shall recognize and approve the sampling procedures and test methods established by 40 CFR 136.
- h. *Best management practices.* Industrial facilities and high risk facilities may be required to implement, at their own expense, structural and/or nonstructural BMPs, as appropriate, to prevent the discharge of pollutants to the Richland County MS4. To the extent practicable, the director shall recognize that storage and handling of significant materials, material handling equipment or activities, intermediate products or industrial machinery in such a manner that they are not exposed to stormwater is an effective BMP. Compliance with all terms and conditions of a valid NPDES permit authorizing the discharge of stormwater associated with industrial activity, to the extent practicable, shall be deemed in compliance with the provisions of this section.
- i. *Providing false information and tampering prohibited.*
1. It shall be unlawful for any person to provide false information to the director or anyone working under the director's supervision when such person knows or has reason to know that the information provided is false, whether such information is required by this article or any

inspection, recordkeeping or monitoring requirement carried out or imposed under this article.

2. It shall be unlawful for any person to falsify, tamper with or knowingly render inaccurate any monitoring device or method required under this article.
- (4) *Construction Site Runoff Control Program.* The intent of the Construction Site Runoff Control Program is to aid Richland County in reducing and controlling the discharge of pollutants from construction sites. Construction sites have potential to introduce large volumes of soil and sediment to stormwater runoff, as well as discarded building materials, concrete truck washout, chemicals, litter and sanitary waste. The individual requirements that make up the Construction Site Runoff Control Program are contained in Sections 26-64 and 26-202 of this Chapter. (Ord. 006-10HR; 1-19-10)
 - (5) *Post-Construction Maintenance Program.* The intent of the Post-Construction Maintenance Program is to aid Richland County in reducing the discharge of pollutants from permanent water quality BMPs that are left in place after construction is complete. If not operated and maintained properly, permanent water quality BMPs can become sources of pollutants; the goal of this program is to prevent this from occurring by requiring BMP maintenance to ensure these BMPs are operating as designed. (Ord. 006-10HR; 1-19-10)
 - a. The individual requirements that make up the Post-Construction Maintenance Program are contained in Sections 26-64 and 26-202.
 - b. Regular maintenance of permanent structural BMPs (i.e., ditches, ponds, etc.) will be the responsibility of Richland County if the county has an easement allowing it to access the BMP, and if the county has accepted maintenance responsibilities for the BMP. If the BMP is privately owned, all maintenance will be the responsibility of the owner.
 - (6) *Accidental Discharges or Damages.* In the event of any accidental discharge or damage to the municipal separate stormwater systems of Richland County or its co-permittees, immediate notification (not to exceed 24 hours) shall be given to the Director of the Public Works Department and/or Stormwater Management personnel, or their designee, regarding the nature, quantity (if applicable) and time of the occurrence. In addition to this notification, the responsible entity shall take immediate measures to contain and/or eliminate the discharge and minimize its effects on the receiving waters. The responsible entity shall also take steps to eliminate the recurrence of such events. The Director of Public Works

and Stormwater Management personnel, or their designee, shall have the authority to inspect, monitor and approve any remedial actions taken by the responsible entity. Failure to notify Richland County as outlined above shall result in the action being deemed an illegal or illicit activity as described in this Section and appropriate enforcement action shall be taken as set out in Section 26-203(d), below, and the “Enforcement Response Guide”. (Ord. 006-10HR; 1-19-10)

(7) *Water Quality Controls for Impaired Water Bodies and Consistency with TMDLs.* The county may take action to provide reasonable assurance that discharges will not cause or contribute to violations of water quality standards in Impaired Water Bodies identified on the South Carolina 303(d) list. If a TMDL has been established for a water body, the county may also require additional conditions necessary to ensure consistency with the TMDL. (Ord. 006-10HR; 1-19-10)

(c) *MS4 Authority.* (Ord. 006-10HR; 1-19-10)

(1) The Director of the Public Works Department and/or Stormwater Management personnel, or designee, bearing proper credentials and identification, may enter and inspect all properties for regular inspections, periodic investigations, monitoring, observation, measurement, enforcement, sampling and testing, and any other NPDES related tasks. The personnel shall duly notify the owner of said property or the representative on site, and the inspection shall be conducted at reasonable times. (Ord. 006-10HR; 1-19-10)

(2) In the event that the Richland County or the designee reasonably believes that discharges from the property into the Richland County MS4 may cause an imminent and substantial threat to human health or the environment, the inspection may take place at any time and without notice to the owner of the property or a representative on site. The inspector shall present proper credentials upon reasonable request by the owner or representative. In addition, the inspector may take such action as to abate or eliminate the discharge and begin remedial steps necessary to protect human health and/or the environment. (Ord. 006-10HR; 1-19-10)

(d) *Violations.* Upon determination that a violation of any of the provisions of this article or the NPDES permit has occurred, Richland County personnel will respond according to the procedures in the current “Enforcement Response Guide”, which includes timely personal notice at the property where the violation has occurred and written notice to the violator. This notice shall specify: the nature of the violation, the proposed penalty, and the time line (depending on the violation and is left to the discretion of the inspector) to correct deficiencies, if appropriate. There shall be sufficient notification to deliver the notice to the person to whom it is addressed, or to deposit a copy of such in the United States

Mail, properly stamped, certified and addressed to the address used for tax purposes. (Ord. 006-10HR; 1-19-10)

- (1) *Civil Penalties.* Any person violating any provision of this article shall be subject to a civil penalty of not more than five hundred dollars (\$500) for each violation. Each separate day of a violation, constitutes a new and separate violation. (Ord. 006-10HR; 1-19-10)
 - (2) *Criminal Penalties.* In addition to any applicable civil penalties, any person who negligently, willfully or intentionally violates any provision of this article shall be guilty of a misdemeanor and shall be punished within the jurisdictional limits of magistrate's court. Each day of a violation shall constitute a new and separate offense. (Ord. 006-10HR; 1-19-10)
 - (3) *Emergency Actions.* Richland County reserves the right to seek reimbursement of costs required to abate, eliminate and/or remediate discharges that have been deemed an imminent threat to human health and/or the environment. Such reimbursement shall be in addition to other appropriate enforcement actions including, but not limited to, civil or criminal penalties. (Ord. 006-10HR; 1-19-10)
- (e) *Supplemental regulations.* All applicable provisions of the standards for Stormwater Management and Sediment Reduction (Section 72-301, 302, 305, 307, 308, 312, 313, 314, 315 and 316) administered by the South Carolina Department of Health and Environmental Control pursuant to the South Carolina Stormwater Management and Sediment Reduction Act of 1991 are incorporated herein by reference. All applicable provisions of the NPDES and Land Application Permits Regulation (Section 61-9.122 Part A 122.2, 122.3, 122.4 and Part B 122.26) administered by the South Carolina Department of Health and Environmental Control pursuant to the South Carolina Pollution Control Act of 1976 are incorporated herein by reference. (Ord. 006-10HR; 1-19-10)

Secs. 26-204 – 26-209. Reserved.
(Ord. 038-09HR; 7-21-09)

ARTICLE IX. TRANSPORTATION

(Ord. 038-09HR; 7-21-09)

Sec. 26-210. General.

(Ord. 038-09HR; 7-21-09)

- (a) *Purpose.* The purpose of this article is to provide the information necessary to allow decision-makers to assess the transportation implications of traffic associated with a proposed development project; to address the transportation-related issues associated with development proposals that may be of concern to neighboring property owners and residents; and to provide a basis for the negotiation regarding improvements and funding alternatives to accomplish the identified mitigation measures.
- (b) Traffic Impact Assessment (TIA). A TIA may be required to:
 - (1) Evaluate traffic operations and impacts at site access points;
 - (2) Evaluate the impact of site-generated traffic on affected intersections;
 - (3) Evaluate the quality of site-generated traffic on the quality of traffic flow in the area;
 - (4) Ensure that proper facilities for pedestrians, bicyclists and transit users are provided;
 - (5) Identify transportation infrastructure needs, the related costs and funding sources; and
 - (6) Provide valuable data to more accurately develop long range transportation plans and road improvement projects for the County Capital Improvement Program and the MPO Transportation Improvement Plan.

Sec. 26-211. Applicability.

(Ord. 038-09HR; 7-21-09)

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

Sec. 26-212. Minimum Requirements.

(Ord. 038-09HR; 7-21-09)

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

Sec. 26-213. Review Process.

(Ord. 038-09HR; 7-21-09)

- (a) The applicant shall be required to complete a mandatory pre-application conference to determine the study area, project phasing timetable and other applicable TIA parameters.
- (b) No later than fifteen (15) days after submission of the TIA, the Department will provide the applicant with a sufficiency determination, including identification of any deficiencies or additional analysis that may be required.
- (c) No later than thirty (30) days after submission of the TIA, unless delayed by a “not sufficient” determination, the Department shall provide a written summary of the TIA findings and recommendations to the applicant.

Sec. 26-214. Mitigation.

(Ord. 038-09HR; 7-21-09)

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

Secs. 26-215 – 26-220. Reserved.

(Ord. 038-09HR; 7-21-09)

ARTICLE X. SUBDIVISION REGULATIONS

(Ord. 038-09HR; 7-21-09)

Sec. 26-221. Purpose.

The purpose of these subdivision regulations is to provide criteria for the development of subdivisions, reduce infrastructure maintenance costs as a result of efficient community design, provide pedestrian linkages and wildlife corridors among residential communities, and to encourage recreational opportunities within Richland County. These regulations shall be applied, in addition to other relevant sections of this chapter (see in particular Article VII.), when a subdivision is proposed in the county, and are based on and implement the requirements of Section 6-29-1110, et. seq., of the South Carolina Code of Laws. These regulations also implement the objectives and policies of the comprehensive plan; and preserve and protect environmental resources, natural and cultivated landscapes for the county. (Ord. 055-12HR; 10-16-12)

Sec. 26-222. General requirements.

- (a) *Improvements.* All proposed improvements in the development of a subdivision shall comply with the relevant standards set forth in this chapter.
- (b) *Septic tank and well systems.* Persons using septic tanks and/or wells shall obtain, prior to sketch plan review by the development review team, at least preliminary or conceptual approval from DHEC, as required by Section 61-57 of the South Carolina Code of Regulations. (Ord. 055-12HR; 10-16-12)
- (c) *Subdivision and road names.* Subdivision names, approved by the county addressing coordinating specialist, and road names, approved by the planning commission, will be issued at the preliminary plan review stage.
- (d) *Access requirements.* (Ord. 014-10HR; 3-16-10)
 - (1) *Access requirements for residential subdivisions.* All residential subdivisions, and/or subdivision lots, shall have direct access to a public or private right-of-way, which conforms to the requirements of Section 26-181(b)(2) and which has been approved by the county engineer's office. Except for minor subdivisions, all subdivision lots shall have access only to interior subdivision roads. (Ord. 014-10HR; 3-16-10) (Ord. 055-16HR; 10-16-12)
 - (2) *Access requirements for commercial subdivisions.* All commercial subdivision lots shall have direct access to a public or private road, with a minimum fifty (50) foot right-of-way and a minimum twenty (20) foot wide passable surface approved by the county engineer's office, or a recorded cross-access easement, at least thirty (30) feet in width from the

public or private road to the commercial site and approved by the county fire marshal. (Ord. 014-10HR; 3-16-10)

(e) *Lots.*

- (1) *DHEC requirements.* If the South Carolina Department of Health and Environmental Control requires a lot size for a subdivision different from what is required in this chapter, then the project shall conform to the DHEC standards.
- (2) *Restriction on jurisdictional lines.* Lots hereinafter developed shall not be divided by city or county lines.
- (3) *Lot lines.* In so far as is practical, side lot lines shall be at right angles to straight road lines and radial to curved road lines.
- (4) *Zoning district standards.* All subdivision lots must comply with the applicable standards for the zoning district(s) in which the subdivision is located.

(f) *Blocks.*

(1) *Block size.*

- a. *Nonresidential block size.* Nonresidential blocks shall be of such length and width as may be suitable for their prospective use, including adequate provision for off-street parking and service areas.
- b. *Residential block size.* Residential blocks shall not be greater than one thousand eight hundred (1,800) feet in length nor less than six hundred (600) feet in length. Where practical, the width of any residential block shall be sufficient to permit at least two (2) tiers of lots.

- (2) *Dead-end roads.* Dead-end roads, within a subdivision, including cul-de-sacs, shall not exceed one thousand two hundred (1,200) feet in length. (Ord. 055-12HR; 10-16-12)

(g) *Natural Resource Inventory.* All sketch plan submittals must include a natural resource inventory conducted by a qualified professional. (Ord. 055-12HR; 10-16-12) (Ord. 045-13HR; 9-10-13)

- (1) The following list of features, if relevant, shall be included in the Natural Resources Inventory: (Ord. 055-12HR; 10-16-12) (Ord. 045-13HR; 9-10-13)

- a. 100 year floodplain;
 - b. Riparian buffers;
 - c. Cemeteries and burial grounds;
 - d. Open space corridors of twenty-five (25) foot width or greater and all easements;
 - e. Protected trees, as identified in Section 26-176(k)(1);
 - f. Steep slopes of greater than twenty-five percent (25%);
 - g. Wetlands, including isolated wetlands.
 - h. Archeological sites, historical sites and features eligible for or listed in the National Register of Historic Places;
 - i. Rare, threatened, or endangered species/habitats, as identified by federal and state listings;
 - j. Scenic view sheds;
 - k. Unique natural features;
 - l. Forestlands; and
 - m. Prime agricultural lands.
- (3) The development review team shall have the authority to require more or less protections based on the requirements of this Chapter and the results of the Natural Resource Inventory. (Ord. 055-12HR; 10-16-12) (Ord. 045-13HR; 9-10-13)
- (h) Pervious material may be used for sidewalks and driveways. (Ord. 055-12HR; 10-16-12)

Sec. 26-223. Financial surety.

In lieu of the completion of a subdivision development previous to final plat approval, 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 all improvements within a specified time period as expressed in the bond documents. The following types of bonds shall be acceptable to the county, subject to review and approval by the Richland County Legal Department and/or the county engineer.

- (a) *Surety bond.* 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 percent (125%) of the estimated cost of improvements. The county engineer shall determine the estimated cost of improvements.
- (b) *Escrow funds.* Escrow funds in an account in the name of Richland County in an amount equal to one hundred twenty-five percent (125%) of the estimated cost of improvements. The county engineer shall determine the estimated cost of improvements. 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 percent (125%) of the remaining improvements.
- (c) *Securities.* 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 county engineer shall determine the estimated cost of improvements.
- (d) *Performance bond for easements and right-of-way.* In the event the developer elects to dedicate easements and right-of-way to the public, the developer shall arrange for the contractor to post a performance bond in the amount of one hundred percent (100%) of the estimated construction cost holding the construction contractor liable for any problems for a minimum of twelve (12) months and a maximum of eighteen (18) months following the date of such dedication.
- (e) *Letter of credit.* An irrevocable letter of credit issued by a responsible financial institution, in an amount equal to one hundred twenty-five percent (125%) of the estimated cost of improvements. The estimated cost of improvements shall be determined by the county engineer.

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

(Ord. 064-11HR; 11-15-11)

The planning director, or his/her designee, may exempt subdivisions from the road construction requirements of Sec. 26-181 of this chapter only if the property is being given, for no monetary compensation or any other consideration, to the owners' immediate family members or is being transferred by will or intestate succession or forced division decreed by appropriate judicial authority. The subdivider must submit legal documentation satisfactory to the planning director, or his/her designee, in order to establish eligibility for this exemption. In addition, the subdivider must submit a "Hold Harmless Agreement" as to Richland County. This exemption shall apply only to initial division of property, not to subsequent sale or further subdivision by the heirs, devisees, or transferees. Plats of subdivisions so exempted shall show an ingress/egress easement providing access to all parcels. This easement may be an existing easement maintained by

Richland County. The plat shall contain the following information: (Ord. 064-11HR; 11-15-11) (Ord. 008-13HR; 2-19-13)

- (a) Names of owners of each parcel being created; and (Ord. 064-11HR; 11-15-11)
- (b) Purpose of the subdivision; and (Ord. 064-11HR; 11-15-11)
- (c) A note stating that “ROAD ACCESS NOT PROVIDED”; and (Ord. 064-11HR; 11-15-11)
- (d) A note stating “THESE LOTS/PARCELS MAY NOT BE FURTHER SUBDIVIDED UNTIL ROAD ACCESS IS PROVIDED AND A REVISED PLAT IS APPROVED BY RICHLAND COUNTY”. (Ord. 064-11HR; 11-15-11)
- (e) Should the planning director, or his/her designee, exempt a proposed subdivision from the construction of the private roadway, the property shall also be exempt from delineation of jurisdictional and non-jurisdictional wetlands (for purposes of approving the plat for recordation only; this section shall not supersede any state and/or federal requirement for construction in, around or through a jurisdictional wetland or flood zone). In the situation that a property owner requests exemption from road construction as outlined in this section, the property owner shall sign a statement that he/she understands that the proposed subdivision of land shall not be exempted from any other minimum standard set forth in this chapter; provided, however, all Planning Department subdivision plan review fees shall be waived. (Ord. 064-11HR; 11-15-11) (Ord. 008-13HR; 2-19-13)

Sec. 26-225. Private road subdivisions.
(Ord. 051-11HR; 10-18-11)

- (a) *Purpose.* It is the intent and purpose of this section to furnish a means of subdividing property in the RU zoning district of the county without incurring the costs associated with major subdivisions. (Ord. 051-11HR; 10-18-11)
- (b) *Applicability.* The provisions of this section shall only apply to the RU (Rural) zoning district. (Ord. 051-11HR; 10-18-11)
- (c) *Special requirements for private road subdivisions.* (Ord. 051-11HR; 10-18-11)
 - (1) *Review.* Subdivision of property for a private road subdivision is subject to the minor subdivision review procedure found at Sec. 26-54(c)(2). All Planning Department subdivision plan review fees shall be waived; provided, however, all fees charged by DHEC (and collected by the Richland County Public Works Department) shall be paid by the applicant. (Ord. 051-11HR; 10-18-11)

- (2) *Roads.* Roads within a private road subdivision shall be exempt from the road paving requirements of Sec. 26-181 of this chapter, but shall not be exempt from any other road design requirement. Roads within a private road subdivision shall not be eligible or accepted for county maintenance, which is otherwise provided pursuant to Section 21-5 of the Richland County Code of Ordinances, until they meet the road construction standards provided in Chapter 21 of the Richland County Code. The roadway shall have a minimum right-of-way width of fifty (50) feet and minimum twenty (20) foot wide passable surface, which meets the standards established and set forth by the county engineer. The subdivision documents shall include a conspicuous statement stating that improvements to the roadway without the approval of the county engineer are prohibited. (Ord. 051-11HR; 10-18-11)
 - (3) *Sidewalks.* Private road subdivisions shall be exempt from the sidewalk requirements of Sec. 26-179 of this chapter. (Ord. 051-11HR; 10-18-11)
 - (4) *Size of lots.* Any and all lots created in a private road subdivision shall conform to the RU zoning district's requirements. (Ord. 051-11HR; 10-18-11)
 - (5) *Number of lots.* An owner of land may subdivide a tract of land pursuant to this section provided that no more than seven (7) lots result from the subdivision. (Ord. 051-11HR; 10-18-11)
 - (6) *Number of dwelling units.* Only one (1) dwelling unit shall be permitted on each lot. (Ord. 051-11HR; 10-18-11)
 - (7) *E-911 requirements.* The road, and each lot, shall conform to the county's E-911 system addressing and posting requirements. (Ord. 051-11HR; 10-18-11)
- (d) *Legal documents required.* An applicant for a private road subdivision shall submit: (Ord. 051-11HR; 10-18-11)
- (1) The necessary legal documents that:
 - a. Clearly provide permanent access to each lot.
 - b. State that the county shall not be responsible for either construction or routine (i.e. recurring) maintenance of the private road.
 - c. Clearly state that the parcels created by this process shall not be divided again, except in full compliance with all regulations in effect at the time.

(2) A “Hold Harmless Agreement” as to Richland County.

All legal documents shall be provided in a form acceptable to the county legal department. (Ord. 051-11HR; 10-18-11)

Secs. 26-226 – 26-250. Reserved.
(Ord. 001-11HR; 1-4-11) (Ord. 051-11; 10-18-11)

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ARTICLE XI. NONCONFORMITIES

(Ord. 038-09HR; 7-21-09)

Sec. 26-251. General.

- (a) *Purpose.* The purpose of this article is to establish regulations that govern uses, structures, lots, and other current circumstances that come into being lawfully, but that do not conform to one or more requirements of this chapter and/or amendments thereto. Such nonconformities could be created by the adoption of this chapter, or could have been created by a change in the classification of property or a change in the text of this chapter.
- (b) *Nonconformities – continuation.* Any nonconforming use, structure, or lot that lawfully existed as of the effective date of this chapter and that remains nonconforming may be continued only in accordance with the terms of this article. Any use, structure, or lot that has become nonconforming as a result of the adoption of this chapter, or any subsequent amendment to the text or official zoning map, may be continued and maintained only in accordance with the terms of this article. As used in this article, the term “effective date of this chapter, or any amendment thereto,” refers to the date of the ordinance that first rendered a use, structure, or lot nonconforming.

Sec. 26-252. Nonconforming vacant lots.

- (a) *General.* A nonconforming vacant lot is a lot that was lawfully created prior to the effective date of this chapter, or any amendment thereto, but which does not conform to the dimensional or area requirements for the zoning district in which it is located.
- (b) *Standards.* A nonconforming vacant lot may be used for any of the uses permitted by Article V. of this chapter in the zoning district in which it is located if the use of the lot meets the following standards:
 - (1) All other minimum requirements for the particular zoning district and proposed use must be met or a variance obtained from these requirements.
 - (2) The nonconforming vacant lot does not adjoin and have continuous frontage with one or more other vacant lots in the same ownership. If a nonconforming lot does adjoin and have continuous frontage with one or more other vacant lots in the same ownership, such lots shall be combined or recombined as necessary to form a conforming lot or lots. This subsection shall not apply to a nonconforming vacant lot if a majority of the developed lots located on either side of the road where such a lot is located and within five hundred (500) feet of such lot are also nonconforming. The intent of this subsection is to require nonconforming lots to be combined with other lots to create conforming lots under the

circumstances specified herein, but not to require such combination when that would be out of character with the way the neighborhood has been previously developed.

Sec. 26-253. Nonconforming occupied lots.

- (a) *General.* A nonconforming occupied lot is a lot which contained a structure prior to the effective date of this chapter or any amendment thereto, but which does not conform to the dimensional or area requirements for the zoning district in which it is located.
- (b) *Standards.* A nonconforming occupied lot may be used for any of the uses permitted by this chapter in the zoning district in which it is located if the use of the lot meets the following standards:
 - (1) Any improvement, erection, or extension of buildings or structures on such a lot shall comply with all other minimum requirements of this chapter or a variance must be obtained from these requirements.
 - (2) The nonconforming occupied lot does not adjoin and have continuous frontage with one or more other vacant lots in the same ownership. If a nonconforming lot does adjoin and have continuous frontage with one or more other vacant lots in the same ownership, such lots shall be combined or recombined as necessary to form a conforming lot or lots. This subsection shall not apply to a nonconforming occupied lot if a majority of the developed lots located on either side of the road where such a lot is located and within five hundred (500) feet of such lot are also nonconforming. The intent of this subsection is to require nonconforming lots to be combined with other lots to create conforming lots under the circumstances specified herein, but not to require such combination when that would be out of character with the way the neighborhood has been previously developed.

Sec. 26-254. Nonconforming structures occupying conforming lots.

- (a) *General.* A nonconforming structure occupying a conforming lot is a structure which lawfully existed prior to the effective date of this chapter, or any amendment thereto, which does not meet the minimum requirements for the zoning district in which it is located. It is a structure, however, that is located on a lot that does conform to the zoning district requirements.
- (b) *Standards.* A nonconforming structure on a conforming lot may be used for any of the uses permitted by this chapter in the zoning district in which it is located if the use of the lot meets the following standards:

- (1) A nonconforming structure may undergo a change of use or renovation without having to bring the structure into conformity with the requirements of these regulations provided that:
 - a. The change in use or renovation involves a permitted use within the district, and
 - b. The number of parking spaces provided for the use is in conformity with the requirements of these regulations or a variance is obtained from the board of zoning appeals.
- (2) A nonconforming structure may be expanded, without bringing the nonconforming structure into conformity with these regulations, only if the part of the structure to be expanded and the area of the lot into which the expansion is taking place are both brought into conformity with the requirements of this chapter. However, a structure that is nonconforming only because of setback standards may be enlarged along the nonconforming setback up to ten (10) feet in residential districts or thirty (30) feet in other districts so long as all other aspects of the structure conform to the regulations in this chapter.

Sec. 26-255. Nonconforming open uses of land.

- (a) *General.* A nonconforming open use of land is an open use that was in existence prior to the effective date of this chapter, or any amendment thereto, and which would not be permitted by this chapter in the zoning district in which it is located. For open uses of land, any structures associated with the use are incidental and accessory to the actual use.
- (b) *Standards.* A legally established nonconforming open use of land may be continued subject to the following limitations:
 - (1) When a nonconforming open use of land has been changed to a conforming use, it shall not thereafter be used for any nonconforming use.
 - (2) Nonconforming open uses of land may be converted to another nonconforming use if the board of zoning appeals finds that the new use is more in character with the uses permitted in the zoning district in which the property is located and grants a special exception. In granting such a change, the board may require appropriate conditions and safeguards in accordance with the purposes of this chapter.
 - (3) A nonconforming open use of land shall not be enlarged to cover more land than was occupied by that use when it became nonconforming.

- (4) When any nonconforming open use of land is discontinued for a period in excess of twelve (12) months, any future use of the land shall be limited to those uses permitted in the district in which the land is located.

Sec. 26-256. Nonconforming uses of structures.

- (a) *General.* A nonconforming use of a structure is a use that was lawfully created in a structure prior to the effective date of this chapter, or any amendment thereto, and which would not be permitted by this chapter in the zoning district in which it is located.
- (b) *Standards.* A legally established nonconforming use of a structure may be continued subject to the following limitations:
 - (1) When a nonconforming use of a structure has been changed to a conforming use, it shall not thereafter be used for any nonconforming use.
 - (2) A nonconforming use of a structure may be converted to another nonconforming use if the board of zoning appeals finds that the new use is more in character with the uses permitted in the zoning district in which the property is located and grants a special exception. In granting such a change, the board may require appropriate conditions and safeguards in accordance with the purposes of this chapter.
 - (3) A nonconforming use of a structure may be enlarged or extended only into portions of the structure that existed at the time that the use became nonconforming. No structural alterations will be allowed to any structure containing a nonconforming use except:
 - a. Where such alteration does not enlarge the structure.
 - b. Where such alteration is required by law or by an order from the county building inspector, fire marshal, or zoning administrator to insure the safety of the structure.
 - c. Where such alteration is of a residential structure as set forth in subsection (4) below.
 - (4) Nonconforming existing residential structures in either commercial or industrial districts may be enlarged, extended, or structurally altered, provided that no additional dwelling units result from such enlargement, extension, or alteration. Any such enlargement, extension, or alteration shall comply with the dimensional or area requirements of the Residential, Single-Family, High Density District.

- (5) When any nonconforming use of a structure is discontinued for a period in excess of twelve (12) months, any future use of the land shall be limited to those uses permitted in the district in which the structure is located.

Sec. 26-257. Other nonconforming issues.

- (a) *Standards for replacement of nonconforming manufactured housing.* Any manufactured home used for single-family residential purposes and maintained as a nonconforming use may be enlarged or replaced with a post-1976 manufactured home of the same or larger size, so long as the enlargement or replacement does not create new nonconformities with respect to such matters as yard or parking requirements. Any replacement authorized by this subsection can only take place if said replacement occurs within one hundred eighty (180) days of the removal of the initial manufactured home.
- (b) *Discontinuance.*
 - (1) *When discontinued.* A nonconforming use shall be presumed discontinued when any of the following has occurred:
 - a. The owner has in writing or by public statement indicated intent to abandon the use.
 - b. A conforming use or a nonconforming use of lesser impact has replaced the original nonconforming use.
 - c. The building or structure housing the nonconforming use has been removed.
 - d. The owner has physically changed the building or structure or its permanent equipment in such a way as to indicate clearly a change in use or activity to something other than the nonconforming use.
 - e. The property, structure, or use has been vacant or completely inactive for twelve (12) or more months.
 - (2) *Overcoming presumption of abandonment.* A presumption of abandonment for a nonconforming use in a structure, based solely on the length of time the use of the structure has remained vacant or inactive, may be rebutted. Such a presumption may be overcome upon a showing, to the satisfaction of the zoning administrator, that during such period, the owner of the land has done both of the following:
 - a. The owner has been maintaining the land and structure in accordance with the building code; and

- b. The owner has been actively and continuously marketing the land or structure for sale or lease or has been making necessary improvements in order to continue the use.

Sec. 26-258. Maintenance and nonconformities.

- (a) *Maintenance and required alterations or remodeling.* In the interest of public safety and health, structural alterations or remodeling of nonconforming structures or conforming structures on nonconforming lots that are required by any public law, and so ordered by a public officer in authority, shall be permitted. Routine maintenance shall also be permitted for nonconforming situations so long as no expansion of the nonconformity occurs as a result of the maintenance.
- (b) *Repair/reconstruction of damaged structures.* Any nonconforming use that has been damaged by fire, wind, flood, or other casualty may be repaired and used as before, provided that such repair and reconstruction shall be accomplished:
 - (1) Without any increase in structural dimensions or area devoted to the nonconforming use.
 - (2) Without any change in location except to provide greater conformance with the requirements of this chapter.
 - (3) With initiation of the repairs/reconstruction within twenty-four (24) months of the damage.
 - (4) With completion of the repairs/reconstruction within three (3) years of the damage.

Secs. 26-259 – 26-270. Reserved.

ARTICLE XII. CODE COMPLIANCE

(Ord. 038-09HR; 7-21-09)

Sec. 26-271. Duties regarding enforcement.

The Richland County Zoning Administrator, unless specifically set forth otherwise in this chapter, is hereby authorized to enforce the provisions of this chapter. The administrator shall be entitled to inspect all properties subject to this chapter at all reasonable times in order to determine compliance or non-compliance with the terms and provisions hereof.

Sec. 26-272. Penalties for violations.

- (a) *Liabilities for violations.* Any person who erects, constructs, reconstructs, alters, repairs, converts, or maintains any buildings, structure, sign or sign structure, or develops, grades, or otherwise alters property in violation of this chapter shall be subject to penalties in accordance with this article.
- (b) *Criminal penalties.* Any person who violates the terms of this chapter or fails to comply with any of the requirements of this chapter shall be deemed guilty of a misdemeanor and, upon conviction, shall be fined not more than five hundred (\$500.00) dollars or imprisoned for not more than thirty (30) days, or both. Each day such violation continues after due notice shall be considered a separate offense. The owner or tenant of any building, structure, sign, use premises or part thereof, and any architect, surveyor, engineer, builder, contractor, agent, or other person who commits, participates in, assists in, or maintains that violation may each be found guilty of a separate offense and suffer the penalties set forth herein.
- (c) *Injunctive relief and other remedies.* In addition to, or in lieu of, the other remedies set forth in this article, the zoning administrator, in the event of a violation of this chapter, or other appropriate authority of the county, or an adjacent or neighboring property owner who would be specially damaged by a violation, may institute injunction, mandamus, or other appropriate action or proceeding to prevent the unlawful erection, construction, reconstruction, alteration, conversion, maintenance, or use, or to correct or abate the violation, or to prevent the occupancy of the building, structure, or land. In case a building, structure, or land is or is proposed to be used in violation of this chapter, the county zoning administrator may, in addition to other remedies, issue and serve upon a person pursuing the activity a stop work order requiring such person to stop all activities in violation of this chapter.

Sec. 26-273. Enforcement procedure.

- (a) *Notice of violation.* When an authorized county official finds violations of this chapter, it shall be the duty of said official to notify the person alleged to be in violation. Such notice of violation shall be in writing and sent by certified or registered mail or delivered by personal service. If the violator cannot be

ascertained, then the notice of violation shall be sent to the record owner of the land on which the violation occurs. The notice of violation shall include an opportunity to cure the violation within a prescribed period of time. For violations of the floodplain regulations contained in this chapter, the notice shall also indicate that a hearing will be held before the flood coordinator at a designated place and time. Such place and time shall be no later than twenty (20) days after the date of the notice, at which time the owner or occupant shall be entitled to be heard in person or by counsel and to present arguments and evidence pertaining to the matter.

- (b) *Extension of time to cure.* Upon receipt of a written request from the alleged violator or the property owner for an extension of time to cure or correct the violation, the county official charged with the duty of enforcing the regulation(s) being violated may grant a single extension of time, not to exceed a period of thirty (30) days, in which the alleged violator may cure or correct the violation before the county takes further action.
- (c) *Failure to cure.* If the violator (or land owner if the violator cannot be ascertained) fails to take prompt corrective action in the prescribed time, then the county may pursue the penalties and remedies set forth above.
- (d) *Revocation of permits.* In the event of a violation of any regulation of this chapter, the county official charged with the duty of enforcing the particular regulations, may stop any development of, use of, or activity on property by the revocation of applicable permits.

Sec. 26-274. Definition of violation as it applies to Section 26-106.

(Ord. 060-10HR; 9-28-10)

For the purpose of Section 26-106 only, the term “violation” shall mean the failure of a structure or other development to be fully compliant with the community's flood plain management regulations. (Ord. 060-10HR; 9-28-10)

Secs. 26-275 – 26-290. Reserved.