

- c. **Potential Sale of County Property**
- d. **Potential Litigation**
- e. **Bookert Heights Sewer Project [Pages 16-17]**

REPORT OF THE CLERK OF COUNCIL

REPORT OF THE CHAIRMAN

OPEN/CLOSE PUBLIC HEARING ITEMS

None.

APPROVAL OF CONSENT ITEMS

2.a., 2.b., 4.a., 4.b., 4.d., 4.f., 5.a., 5.c., 5.d., 5.e., 5.f., 5.g., 5.h.

1. THIRD READING ITEMS

- a. **07-09MA**
Robert Fuller
Bluff Industrial Blvd. Extension [Pages 18-19]
- b. **Ordinance Amending Chapter 26,**
Land Development Code regarding
Traditional Recreation Open Space
[Pages 20-95]

2. SECOND READING ITEMS

- a. **07-15MA**
Keith Moore
RU to NC (2.15 acres)
Neighborhood Commercial Use
25700-02-02
Spears Creek Church Road
[CONSENT] [Pages 96-97]
- b. **07-16MA**
Brad Lail
RU/NC to GC (11.26 acres)
General Commercial Use

**TMS# 17104-02-02/03/04
Parklane Rd. & Legrand Road
[CONSENT] [Pages 98-99]**

3. FIRST READING ITEMS

- a. FY 2007-2008 Budget Ordinance**
- b. FY 2007-2008 Millage Ordinance**

4. REPORT OF DEVELOPMENT AND SERVICES COMMITTEE [Pages 100-101]

- a. Request to Approve a Memorandum of Understanding with Clemson University's Institute for Economic and Community Development for the purpose of developing a 5 year strategic plan [CONSENT]**
- b. Request to approve change order #2 for the 2006 resurfacing project (awarded to Sloan Construction Company, Inc.) to authorize the resurfacing/repair of the SCDOT portion of Mallet Hill Rd. [CONSENT]**
- c. Funding options and prioritization for electric traffic signals on new and existing county roads [Page 102]**
 - 1. Funding Options for Electric Traffic Signals**
 - 2. Proposed Traffic Signal Prioritization Policy**
- d. Request for approval of a Sanitary Sewer Extension Agreement for sewer service to the Rothstein Tract, Walmart Shopping Center and the upgrade of several existing system components [CONSENT]**

- e. **Request for approval of a Sanitary Sewer Extension Agreement for the upgrade of an existing sewer lift station and the construction of an odor control building to serve the Eagles Rest Subdivision**
- f. **Request for approval of a Sanitary Sewer Extension Agreement for sewer service to River Shoals Subdivision [CONSENT]**
- g. **Request to approve the award of a construction contract to Sloan Construction Company, Inc. for the Paving Program (South Contract)**
- h. **Request to place sewer extension authority under Richland County Council**
- i. **Request to place subdivision authority under the Richland County Planning Commission [Pages 103-135]**

5. REPORT OF ADMINISTRATION AND FINANCE COMMITTEE [Pages 136-137]

- a. **Request to approve a budget amendment to Risk Management, Ombudsman, and Central Services [CONSENT] [Pages 138-139]**
- b. **Request to approve a budget amendment to increase the Coroner's budget for body removal services (\$50,000) [Pages 140-141]**
- c. **Resolution to Distribute \$27,327.18 in Federal Forestry Funds [CONSENT] [Pages 142-143]**
- d. **Ordinance authorizing the issuance of revenue refunding bonds and revenue bonds for the benefit of International Paper**

Company and related matters in connection therewith [CONSENT] [Pages 144-150]

- e. Resolution towards the issuance of revenue refunding bonds and revenue bonds for the benefit of International Paper Company and related matters in connection therewith [CONSENT] [Pages 151-163]**
- f. Request to renew contract with Correct Care Solutions for the provision of medical services at the Alvin S. Glenn Detention Center [CONSENT]**
- g. Emergency Services: Request for approval to purchase four new ambulance vehicles and five new chassis for ambulance remounts [CONSENT]**
- h. Request for approval for The Administrator to negotiate a price with the vendor selected to provide a CAD system for the Richland County/City of Columbia 911 Center [CONSENT]**

6. REPORT OF THE ECONOMIC DEVELOPMENT COMMITTEE

- a. Citadel Foundation/Northpoint Industrial Park – Financial Plan and Contract Approval [Pages 164-173]**
- b. Potential Speculative Building(s) Development: Financial Plan**

7. REPORT OF THE RULES AND APPOINTMENTS COMMITTEE [174-175]

- I.a. Notification of vacancy on East Richland Public Service Commission-2**

II.a. Appointment to Planning Commission-1
[Pages 176-177]

II.b. Appointment to Riverbanks Zoo
[Pages 178-179]

III. Amendments to Council Rules

a. Section 4.6 Reports [Page 180]

b. Section 5.21 Voting [Page 181]

8. CITIZEN'S INPUT

9. MOTION PERIOD

10. ADJOURNMENT

MINUTES OF



RICHLAND COUNTY COUNCIL REGULAR SESSION TUESDAY, APRIL 17, 2007 6:00 p.m.

In accordance with the Freedom of Information Act, a copy of the agenda was sent to radio and TV stations, newspapers, persons requesting notification, and was posted on the bulletin board located in the lobby of the County Administration Building.

MEMBERS PRESENT:

| | |
|------------|------------------------|
| Chair | Joseph McEachern |
| Vice Chair | Valerie Hutchinson |
| Member | Joyce Dickerson |
| Member | Norman Jackson |
| Member | Damon Jeter |
| Member | Paul Livingston |
| Member | Bill Malinowski |
| Member | Mike Montgomery |
| Member | L. Gregory Pearce, Jr. |
| Member | Bernice G. Scott |
| Member | Kit Smith |

OTHERS PRESENT - Michielle Cannon-Finch, Milton Pope, Tony McDonald, Roxanne Matthews, Stephany Snowden, Jennifer Dowden, Joe Cronin, Larry Smith, Amelia Linder, Anna Almeida, Michael Criss, Brenda Carter, Betty Etheredge, Marlin Henderson, Audrey Shifflett, Pam Davis, Teresa Smith, Janet Claggett, Monique Walters, Michelle Onley

CALL TO ORDER

The meeting was called to order at approximately 6:01 p.m.

INVOCATION

A moment of silence was taken in honor of the Virginia Tech students that were killed and Ms. Scott's brother, who recently passed away.

The Invocation was given by the Honorable Bill Malinowski

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by the Honorable Bill Malinowski

POINT OF PERSONAL PRIVILEGE – Ms. Dickerson announced that she had taken an early retirement effective April 15th.

PRESENTATION OF RESOLUTIONS

Marlin Henderson—Retired Employee – Ms. Scott and Mr. Jeter presented Ms. Marlin Henderson with a resolution in honor of her retirement.

PRESENTATIONS

Homeworks of America – Mr. Hank Chardos made a brief presentation regarding the Homeworks of America program.

Columbia Classical Ballet – Ms. Lee Lumpkin thanked County Council for their continued support, spoke regarding the Columbia Classical Ballet's Life Chance Program and invited County Council to attend next year's presentation on January 26, 2008.

POINT OF PERSONAL PRIVILEGE – Ms. Scott recognized that Eastover Mayor Christopher Campbell was in the audience.

CITIZEN'S INPUT

Eastover Mayor Christopher Campbell spoke regarding donation of undedicated fire truck to Kira, Uganda.

APPROVAL OF MINUTES

Regular Session: April 3, 2007 – Mr. Livingston moved, seconded by Ms. Hutchinson, to approve the minutes as distributed. The vote in favor was unanimous.

ADOPTION OF AGENDA

Mr. Smith requested that pending litigation—Northeast Sanitary Landfill vs. Richland County be added to the agenda under the Report of County Attorney for Executive Session Items. Ms. Scott moved, seconded by Mr. Montgomery, to add this item to the agenda.

Mr. Montgomery moved, seconded by Ms. Scott, to adopt the agenda as amended.

Mr. Pope stated that Item 1.h. needed to be removed from the agenda.

Mr. Montgomery accepted the amendment to the agenda.

Ms. Smith requested that Executive Session be held after Citizens Input.

Mr. Montgomery accepted the amendment to the agenda.

The vote in favor was unanimous.

REPORT OF COUNTY ATTORNEY FOR EXECUTIVE SESSION ITEMS

The following items were potential Executive Session Items:

- a. **Legal Update—FEMA**
- b. **Pending Litigation—Northeast Sanitary Landfill vs. Richland County**
- c. **Employee Grievances**

REPORT OF THE COUNTY ADMINISTRATOR

Alvin S. Glenn Detention Center Presentation – Mr. Pope recognized Lt. Genita Burroughs upon her retirement and her various achievements during her career with the Alvin S. Glenn Detention Center.

E911 Report – Mr. Pope stated that additional employment initiatives are being reviewed by the County and City legal departments and that the agreement will be coming back to Council in the future.

April 24th D&S Committee Meeting Time – Mr. Pope stated that the meeting time may have to be adjusted to accommodate all of the items on the D&S agenda.

Sewer Extension Policy Questions – Mr. Pope stated that he had forwarded to Council any questions regarding the sewer extension policy. If any information is needed, please contact his office.

Millage Packets – Mr. Pope stated that the millage agency requests were placed in Council's mailboxes this afternoon.

REPORT OF THE CLERK OF COUNCIL

Work Session Date for Business Service Center – Ms. Finch inquired if there was a suggested time to hold the work session. This item will be taken up during the motion period.

SCAC's 40th Annual Conference – Ms. Finch stated that she had received the information regarding the conference and needed to know which Council members plan to attend the conference in order that she may make hotel reservations.

REPORT OF THE CHAIRMAN

Update: Transportation Study Commission Kick-Off Meeting – Mr. McEachern stated that the kick-off meeting was held last week. He commended the staff and the commission appointees on their hard work.

PUBLIC HEARING ITEMS

Mr. McEachern opened the floor to the following public hearings:

- **An Ordinance Amending Ordinance No. 011-06HR, which authorized a deed to L-J, Inc. for Lot 18 & 19 in the Richland Northeast Industrial Park, so as to allow the lots to be conveyed to David N. Jordan** – No one signed up to speak.
- **Approval of Resolution: South Carolina JEDA Bond Lutheran Homes Bond Issue** – No one signed up to speak.

The public hearing was closed.

APPROVAL OF CONSENT ITEMS

Ms. Hutchinson moved, seconded by Mr. Pearce, to approve the following consent items:

- **07-14MA, Jerry Rye, RU to GC (3.287 Acres), Office Retail, 00500-04-03, US 76 & Wessinger Road** [Third Reading]
- **07-18MA, Carolina Ceramics, RU to HI (118.91 Acres), Shale Mining Operation, 23700-03-02 & 26600-03-01, Hidden Valley Road & Hwy. 232** [Third Reading]
- **07-21MA, Lake Carolina, PDD to Amended PDD (167.1 Acres), PDD Amendment, 23300-03-01, Lake Carolina & Kelly Mill Road** [Third Reading]
- **07-03MA, Congaree Point, M-1/GC to PDD, Mixed Use Development, 13500-02-04 & 13510-01-03, Atlas & Bluff Road** [Third Reading]
- **An Ordinance Amending the Ordinance No. 011-06HR, which authorized a deed to L-J, Inc. for Lot 18 & 19 in the Richland Northeast Industrial Park, so as to allow the lots to be conveyed to David N. Jordan** [Third Reading]
- **Emergency Services: Request for Approval of Stretcher and EKG Equipment Purchases (Budget Amendment)** [Second Reading]
- **An Ordinance Authorizing the Granting of a Sanitary Sewer Right-of-Way Easement to the City of Columbia Across Property Identified as a Portion of TMS# 17400-09-15, to serve the Killian Crossroads Development** [Second Reading]
- **Sheriff's Department: Budget Amendment for Special Duty Pay and Request for One Additional FTE** [Second Reading]

- **An Ordinance Amending the Richland County Code of Ordinances, Chapter 2, Administration; Article VII, Boards, Commissions and Committees; Section 2-326, Boards and Commissions Created and Recognized; so as to create a Business Service Center Appeals Board [First Reading]**
- **Approval of Resolution: South Carolina JEDA Bond Lutheran Homes Bond Issue**

The vote in favor was unanimous.

THIRD READING ITEMS

06-54MA, Stephen Spangler, Beach Equity Investment, HI to RM-HD, Multi-Family Residential, 17200-03-01(p), Farrow Road & Business Park Blvd. – Ms. Smith recused herself and did not participate in any discussion or vote relating to this item representing a potential conflict of interest.

Ms. Livingston moved, seconded by Ms. Scott, to approve this item. The vote was in favor. Mr. McEachern opposed.

06-55MA, Stephen Spangler, Beach Equity Investment, HI to RM-HD, Multi-Family Residential, 17200-03-24, Farrow Road & Business Park Blvd. – Ms. Smith recused herself and did not participate in any discussion or vote relating to this item representing a potential conflict of interest.

Mr. Livingston moved, seconded by Ms. Scott, to approve this item. The vote was in favor. Mr. McEachern opposed.

An Ordinance Authorizing Richland County, South Carolina, to enter into a loan agreement with the bank in the approximate amount of \$25,000,000 to be paid from and secured by a pledge of the County's local hospitality tax; approving the form and term of certain documents in connection with the loan; authorizing the County Administrator to determine certain matters relating to the loan; providing for the payment of the loan and the disposition of the proceeds thereof; and other matters related thereto – A discussion took place.

Mr. Livingston moved, seconded by Ms. Dickerson, to approve this item. The vote in favor was unanimous.

REPORT OF RULES AND APPOINTMENTS COMMITTEE

I. NOTIFICATION OF VACANCIES ON BOARDS, COMMISSIONS AND COMMITTEES

- a. **Central Midlands RTA—4** – Mr. Montgomery stated that the committee recommended that staff advertise for these vacancies. The vote in favor was unanimous.

- b. **Employee Grievance Committee—2** – Mr. Montgomery stated that the committee recommended that staff advertise for these vacancies. The vote in favor was unanimous.

II. NOTIFICATION OF VACANCIES

- a. **Board of Assessment Appeals—1** – Mr. Montgomery stated there was one applicant and one vacancy. The committee's recommendation was to re-appoint Mr. Joseph B. Rosen. The vote in favor was unanimous.
- b. **Internal Audit Committee—2** – Mr. Montgomery stated there was one applicant and two vacancies. The committee's recommendation was to appoint Mr. Marlon M. Walters and to re-advertise for the other vacancy. The vote in favor was unanimous.
- c. **Township Auditorium Board—3** - Mr. Montgomery stated there were four applicants and three vacancies. The committee's recommendation was to fill two vacancies and re-advertise for the remaining vacancy and the vacancy that will be coming open. The committee recommended rolling over the two applications that were received to the next wave of appointments for the 2 positions to be advertised. A discussion took place.

The committee's recommendation was to appoint Mr. Chris Leevy Johnson and Mr. John Whitehead. The vote in favor was unanimous.

REPORT OF ECONOMIC DEVELOPMENT COMMITTEE

Citadel Foundation/Northpoint Industrial Park—Contract Approval – Mr. Jeter stated the committee recommended deferral of this item. The vote in favor was unanimous.

FN Manufacturing: Covenants Exception – Mr. Jeter stated that the committee recommended approval of this item. The vote in favor was unanimous.

REQUEST BY COUNCILMEMBERS

Eastover Request: Fire Truck for Kira, Uganda – Ms. Scott moved, seconded by Mr. Jackson, to approve this item. A discussion took place.

The vote in favor was unanimous.

Approval of Contract with Sungard Bi-Tech for the purchase of Finance and Human Resource Software System (Deferred from Council Meeting held March 20, 2007) – Mr. Montgomery moved, seconded by Ms. Dickerson, to approve this item. A discussion took place.

The vote in favor was unanimous.

CITIZEN'S INPUT

No one signed up to speak.

EXECUTIVE SESSION ITEMS

- a. **Legal Update—FEMA** – No action was taken.
- b. **Pending Litigation: Northeast Sanitary Landfill vs. Richland County**
– Ms. Smith moved, seconded Mr. Montgomery, to direct legal staff to enter into discussion regarding this matter and report back to Council. The vote in favor was unanimous.
- c. **Employee Grievances** – Ms. Scott moved, seconded by Mr. Jeter, to oppose the Administrator's recommendation on the first employee grievance. The vote in favor was unanimous.

Ms. Scott moved, seconded by Mr. Jeter, to uphold the Administrator's recommendation and to allow the applicant to reapply for another County position. The vote in favor was unanimous.

Mr. Montgomery moved, seconded by Ms. Scott, to go into Executive Session. The vote in favor was unanimous.

=====
Council went into Executive Session at approximately 7:13 p.m. and came out at approximately 8:24 p.m.
=====

Mr. Montgomery moved, seconded by Mr. Pearce, to come out of Executive Session. The vote in favor was unanimous.

MOTION PERIOD

Licensing and Location of Sexually-Oriented Businesses – Mr. Montgomery requested that Administration prepare a report to the A&F Committee with regard to the licensing and location of sexually-oriented business and Richland County and how enforcement of those businesses is addressed.

Yard Parking in RS-LD, RS-MD, and RS-HD Zones – Mr. Montgomery forwarded to the D&S Committee the issue of yard parking in RS-LD, RS-MD and RS-HD zones.

Business Service Center Work Session – Ms. Smith moved, with unanimous consent, to schedule the work session for April 26th from 4:00 p.m.-6:00 p.m.

Partnership to Share Electronic Data – Mr. Jackson forwarded to the A&F Committee the development of a partnership between the South Carolina National Guard and other government agencies, if necessary, to share electronic data, including GIS and other services, at a nominal fee. The vote in favor was unanimous.

Architectural Review Board – Mr. Jackson forwarded to Rules & Appointments Committee the development of an Architectural Review Board for the County or for each Council District.

ADJOURNMENT

The meeting adjourned at approximately 8:38 p.m.

Joseph McEachern, Chair

Valerie Hutchinson, Vice-Chair

Joyce Dickerson

Norman Jackson

Damon Jeter

Paul Livingston

Bill Malinowski

Mike Montgomery

L. Gregory Pearce, Jr.

Bernice G. Scott

Kit Smith

The minutes were transcribed by Michelle M. Onley

South Carolina Code of Laws, 1976, as amended:

SECTION 6-31-40. Developed property must contain certain number of acres of highland; permissible durations of agreements for differing amounts of highland content.

A local government may enter into a development agreement with a developer for the development of property as provided in this chapter provided the property contains twenty-five acres or more of highland. Development agreements involving property containing no more than two hundred fifty acres of highland shall be for a term not to exceed five years. Development agreements involving property containing one thousand acres or less of highland but more than two hundred fifty acres of highland shall be for a term not to exceed ten years. Development agreements involving property containing two thousand acres or less of highland but more than one thousand acres of highland shall be for a term not to exceed twenty years. Development agreements involving property containing more than two thousand acres and development agreements with a developer which is a redevelopment authority created pursuant to the provisions of the Military Facilities Redevelopment Law, regardless of the number of acres of property involved, may be for such term as the local government and the developer shall elect.

Richland County Council Request of Action

Subject: Bookert Heights Sewer Project

A. Purpose

County Council is requested to approve the award of a construction contract to the lowest responsive, responsible bidder, Trussell Brothers Construction Company, in the amount of \$1,170,699, for the Bookert Heights Sewer Project.

B. Background / Discussion

This community is a low and moderate income neighborhood located north of the City of Columbia and has been on the SC Department of Health and Environmental Water and Sewer Needs list for a number of years. The project is included in the CDBG Consolidated Plan.

The project consists of providing sewer service to the Bookert Heights Community. The project will include the following streets, Heyward Brockington Road, Dakota, Welland, Porter, Red Ridge Terrace and Hattie Streets. The construction cost estimate for this project was approximately \$1,000,000 provided by Jordan, Jones and Goulding (JJ&G), who completed the design and specifications.

The bid opening was held on Tuesday, April 24, 2007, and it appears that all necessary paperwork is provided and in place.

C. Financial Impact

Richland County's Community Development Block Grant (CDBG) funds will be used to pay for this project. These funds have been set aside.

D. Alternatives

There are two alternatives that exist for this project and are as follows:

1. Approve the award of contract to Trussell Brothers Construction Company in the amount of \$1,170,699. The lowest responsive, responsible bidder for the Bookert Heights Sewer Project.
2. Do not approve the award of contract to Trussell Brothers Construction Company and forfeit the opportunity to provide infrastructure improvements to an existing neighborhood, Bookert Heights; as well as not expend the CDBG funds in a timely fashion, as required.

E. Recommendation

Approve the award of contract to Trussell Brothers Construction Company for the Bookert Heights Sewer Project to be paid with CDBG funds.

Recommended by: Sherry Wright-Moore Department: Community Development
Date: 04/24/07

F. Approvals

Finance

Approved by (Finance Director):
Comments:

Date:

Approved by (Budget Director):
Comments:

Date:

Procurement

Approved by:
Comments:

Date:

Grants

Approved by:
Comments:

Date:

Legal

Approved by:
Comments:

Date:

Administration

Approved by:
Comments:

Date:

STATE OF SOUTH CAROLINA
COUNTY COUNCIL OF RICHLAND COUNTY
ORDINANCE NO. ____-07HR

AN ORDINANCE OF THE COUNTY COUNCIL OF RICHLAND COUNTY, SOUTH CAROLINA, AMENDING THE ZONING MAP OF UNINCORPORATED RICHLAND COUNTY, SOUTH CAROLINA, TO CHANGE THE ZONING DESIGNATION FOR THE REAL PROPERTY DESCRIBED AS TMS # 11111-01-54 FROM M-1 (LIGHT INDUSTRIAL DISTRICT) TO GC (GENERAL COMMERCIAL DISTRICT); AND PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE.

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

Section I. The Zoning Map of unincorporated Richland County is hereby amended to change the real property described as TMS # 11111-01-54 from M-1 (Light Industrial District) zoning to GC (General Commercial District) zoning.

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

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

Section IV. This ordinance shall be effective from and after _____, 2007.

RICHLAND COUNTY COUNCIL

By: _____
Joseph McEachern, Chair

Attest this _____ day of
_____, 2007.

Michielle R. Cannon-Finch
Clerk of Council

RICHLAND COUNTY ATTORNEY'S OFFICE

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

Public Hearing: February 27, 2007
First Reading: February 27, 2007
Second Reading: March 13, 2007
Third Reading: May 1, 2007 (tentative)

STATE OF SOUTH CAROLINA
COUNTY COUNCIL FOR RICHLAND COUNTY
ORDINANCE NO. ___-07HR

AN ORDINANCE AMENDING THE RICHLAND COUNTY CODE OF ORDINANCES; CHAPTER 26, LAND DEVELOPMENT; ARTICLE II, RULES OF CONSTRUCTION/DEFINITIONS; ARTICLE V, ZONING DISTRICTS AND DISTRICT STANDARDS; AND ARTICLE VI, SUPPLEMENTAL USE STANDARDS; SO AS TO PROVIDE FOR A TRADITIONAL RECREATION OPEN SPACE DISTRICT.

WHEREAS, to ensure the preservation and conservation of recreation and open space as contemplated by the County Comprehensive Plan; and

WHEREAS, to provide opportunities for improved public and/or private recreation activities; and

WHEREAS, to provide for a community-wide network of open space, buffer zones, and recreational spaces; and

WHEREAS, to lessen the hazards and loss of property, and the reduction of health and safety due to the loss of open space; and

WHEREAS, to provide for, and permit, the appropriate valuation by the tax assessor and/or land appraiser that reflects the conservation and/or open space use of land;

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

SECTION I. The Richland County Code of Ordinances, Chapter 26, Land Development; Article II, Rules of Construction/Definitions; Section 26-22, Definitions; the term “structure”; is hereby amended as follows:

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.

SECTION II. The Richland County Code of Ordinances, Chapter 26, Land Development; Article V, Zoning Districts and District Standards; Section 26-83, Establishment of Zoning Districts is hereby amended to read as follows:

Sec. 26-83. Establishment of zoning districts.

- (a) *General.* Within the unincorporated areas of Richland County there are three (3) types of zoning districts: general use districts, planned development districts, and 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.
- (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:

| | |
|-------------|--|
| <u>TROS</u> | <u>Traditional Recreation Open Space District</u> |
| 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 |

SECTION III. The Richland County Code of Ordinances, Chapter 26, Land Development; Article V, Zoning Districts and District Standards; section heading “Section 26-84. RU Rural District” is hereby amended to read as follows:

Sec. 26-85. RU Rural District.

SECTION IV. The Richland County Code of Ordinances, Chapter 26, Land Development; Article V, Zoning Districts and District Standards; section heading “Section 26-85. RR Rural Residential District” is hereby amended to read as follows:

Sec. 26-86. RR Rural Residential District.

SECTION V. The Richland County Code of Ordinances, Chapter 26, Land Development; Article V, Zoning Districts and District Standards; section heading “Section 26-86. RS-E Residential, Single-Family Estate District” is hereby amended to read as follows:

Sec. 26-87. RS-E Residential, Single-Family Estate District.

SECTION VI. The Richland County Code of Ordinances, Chapter 26, Land Development; Article V, Zoning Districts and District Standards; section heading “Section 26-87. RS-LD Residential, Single-Family Low Density District” is hereby amended to read as follows:

Sec. 26-88. RS-LD Residential, Single-Family Low Density District.

SECTION VII. The Richland County Code of Ordinances, Chapter 26, Land Development; Article V, Zoning Districts and District Standards; section heading “Section 26-88. RS-MD Residential, Single-Family Medium Density District” is hereby amended to read as follows:

Sec. 26-89. RS-MD Residential, Single-Family Medium Density District.

SECTION VIII. The Richland County Code of Ordinances, Chapter 26, Land Development; Article V, Zoning Districts and District Standards; section heading “Section 26-89. RS-HD Residential, Single-Family High Density District” is hereby amended to read as follows:

Sec. 26-90. RS-HD Residential, Single-Family High Density District.

SECTION IX. The Richland County Code of Ordinances, Chapter 26, Land Development; Article V, Zoning Districts and District Standards; section heading “Section 26-90. MH Manufactured Home Residential District” is hereby amended to read as follows:

Sec. 26-91. MH Manufactured Home Residential District.

SECTION X. The Richland County Code of Ordinances, Chapter 26, Land Development; Article V, Zoning Districts and District Standards; section heading “Section 26-91. RM-MD Residential, Multi-Family Medium Density District” is hereby amended to read as follows:

Sec. 26-92. RM-MD Residential, Multi-Family Medium Density District.

SECTION XI. The Richland County Code of Ordinances, Chapter 26, Land Development; Article V, Zoning Districts and District Standards; section heading “Section 26-92. RM-HD Residential, Multi-Family High Density District” is hereby amended to read as follows:

Sec. 26-93. RM-HD Residential, Multi-Family High Density District.

SECTION XII. The Richland County Code of Ordinances, Chapter 26, Land Development; Article V, Zoning Districts and District Standards; section heading “Section 26-93. OI Office and Institutional District” is hereby amended to read as follows:

Sec. 26-94. OI Office and Institutional District.

SECTION XIII. The Richland County Code of Ordinances, Chapter 26, Land Development; Article V, Zoning Districts and District Standards; section heading “Section 26-94. NC Neighborhood Commercial District” is hereby amended to read as follows:

Sec. 26-95. NC Neighborhood Commercial District.

SECTION XIV. The Richland County Code of Ordinances, Chapter 26, Land Development; Article V, Zoning Districts and District Standards; section heading “Section 26-95. RC Rural Commercial District” is hereby amended to read as follows:

Sec. 26-96. RC Rural Commercial District.

SECTION XV. The Richland County Code of Ordinances, Chapter 26, Land Development; Article V, Zoning Districts and District Standards; section heading “Section 26-96. GC General Commercial District” is hereby amended to read as follows:

Sec. 26-97. GC General Commercial District.

SECTION XVI. The Richland County Code of Ordinances, Chapter 26, Land Development; Article V, Zoning Districts and District Standards; section heading “Section 26-97. M-1 Light Industrial District” is hereby amended to read as follows:

Sec. 26-98. M-1 Light Industrial District.

SECTION XVII. The Richland County Code of Ordinances, Chapter 26, Land Development; Article V, Zoning Districts and District Standards; section heading “Section 26-98. LI Light Industrial District” is hereby amended to read as follows:

Sec. 26-99. LI Light Industrial District.

SECTION XVIII. The Richland County Code of Ordinances, Chapter 26, Land Development; Article V, Zoning Districts and District Standards; section heading “Section 26-99. HI Heavy Industrial District” is hereby amended to read as follows:

Sec. 26-100. HI Heavy Industrial District.

SECTION XIX. The Richland County Code of Ordinances, Chapter 26, Land Development; Article V, Zoning Districts and District Standards; section heading “Section 26-100. PDD Planned Development District” is hereby amended to read as follows:

Sec. 26-101. PDD Planned Development District.

SECTION XX. The Richland County Code of Ordinances, Chapter 26, Land Development; Article V, Zoning Districts and District Standards; section heading “Section 26-101. TC Town and Country District” is hereby amended to read as follows:

Sec. 26-102. TC Town and Country District.

SECTION XXI. The Richland County Code of Ordinances, Chapter 26, Land Development; Article V, Zoning Districts and District Standards; section heading “Section 26-102. AP Airport Height Restrictive Overlay District” is hereby amended to read as follows:

Sec. 26-103. AP Airport Height Restrictive Overlay District.

SECTION XXII. The Richland County Code of Ordinances, Chapter 26, Land Development; Article V, Zoning Districts and District Standards; section heading “Section 26-103. C Conservation Overlay District” is hereby amended to read as follows:

Sec. 26-104. C Conservation Overlay District.

SECTION XXIII. The Richland County Code of Ordinances, Chapter 26, Land Development; Article V, Zoning Districts and District Standards; section heading “Section 26-104. FP Floodplain Overlay District” is hereby amended to read as follows:

Sec. 26-105. FP Floodplain Overlay District.

SECTION XXIV. The Richland County Code of Ordinances, Chapter 26, Land Development; Article V, Zoning Districts and District Standards; section heading “Section 26-105. RD Redevelopment Overlay District” is hereby amended to read as follows:

Sec. 26-106. RD Redevelopment Overlay District.

SECTION XXV. The Richland County Code of Ordinances, Chapter 26, Land Development; Article V, Zoning Districts and District Standards; is hereby amended by the creation of a new section, to read as follows:

Sec. 26-84. TROS Traditional Recreation Open Space District.

- (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.

SECTION XXVI. The Richland County Code of Ordinances, Chapter 26, Land Development; Article III, Administration; Section 26-35, Richland County Planning and Development Services Department, Subsection (b)(4) is hereby amended to read as follows:

- (4) *Flood coordinator.* The Richland County Flood Coordinator shall have the following powers and duties in administering and implementing Section 26-104 105 of this chapter and other relevant laws and regulations pertaining to floodplain management in Richland County:
 - a. To review all applications for zoning and grading permits within the FP Overlay District to assure that all applicable requirements of this chapter have been satisfied.

- b. To advise any applicant for a zoning and/or grading permit within the FP 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.
- c. To notify adjacent communities and the State Coordinator for the National Flood Insurance Program of the South Carolina Department of Natural Resources, Land Resources and Conservation Districts Division, prior to any alteration or relocation of a watercourse, and to submit evidence of such notification to FEMA.
- d. To prevent encroachments within floodways unless the certification and flood hazard reduction provisions of Section 26-~~104~~ 105 of this chapter are met.
- 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-~~104~~ 105 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-~~104~~ 105 of this chapter and other relevant laws and regulations pertaining to floodplain management in Richland County.
- 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 26-104 105 of this chapter and other relevant laws and regulations pertaining to floodplain management in Richland County.

SECTION XXVII. The Richland County Code of Ordinances, Chapter 26, Land Development; Article VII, General Development, Site, and Performance Standards; Section 26-182, Easements and Utilities; Subsection (a)(2) is hereby amended to read as follows:

- (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 26-104 105 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.

SECTION XXVIII. The Richland County Code of Ordinances, Chapter 26, Land Development; Article VIII, Resource Protection Standards; Section 26-203, Stormwater Management, Subsection (b)(2)d. is hereby amended to read as follows:

- 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 26-104 105(d) of this chapter and all applicable building code requirements.

SECTION XXIX. The Richland County Code of Ordinances, Chapter 26, Land Development; Article VIII, Resource Protection Standards; Section 26-203, Stormwater Management, Subsection (b)(2)g.1. is hereby amended to read as follows:

1. Such proposed impediment is a permitted use pursuant to Section 26-104 105(d)(2)i. of this chapter; or

SECTION XXX. The Richland County Code of Ordinances, Chapter 26, Land Development; Article V, Zoning Districts and District Standards; Table 26-V-1, Table of Area, Yard, and Height Requirements; is hereby amended to read as follows:

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 | 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. 26-87 | 20 | 45 |
| RS-MD | 8,500 | NA | 1/Lot | 60 | None | 25 | See Sec. 26-88 | 20 | 45 |
| RS-HD | 5,000 | NA | 1/Lot | 50 | None | 25 | See Sec. 26-89 | 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. 26-92. |
| OI | NA | NA | 16 Units/Acre | See Sec. 26-92. | None | 25 | 7 | 20 | See Sec. 26-93. |
| NC | NA | NA | 8 Units/Acre | None | See Sec. 26-94. | 25 | None | 10 | See Sec. 26-94. |
| RC | 22,000 | NA | NA | 50 | See Sec. 26-95. | 25 | None | 20 | 45 |
| GC | NA | NA | 16 Units/Acre | None | None | 25 | None | 10 | See Sec. 26-96. |
| 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 |

SECTION XXXI. The Richland County Code of Ordinances, Chapter 26, Land Development; Article V, Zoning Districts and District Standards; Table 26-V-2, Table of Permitted Uses, Permitted Uses with Special Requirements, and Special Exceptions; is hereby amended to read as follows:

(Ordinance continues on next page)

**TABLE 26-V-2
TABLE OF PERMITTED USES, PERMITTED USES WITH SPECIAL REQUIREMENTS, AND SPECIAL EXCEPTIONS**

| | <u>TROS</u> | RU | RR | RS-E | RS-LD | RS-MD | RS-HD | MH | RM-MD | RM-HD | OI | NC | RC |
|---|-------------|----|----|------|-------|-------|-------|----|-------|-------|----|----|----|
| USE TYPES | | | | | | | | | | | | | |
| <u>Agricultural Uses</u> | | | | | | | | | | | | | |
| Animal Production | | P | | | | | | | | | | | |
| Animal Production Support Services | | P | | | | | | | | | | | |
| Crop Production | | P | | | | | | | | | | | |
| Crop Production Support Services | | P | | | | | | | | | | | |
| Fish Hatcheries | | P | | | | | | | | | | | |
| Forestry | | P | | | | | | | | | | | |
| Forestry Support Services | | P | | | | | | | | | | | |
| Poultry Farms | | SR | | | | | | | | | | | |
| Produce Stands | | SR | | | | | | | | | | | |
| Swine Farms | | | | | | | | | | | | | |
| Veterinary Services (Livestock) | | P | | | | | | | | | | | |
| | | | | | | | | | | | | | |
| <u>Residential Uses</u> | | | | | | | | | | | | | |
| Accessory Dwellings | | SR | SR | SR | SR | SR | SR | | P | P | | | |
| Common Area Recreation and Service Facilities | | P | P | P | P | P | P | P | P | P | P | P | P |
| Continued Care Retirement Communities | | SE | SE | | | | | | SR | SR | SR | | SR |
| Dormitories | | | | | | | | | | P | SE | | |
| Dwellings, Conventional or Modular | | | | | | | | | | | | | |
| 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 | SR | | |

| USE TYPES | <u>TROS</u> | RU | RR | RS-E | RS-LD | RS-MD | RS-HD | MH | RM-MD | RM-HD | OI | NC | RC |
|--|-------------|----|----|------|-------|-------|-------|----|-------|-------|----|----|----|
| Two-Family | | | | | | | | | P | P | | | |
| Dwellings, Manufactured Homes on Individual Lots | | SR | SR | SR | | | | SR | | | | | |
| Fraternity and Sorority Houses | | | | | | | | | P | P | P | | |
| Group Homes (9 or Less) | | SR | SR | SR | SR | SR | SR | SR | SR | SR | | | |
| Group Homes (10 or More) | | | | | | | | | | SE | SE | SE | SE |
| Manufactured Home Parks | | | | | | | | SR | | | | | |
| Rooming and Boarding Houses | | | | | | | | | | SE | SE | SE | SE |
| Special Congregate Facilities | | | | | | | | | | | 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 |
| Home Occupations | | 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 |
| Yard Sales | | SR | SR | SR | SR | SR | SR | SR | SR | SR | SR | SR | SR |
| | | | | | | | | | | | | | |
| <u>Recreational Uses</u> | | | | | | | | | | | | | |
| Amusement or Water Parks, Fairgrounds | | | | | | | | | | | | | |
| Amusement Arcades | | | | | | | | | | | | P | P |
| Athletic Fields | <u>SR</u> | SE | SE | SE | SE | SE | SE | SE | SE | SE | P | SR | SR |
| Batting Cages | | | | | | | | | | | | | |
| Billiard Parlors | | | | | | | | | | | | | |
| Bowling Centers | | | | | | | | | | | | | |
| Clubs or Lodges | | SR | | | | | | | | | P | P | P |
| Country Clubs with Golf Courses | <u>SR</u> | SR | SE | SE | SE | SE | SE | SE | SE | SE | | | |
| Dance Studios and Schools | | | | | | | | | | | P | P | P |
| Go-Cart, Motorcycle and Similar Small Vehicle Tracks | | | | | | | | | | | | | |

| USE TYPES | <u>TROS</u> | RU | RR | RS-E | RS-LD | RS-MD | RS-HD | MH | RM-MD | RM-HD | OI | NC | RC | |
|---|-------------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|
| Golf Courses | <u>SR</u> | SR | SE | SE | SE | SE | SE | SE | SE | SE | | | | |
| Golf Courses, Miniature | | | | | | | | | | | | | P | |
| Golf Driving Ranges (Freestanding) | <u>SR</u> | | | | | | | | | | | | SR | |
| Hunt Clubs | | P | | | | | | | | | | | | |
| Marinas and Boat Ramps | | | | | | | | | | | | | | |
| Martial Arts Instructional Schools | | | | | | | | | | | P | P | P | |
| Physical Fitness Centers | | | | | | | | | | | P | P | P | |
| Public or Private Parks | <u>SR</u> | SR | SR | SR | SR | SR | SR | SR | SR | SR | SR | SR | SR | SR |
| Public Recreation Facilities | <u>SR</u> | SR | SR | SR | SR | SR | SR | SR | SR | SR | SR | SR | SR | SR |
| Racetracks and Drag Strips | | | | | | | | | | | | | | |
| Riding Stables | <u>P</u> | P | | | | | | | | | | | | |
| Shooting Ranges, Indoor | | | | | | | | | | | | | | |
| Shooting Ranges, Outdoor | | SE | | | | | | | | | | | | |
| Skating Rinks | | | | | | | | | | | | | | |
| Swim and Tennis Clubs | <u>SR</u> | SE | SE | SE | SE | SE | SE | SE | SE | SE | SE | SE | SE | SE |
| <u>Swimming Pools</u> | <u>SR</u> | <u>SR</u> | <u>SR</u> | <u>SR</u> | <u>SR</u> | <u>SR</u> | <u>SR</u> | <u>SR</u> | <u>SR</u> | <u>SR</u> | <u>SR</u> | <u>SR</u> | <u>SR</u> | <u>SR</u> |
| | | | | | | | | | | | | | | |
| <u>Institutional, Educational and Civic Uses</u> | | | | | | | | | | | | | | |
| Ambulance Services, Emergency | | P | P | P | P | P | P | P | P | P | P | P | P | P |
| Ambulance Services, Transport | | | | | | | | | | | P | | P | |
| Animal Shelters | | | | | | | | | | | | | | |
| Auditoriums, Coliseums, Stadiums | | | | | | | | | | | P | | | |
| Cemeteries, Mausoleums | | | | | | | | | | | SR | SR | SR | |
| Colleges and Universities | | | | | | | | | | | P | | P | |
| Community Food Services | | | | | | | | | | | P | P | P | |
| Correctional Institutions | | SE | | | | | | | | | | | | |
| Courts | | | | | | | | | | | P | P | P | |
| Day Care, Adult, Home Occupation (6 or Less) | | SE | SE | SE | SE | SE | SE | SE | SE | SE | SR | SR | SR | S |

| USE TYPES | TROS | RU | RR | RS-E | RS-LD | RS-MD | RS-HD | MH | RM-MD | RM-HD | OI | NC | TORC |
|--|------|----|----|------|-------|-------|-------|----|-------|-------|----|----|------|
| Day Care, Adult Centers | | | | | | | | | | | SR | SR | SR |
| Day Care, Child, Family Day Care, Home Occupation (5 or Less) | | SE | SE | SE | SE | SE | SE | SE | SE | SE | SR | SR | SR |
| Day Care, Child, Group Day Care, Home Occupation (6 to 12) | | SE | SE | SE | SE | SE | SE | SE | SE | SE | SR | SR | SR |
| Day Care, Child, Licensed Center | | | | | | | | | | | SR | SR | SR |
| Fire Stations | | P | P | P | P | P | P | P | P | P | P | P | P |
| Government Offices | | | | | | | | | | | P | P | P |
| Hospitals | | | | | | | | | | | P | P | P |
| Individual and Family Services, Not Otherwise Listed | | | | | | | | | | | P | P | P |
| Libraries | | SR | SR | SR | SR | SR | SR | SR | SR | SR | P | P | P |
| Museums and Galleries | | | | | | | | | | | P | P | P |
| Nursing and Convalescent Homes | | SE | SE | | | | | | 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 |
| Police Stations, Neighborhood Post Offices | | P | P | P | P | P | P | P | P | P | P | P | P |
| Postal Service Processing & Distribution | | | | | | | | | | | | | |
| Schools, Administrative Facilities | | | | | | | | | | | P | P | P |
| Schools, Business, Computer and Management Training | | | | | | | | | | | P | P | P |
| Schools, Fine Arts Instruction | | | | | | | | | | | P | P | P |
| Schools, Junior Colleges | | | | | | | | | | | P | P | P |
| 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 |
| Schools, Technical and Trade (Except Truck Driving) | | | | | | | | | | | P | P | P |

| USE TYPES | <u>TROS</u> | RU | RR | RS-E | RS-LD | RS-MD | RS-HD | MH | RM-MD | RM-HD | OI | NC | RC |
|--|-------------|----|----|------|-------|-------|-------|----|-------|-------|----|----|----|
| Schools, Truck Driving | | | | | | | | | | | | | |
| Zoos and Botanical Gardens | | SE | | | | | | | | | SE | | SE |
| | | | | | | | | | | | | | |
| Business, Professional and Personal Services | | | | | | | | | | | | | |
| Accounting, Tax Preparation, Bookkeeping, and Payroll Services | | | | | | | | | | | P | P | P |
| Advertising, Public Relations, and Related Agencies | | | | | | | | | | | P | P | P |
| Automatic Teller Machines | | | | | | | | | | | P | P | P |
| Automobile Parking (Commercial) | | | | | | | | | | | P | P | P |
| Automobile Rental or Leasing | | | | | | | | | | | | | |
| Automobile Towing, Not Including Storage | | | | | | | | | | | | | P |
| Automobile Towing, Including Storage Services | | | | | | | | | | | | | |
| Banks, Finance, and Insurance Offices | | | | | | | | | | | P | SR | SR |
| Barber Shops, Beauty Salons, and Related Services | | SR | | | | | | | SR | SR | P | P | P |
| Bed and Breakfast Homes/Inns | | P | SR | | | | | | SR | SR | P | P | SR |
| Body Piercing Facilities | | | | | | | | | | | | | |
| Building Maintenance Services, Not Otherwise Listed | | | | | | | | | | | | | |
| Car and Light Truck Washes (See also Truck Washes) | | | | | | | | | | | | | SR |
| Carpet and Upholstery Cleaning Services | | | | | | | | | | | | | |
| Computer Systems Design and Related Services | | | | | | | | | | | P | P | P |

| USE TYPES | <u>TROS</u> | RU | RR | RS-E | RS-LD | RS-MD | RS-HD | MH | RM-MD | RM-HD | OI | NC | RC |
|--|-------------|----|----|------|-------|-------|-------|----|-------|-------|----|----|----|
| Clothing Alterations/Repairs; Footwear Repairs | | | | | | | | | | | P | P | P |
| Construction, Building, General Contracting, with Outside Storage | | | | | | | | | | | | | |
| Construction, Building, General Contracting, without Outside Storage | | | | | | | | | | | P | P | P |
| Construction, Heavy, with Outside Storage | | | | | | | | | | | | | |
| Construction, Heavy, without Outside Storage | | | | | | | | | | | | | |
| Construction, Special Trades, with Outside Storage | | | | | | | | | | | | | |
| Construction, Special Trades, without Outside Storage | | | | | | | | | | | P | P | P |
| Employment Services | | | | | | | | | | | P | P | P |
| Engineering, Architectural, and Related Services | | | | | | | | | | | P | P | P |
| Exterminating and Pest Control Services | | | | | | | | | | | | | P |
| Funeral Homes and Services | | | | | | | | | | | P | P | P |
| Furniture Repair Shops and Upholstery | | | | | | | | | | | | | P |
| Hotels and Motels | | | | | | | | | | | | | P |
| Janitorial Services | | | | | | | | | | | | | P |
| Kennels | | SR | | | | | | | | | SR | | SR |
| Landscape and Horticultural Services | | P | | | | | | | | | | | |
| Laundromats, Coin Operated | | | | | | | | | | | | P | P |
| Laundry and Dry Cleaning Services, Non-Coin Operated | | | | | | | | | | | P | P | P |
| Legal Services (Law Offices, Etc.) | | | | | | | | | | | P | P | P |
| Linen and Uniform Supply | | | | | | | | | | | | | |
| Locksmith Shops | | | | | | | | | | | | P | P |

| USE TYPES | <u>TROS</u> | RU | RR | RS-E | RS-LD | RS-MD | RS-HD | MH | RM-MD | RM-HD | OI | NC | RC |
|--|-------------|----|----|------|-------|-------|-------|----|-------|-------|----|----|----|
| Management, Scientific, and Technical Consulting Services | | | | | | | | | | | P | P | P |
| Massage Therapists | | | | | | | | | | | P | P | P |
| Medical/Health Care Offices | | | | | | | | | | | P | P | P |
| Medical, Dental, or Related Laboratories | | | | | | | | | | | P | P | P |
| Motion Picture Production/Sound Recording | | | | | | | | | | | | | |
| 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) | | | | | | | | | | | P | SR | SR |
| Photocopying and Duplicating Services | | | | | | | | | | | P | P | P |
| Photofinishing Laboratories | | | | | | | | | | | P | P | P |
| Photography Studios | | | | | | | | | | | P | P | P |
| Picture Framing Shops | | | | | | | | | | | P | P | P |
| Professional, Scientific, and Technical Services, Not Otherwise Listed | | | | | | | | | | | P | P | P |
| Publishing Industries | | | | | | | | | | | | | |
| Real Estate and Leasing Offices | | | | | | | | | | | P | P | P |
| Recreational Vehicle Parks and Recreation Camps | | SR | | | | | | | | | | | |
| Rental Centers, with Outside Storage | | | | | | | | | | | | | |
| Rental Centers, without Outside Storage | | | | | | | | | | | | | P |
| Repair and Maintenance Services, Appliance and Electronics | | | | | | | | | | | | | SR |
| Repair and Maintenance Services, Automobile, Major | | | | | | | | | | | | | |
| Repair and Maintenance Services, Automobile, Minor | | | | | | | | | | | | | P |

| USE TYPES | <u>TROS</u> | RU | RR | RS-E | RS-LD | RS-MD | RS-HD | MH | RM-MD | RM-HD | OI | NC | RC |
|---|-------------|----|----|------|-------|-------|-------|----|-------|-------|----|----|----|
| Repair and Maintenance Services, Boat and Commercial Trucks, Large | | | | | | | | | | | | | |
| Repair and Maintenance Services, Boat and Commercial Trucks, Small | | | | | | | | | | | | | |
| Repair and Maintenance Services, Commercial and Industrial Equipment | | | | | | | | | | | | | |
| Repair and Maintenance Services, Home and Garden Equipment | | | | | | | | | | | | | |
| 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 | | | | | | | | | | | SR | | |
| Security and Related Services | | | | | | | | | | | | | |
| Septic Tank Services | | | | | | | | | | | | | P |
| Tanning Salons | | | | | | | | | | | | P | P |
| Taxidermists | | | | | | | | | | | | | P |
| Theaters, Live Performances | | | | | | | | | | | | | |
| Theaters, Motion Picture, Other Than Drive-Ins | | | | | | | | | | | | SE | P |
| Theaters, Motion Picture, Drive-Ins | | | | | | | | | | | | | SE |
| Tire Recapping | | | | | | | | | | | | | |
| Travel Agencies (without Tour Buses or Other Vehicles) | | | | | | | | | | | P | P | P |
| Traveler Accommodations, Not Otherwise Listed | | | | | | | | | | | | | P |
| Truck (Medium and Heavy) Washes | | | | | | | | | | | | | |

| USE TYPES | <u>TROS</u> | RU | RR | RS-E | RS-LD | RS-MD | RS-HD | MH | RM-MD | RM-HD | OI | NC | RC |
|---|-------------|----|----|------|-------|-------|-------|----|-------|-------|----|----|----|
| Vending Machine Operators | | | | | | | | | | | | | |
| Veterinary Services (Non-Livestock, May Include Totally Enclosed Kennels Operated in Connection with Veterinary Services) | | | | | | | | | | | SR | SR | P |
| Watch and Jewelry Repair Shops | | | | | | | | | | | P | P | P |
| Weight Reducing Centers | | | | | | | | | | | P | P | P |
| <u>Retail Trade and Food Services</u> | | | | | | | | | | | | | |
| Antique Stores (See Also Used Merchandise Shops and Pawn Shops) | | | | | | | | | | | P | P | P |
| Appliance Stores | | | | | | | | | | | | | |
| Art Dealers | | | | | | | | | | | P | P | P |
| Arts and Crafts Supply Stores | | | | | | | | | | | | P | P |
| Auction Houses | | | | | | | | | | | | | P |
| Automotive Parts and Accessories Stores | | | | | | | | | | | | | P |
| Bakeries, Retail | | | | | | | | | | | | P | P |
| Bars and Other Drinking Places | | | | | | | | | | | SE | SE | SR |
| Bicycle Sales and Repair | | | | | | | | | | | | P | P |
| Boat and RV Dealers, New and Used | | | | | | | | | | | | | |
| Book, Periodical, and Music Stores | | | | | | | | | | | P | P | P |
| Building Supply Sales with Outside Storage | | | | | | | | | | | | | P |
| Building Supply Sales without Outside Storage | | | | | | | | | | | | | 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 | P |

| USE TYPES | <u>TROS</u> | RU | RR | RS-E | RS-LD | RS-MD | RS-HD | MH | RM-MD | RM-HD | OI | NC | RC |
|---|-------------|----|----|------|-------|-------|-------|----|-------|-------|----|----|----|
| 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 | P |
| Convenience Stores (without Gasoline Pumps) | | | | | | | | | | | P | P | P |
| Cosmetics, Beauty Supplies, and Perfume Stores | | | | | | | | | | | | P | P |
| Department, Variety or General Merchandise Stores | | | | | | | | | | | | P | P |
| Direct Selling Establishments, Not Otherwise Listed | | | | | | | | | | | | | |
| Drugstores, Pharmacies, with Drive-Thru | | | | | | | | | | | P | | P |
| Drugstores, Pharmacies, without Drive-Thru | | | | | | | | | | | P | P | P |
| Electronic Shopping and Mail Order Houses | | | | | | | | | | | | | |
| Fabric and Piece Goods Stores | | | | | | | | | | | | P | P |
| Flea Markets, Indoor | | | | | | | | | | | | | P |
| Flea Markets, Outdoor | | | | | | | | | | | | | P |
| Floor Covering Stores | | | | | | | | | | | | | P |
| Florists | | | | | | | | | | | | P | P |
| Food Service Contractors | | | | | | | | | | | | P | P |
| Food Stores, Specialty, Not Otherwise Listed | | | | | | | | | | | | P | P |
| Formal Wear and Costume Rental | | | | | | | | | | | | P | P |

| USE TYPES | <u>TROS</u> | RU | RR | RS-E | RS-LD | RS-MD | RS-HD | MH | RM-MD | RM-HD | OI | NC | RC |
|---|-------------|----|----|------|-------|-------|-------|----|-------|-------|----|----|----|
| Fruit and Vegetable Markets | | | | | | | | | | | | P | P |
| Fuel Sales (Non- Automotive) | | | | | | | | | | | | | |
| Furniture and Home Furnishings | | | | | | | | | | | | | P |
| Garden Centers, Farm Supplies, or Retail Nurseries | | | | | | | | | | | | 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 | | | | | | | | | | | | | |
| Home Furnishing Stores, Not Otherwise Listed | | | | | | | | | | | | P | P |
| Jewelry, Luggage, and Leather Goods (May Include Repair) | | | | | | | | | | | | P | P |
| Liquor Stores | | | | | | | | | | | | P | P |
| Manufactured Home Sales | | | | | | | | | | | | | |
| Meat Markets | | | | | | | | | | | | P | P |
| Miscellaneous Retail Sales – Where Not Listed Elsewhere, and Where All Sales and Services are Conducted within an Enclosed Building | | | | | | | | | | | | P | P |
| Motor Vehicle Sales – Car and Truck – New and Used | | | | | | | | | | | | | P |
| Motorcycle Dealers, New and Used | | | | | | | | | | | | | P |

| USE TYPES | <u>TROS</u> | RU | RR | RS-E | RS-LD | RS-MD | RS-HD | MH | RM-MD | RM-HD | OI | NC | RC |
|---|-------------|----|----|------|-------|-------|-------|----|-------|-------|----|----|----|
| Musical Instrument and Supplies Stores (May Include Instrument Repair) | | | | | | | | | | | | P | P |
| News Dealers and Newsstands | | | | | | | | | | | | P | P |
| Office Supplies and Stationery Stores | | | | | | | | | | | P | P | P |
| Optical Goods Stores | | | | | | | | | | | P | P | P |
| Outdoor Power Equipment Stores | | | | | | | | | | | | | P |
| Paint, Wallpaper, and Window Treatment Sales | | | | | | | | | | | | P | P |
| Pawnshops | | | | | | | | | | | | | |
| Pet and Pet Supplies Stores | | | | | | | | | | | | P | P |
| Record, Video Tape, and Disc Stores | | | | | | | | | | | | P | P |
| Restaurants, Cafeterias | | | | | | | | | | | P | P | P |
| Restaurants, Full Service (Dine-In Only) | | | | | | | | | | | P | P | P |
| Restaurants, Limited Service (Delivery, Carry Out) | | | | | | | | | | | P | P | P |
| Restaurants, Limited Service (Drive- Thru) | | | | | | | | | | | | | P |
| Restaurants, Snack and Nonalcoholic Beverage Stores | | | | | | | | | | | P | P | P |
| Service Stations, Gasoline | | | | | | | | | | | | | P |
| Sporting Goods Stores | | | | | | | | | | | | P | P |
| Television, Radio or Electronic Sales | | | | | | | | | | | | | P |
| Tire Sales | | | | | | | | | | | | | P |
| Tobacco Stores | | | | | | | | | | | | P | P |
| Truck Stops | | | | | | | | | | | | | |
| Used Merchandise Stores | | | | | | | | | | | | P | P |
| Video Tape and Disc Rental | | | | | | | | | | | | P | P |
| Warehouse Clubs and Superstores | | | | | | | | | | | | | |

| USE TYPES | TROS | RU | RR | RS-E | RS-LD | RS-MD | RS-HD | MH | RM-MD | RM-HD | OI | NC | RC |
|--|------|----|----|------|-------|-------|-------|----|-------|-------|----|----|----|
| Wholesale Trade | | | | | | | | | | | | | |
| Apparel, Piece Goods, and Notions | | | | | | | | | | | | | |
| Beer/Wine/Distilled Alcoholic Beverages | | | | | | | | | | | | | |
| Books, Periodicals, and Newspapers | | | | | | | | | | | | | |
| Chemicals and Allied Products | | | | | | | | | | | | | |
| Drugs and Druggists' Sundries | | | | | | | | | | | | | |
| Durable Goods, Not Otherwise Listed | | | | | | | | | | | | | |
| Electrical Goods | | | | | | | | | | | | | |
| Farm Products, Raw Materials | | | | | | | | | | | | | |
| Farm Supplies | | | | | | | | | | | | | |
| Flowers, Nursery Stock, and Florist Supplies | | | | | | | | | | | | | P |
| Furniture and Home Furnishings | | | | | | | | | | | | | |
| Groceries and Related Products | | | | | | | | | | | | | |
| Hardware | | | | | | | | | | | | | |
| Jewelry, Watches, Precious Stones | | | | | | | | | | | | | |
| Flowers, Nursery Stock, and Florist Supplies | | | | | | | | | | | | | P |
| Lumber and Other Construction Materials | | | | | | | | | | | | | |
| Machinery, Equipment and Supplies | | | | | | | | | | | | | |
| Market Showrooms (Furniture, Apparel, Etc.) | | | | | | | | | | | | | |
| Metal and Minerals | | | | | | | | | | | | | |
| Motor Vehicles | | | | | | | | | | | | | |
| Motor Vehicles, New Parts and Supplies | | | | | | | | | | | | | |
| Motor Vehicles, Tires and Tubes | | | | | | | | | | | | | |

| USE TYPES | <u>TROS</u> | RU | RR | RS-E | RS-LD | RS-MD | RS-HD | MH | RM-MD | RM-HD | OI | NC | RC |
|---|-------------|----|----|------|-------|-------|-------|----|-------|-------|----|----|----|
| Motor Vehicles, Used Parts and Supplies | | | | | | | | | | | | | |
| Nondurable Goods, Not Otherwise Listed | | | | | | | | | | | | | |
| Paints and Varnishes | | | | | | | | | | | | | |
| Paper and Paper Products | | | | | | | | | | | | | |
| Petroleum and Petroleum Products | | | | | | | | | | | | | |
| Plumbing and Heating Equipment and Supplies | | | | | | | | | | | | | |
| Professional and Commercial Equipment and Supplies | | | | | | | | | | | | | |
| Scrap and Recyclable Materials | | | | | | | | | | | | | |
| Sporting and Recreational Goods and Supplies (Except Sporting Firearms and Ammunition) | | | | | | | | | | | | | |
| Sporting Firearms and Ammunition | | | | | | | | | | | | | |
| Timber and Timber Products | | | | | | | | | | | | | |
| Tobacco and Tobacco Products | | | | | | | | | | | | | |
| Toys and Hobby Goods and Supplies | | | | | | | | | | | | | |
| | | | | | | | | | | | | | |
| <u>Transportation, Information, Warehousing, Waste Management, and Utilities</u> | | | | | | | | | | | | | |
| Airports or Air Transportation Facilities and Support Facilities | | | | | | | | | | | | | |
| Antennas | | SR | SR | SR | SR | SR | SR | SR | SR | SR | SR | SR | SR |
| Bus Facilities, Interurban | | | | | | | | | | | | | P |
| Bus Facilities, Urban | | | | | | | | | | | | | P |
| Charter Bus Industry | | | | | | | | | | | | | |
| Courier Services, Central Facility | | | | | | | | | | | | | |
| Courier Services, Substations | | | | | | | | | | | P | | P |

| USE TYPES | <u>TROS</u> | RU | RR | RS-E | RS-LD | RS-MD | RS-HD | MH | RM-MD | RM-HD | OI | NC | RC |
|---|-------------|----|----|------|-------|-------|-------|----|-------|-------|----|----|----|
| Landfills, Sanitary and Inert Dump Sites | | SE | | | | | | | | | | | |
| Limousine Services | | | | | | | | | | | | | |
| Materials Recovery Facilities (Recycling) | | | | | | | | | | | | | |
| Power Generation, Natural Gas Plants, and Similar Production Facilities | | | | | | | | | | | | | |
| Radio and Television Broadcasting Facilities (Except Towers) | | | | | | | | | | | P | | P |
| Radio, Television, and Other Similar Transmitting Towers | | SE | | | | | | | | | SE | SE | SE |
| Rail Transportation and Support Facilities | | | | | | | | | | | | | |
| Recycling Collection Stations | | | | | | | | | | | | | |
| Remediation Services | | | | | | | | | | | | | |
| Scenic and Sightseeing Transportation | | | | | | | | | | | | | P |
| Sewage Treatment Facilities, Private | | | | | | | | | | | | | |
| Taxi Service Terminals | | | | | | | | | | | | | P |
| Truck Transportation Facilities | | | | | | | | | | | | | |
| Utility Company Offices | | | | | | | | | | | P | P | P |
| Utility Lines and Related Appurtenances | <u>P</u> | P | P | P | P | P | P | P | P | P | P | P | P |
| Utility Service Facilities (No Outside Storage) | | | | | | | | | | | | | |
| Utility Substations | <u>SR</u> | 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 |
| Warehouses, Self-Storage | | | | | | | | | | | | | SR |
| Waste Collection, Hazardous | | | | | | | | | | | | | |
| Waste Collection, Other | | | | | | | | | | | | | |
| Warehouses, Self-Storage | | | | | | | | | | | | | SR |

| USE TYPES | <u>TROS</u> | RU | RR | RS-E | RS-LD | RS-MD | RS-HD | MH | RM-MD | RM-HD | OI | NC | RC |
|--|-------------|----|----|------|-------|-------|-------|----|-------|-------|----|----|----|
| Waste Collection, Solid, Non-Hazardous | | | | | | | | | | | | | |
| Waste Treatment and Disposal, Hazardous | | | | | | | | | | | | | |
| Waste Treatment and Disposal, Non-Hazardous | | | | | | | | | | | | | |
| Water Treatment Plants, Non-Governmental, Public | | | | | | | | | | | | | |
| | | | | | | | | | | | | | |
| <u>Manufacturing, Mining, and Industrial Uses</u> | | | | | | | | | | | | | |
| Animal Food | | | | | | | | | | | | | |
| Animal Slaughtering and Processing | | | | | | | | | | | | | |
| Apparel | | | | | | | | | | | | | |
| Bakeries, Manufacturing | | | | | | | | | | | | | |
| Beverage, Other Than Soft Drink and Water, and Tobacco | | | | | | | | | | | | | |
| Beverage, Soft Drink and Water | | | | | | | | | | | | | |
| Borrow Pits | | SE | SE | | | | | | | | | | |
| Cement and Concrete Products | | | | | | | | | | | | | |
| Chemicals, Basic | | | | | | | | | | | | | |
| Chemical Products, Not Otherwise Listed | | | | | | | | | | | | | |
| Clay Products | | | | | | | | | | | | | |
| Computer, Appliance, and Electronic Products | | | | | | | | | | | | | |
| Dairy Products | | | | | | | | | | | | | |
| Dolls, Toys, and Games | | | | | | | | | | | | | |
| Fabricated Metal Products | | | | | | | | | | | | | |
| Food Manufacturing, Not Otherwise Listed | | | | | | | | | | | | | |

| USE TYPES | <u>TROS</u> | RU | RR | RS-E | RS-LD | RS-MD | RS-HD | MH | RM-MD | RM-HD | OI | NC | RC |
|---|-------------|----|----|------|-------|-------|-------|----|-------|-------|----|----|----|
| Furniture and Related Products | | | | | | | | | | | | | |
| Glass and Glass Products | | | | | | | | | | | | | |
| Jewelry and Silverware | | | | | | | | | | | | | |
| Leather and Allied Products (No Tanning) | | | | | | | | | | | | | |
| Leather and Hide Tanning and Finishing | | | | | | | | | | | | | |
| Lime and Gypsum Products | | | | | | | | | | | | | |
| Machinery | | | | | | | | | | | | | |
| Manufacturing, Not Otherwise Listed | | | | | | | | | | | | | |
| Medical Equipment and Supplies | | | | | | | | | | | | | |
| Mining/Extraction Industries | | | | | | | | | | | | | |
| Office Supplies (Not Paper) | | | | | | | | | | | | | |
| Paint, Coating, and Adhesives | | | | | | | | | | | | | |
| Paper Products (Coating and Laminating) | | | | | | | | | | | | | |
| Paper Products (No Coating and Laminating) | | | | | | | | | | | | | |
| Petroleum and Coal Products Manufacturing | | | | | | | | | | | | | |
| Primary Metal Manufacturing | | | | | | | | | | | | | |
| Printing and Publishing | | | | | | | | | | | | | |
| Pulp, Paper, and Paperboard Mills | | | | | | | | | | | | | |
| Rubber and Plastic Products | | | | | | | | | | | | | |
| Seafood Product Preparation and Packaging | | | | | | | | | | | | | |
| Signs | | | | | | | | | | | | | |
| Soap, Cleaning Compounds, and Toilet Preparations | | | | | | | | | | | | | |
| Sporting and Athletic Goods | | | | | | | | | | | | | |
| Textile Mills | | | | | | | | | | | | | |
| Textile Product Mills | | | | | | | | | | | | | |
| Transportation Equipment | | | | | | | | | | | | | |

| USE TYPES | <u>TROS</u> | RU | RR | RS-E | RS-LD | RS-MD | RS-HD | MH | RM-MD | RM-HD | OI | NC | RC |
|---|-------------|----|----|------|-------|-------|-------|----|-------|-------|----|----|----|
| Wood Products, Chip Mills | | | | | | | | | | | | | |
| Wood Products, Excluding Chip Mills | | | | | | | | | | | | | |
| | | | | | | | | | | | | | |
| Other Uses | | | | | | | | | | | | | |
| Sexually Oriented Businesses | | | | | | | | | | | | | |
| Buildings, High Rise, 4 or 5 Stories | | | | | | | | | | SR | SR | | |
| Buildings, High Rise, 6 or More Stories | | | | | | | | | | SE | SE | | |

SECTION XXXI. The Richland County Code of Ordinances, Chapter 26, Land Development; Article VI, Supplemental Use Standards; Section 151, Permitted Uses with Special Requirements; Subsection (b), Permitted Uses with Special Requirements Listed by Zoning District; is hereby amended to read as follows:

- (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)
 - (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 - (RR, RM-MD, RM-HD, RC)
 - (11) Beer/Wine/Distilled Alcoholic Beverages – (GC)
 - (12) Body Piercing Facilities – (GC)
 - (13) Buildings, High-Rise, Four (4) or Five (5) Stories – (RM-HD, OI, GC)
 - (14) Car and Light Truck Washes- (RC)
 - (15) Cemeteries and Mausoleums - (OI, NC, RC, GC, M-1, LI, HI)
 - (16) Clubs or Lodges – (RU)
 - (17) Continued Care Retirement Communities - (RM-MD, RM-HD, OI, RC, GC)
 - (18) Construction, Building, General Contracting, with Outside Storage - (M-1, LI)

- (19) Construction, Building, Heavy, with Outside Storage - (M-1, LI)
- (20) Construction, Special Trades, with Outside Storage - (M-1, LI)
- (21) Country Clubs with Golf Courses - (TROS, RU, GC, M-1, LI)
- (22) Day Care, Adult, Home Occupation (6 or Less) – (OI, NC, RC, GC)
- (23) Day Care Centers, Adult - (OI, NC, RC, GC)
- (24) Day Care, Child, Family Day Care, Home Occupation (5 or less) - (OI, NC, RC, GC)
- (25) Day Care, Child, Group Day Care, Home Occupation (6 to 12) – (OI, NC, RC, GC)
- (26) Day Care Centers, Child, Licensed Centers - (OI, NC, RC, GC, M-1, LI)
- (27) Drugs and Druggists' Sundries – (GC)
- (28) Durable Goods, Not Otherwise Listed – (GC)
- (29) Dwellings, Manufactured Homes on Individual Lots - (RU, MH)
- (30) Dwellings, Manufactured Homes on Individual Lots - (RR, RS-E)
- (31) Dwellings, Single Family, Zero Lot Line, Common and Parallel - (Common: RM-MD, RM-HD, OI, GC, M-1; Parallel: RS-E, RS-LD, RS-MD, RS-HD, RM-MD, RM-HD, OI, M-1)
- (32) Electrical Goods – (GC)
- (33) Fuel Oil Sales (Non-Automotive) - (M-1, HI)
- (34) Furniture and Home Furnishings – (GC)
- (35) Golf Courses - (TROS, GC, M-1, LI)
- (36) Golf Driving Ranges (Freestanding) - (TROS, RC, GC, M-1, LI)
- (37) Go-Cart, Motorcycle, and Similar Small Vehicle Tracks - (GC)
- (38) Group Homes (9 or Less) - (RU, RR, RS-E, RS-LD, RS-MD, RS-HD, MH, RM-MD, RM-HD)

- (39) Home Occupations - (RU, RR, RS-E, RS-LD, RS-MD, RS-HD, MH, RM-MD, RM-HD, OI, NC, RC, GC)
- (40) Kennels - (RU, OI, RC, GC, M-1, LI)
- (41) Libraries – (RU, RR, RS-E, RS-LD, RS-MD, RS-HD, MH, RM-MD, RM-HD)
- (42) Lumber and Other Construction Materials – (GC)
- (43) Machinery, Equipment and Supplies – (GC)
- (44) Manufactured Home Sales – (GC, M-1)
- (45) Manufactured Home Parks – (MH, M-1)
- (46) Market Showrooms - (GC)
- (47) Motor Vehicles, New Parts and Supplies – (GC)
- (48) Motor Vehicles, Tires and Tubes – (GC)
- (49) Nondurable Goods, Not Otherwise Listed – (GC)
- (50) Paints and Varnishes – (GC)
- (51) Pet Care Services – (NC, RC)
- (52) Petroleum and Coal Products Manufacturing - (HI)
- (53) Petroleum and Petroleum Products - (M-1, HI)
- (54) Places of Worship – (RU, RR, RM-MD, RM-HD, RC)
- (55) Plumbing and Heating Equipment and Supplies – (GC)
- (56) Poultry Farms – (RU)
- (57) Produce Stands – (RU)
- (58) Public or Private Parks- (All Districts)
- (59) Public Recreation Facilities- (All Districts)
- (60) Radio, Television, and Other Similar Transmitting Towers – (M-1)

- (61) Recreational Vehicle Parks and Recreation Camps – (RU)
- (62) Rental Centers, With Outside Storage – (GC)
- (63) Repair and Maintenance Service, Appliance and Electronics - (RC, GC, M-1, LI)
- (64) Research and Development Services – (OI)
- (65) 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)
- (66) Sexually Oriented Businesses - (GC)
- (67) Sporting Firearms and Ammunition – (GC)
- (68) Swim and Tennis Clubs – (TROS)
- (69) Swimming Pools - (~~TROS~~, RU, RR, RS-E, RS-LD, RS-MD, RS-HD, MH, RM-MD, RM-HD, OI, NC, RC, GC)
- (70) Tobacco and Tobacco Products – (GC)
- (71) Utility Substations - (All Districts)
- (72) Veterinary Services (Non-Livestock, May Include Totally Enclosed Kennels Operated in Connection with Veterinary Services) - (OI, NC)
- (73) 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)
- (74) Warehouses (Self Storage) - (RC, GC, M-1, LI)
- (75) Yard Sales - (RU, RR, RS-E, RS-LD, RS-MD, RS-HD, MH, RM-MD, RM-HD, OI, NC, RC, GC)
- (76) Zoos and Botanical Gardens – (GC, M-1)

SECTION XXXIII. The Richland County Code of Ordinances, Chapter 26, Land Development; Article VI, Supplemental Use Standards; Section 151, Permitted Uses with Special Requirements; Subsection (c), Standards; is hereby amended to read as follows:

- (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 water parks, 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.
- 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) or a place of worship.
- 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 Residential; Residential, Multi-Family, Medium Density; Residential, Multi-Family, High Density; Rural Commercial.
- 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 five (5).
- 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.*

- 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.*

- 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.

~~(1213)~~ *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.

~~(1314)~~ *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.

(~~14~~15) *Cemeteries and mausoleums.*

- a. Use districts: Office and Institutional; Neighborhood Commercial; Rural Commercial; General Commercial; M-1 and LI Light Industrial; Heavy Industrial.
- 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 collector or thoroughfare road.

(~~15~~16) *Clubs or lodges.*

- 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.

(~~16~~17) *Continued care retirement communities.*

- a. Use districts: Residential, Multi-Family, Medium Density; Residential, Multi-Family, High Density; Office and 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.

~~(1718)~~ *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.

~~(1819)~~ *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.

~~(1920)~~ *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.

~~(2021)~~ *Country clubs with golf courses.*

- a. Use districts: TROS, Rural; General Commercial; M-1 and LI 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. 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.

~~(2122)~~ *Day care, adult, home occupation (six or less).*

- a. Use districts: Office and Institutional; Neighborhood Commercial; Rural Commercial; General Commercial.
- b. An adult day care, home occupation, with six (6) or fewer attendees must be operated in an occupied residence.
- c. Client pick-up and drop-off shall not obstruct traffic flow on adjacent public roads.

- d. Parking shall not be located in the front yard.
- e. All other state and federal regulations shall be met.

~~(2223)~~ *Day care centers, adult.*

- a. Use districts: Office and Institutional; Neighborhood Commercial; Rural Commercial; General Commercial.
- b. Client pick-up and drop-off shall not obstruct traffic flow on adjacent public roads.

~~(2324)~~ *Day care, child, family day care, home occupation (five or less).*

- a. Use districts: Office and Institutional; Neighborhood Commercial; Rural Commercial; General Commercial.
- 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. Parking shall not be located in the required front yard.
- e. All other state and federal regulations shall be met.

~~(2425)~~ *Day care, child, group day care, home occupation (6 to 12).*

- a. Use districts: Office and Institutional; Neighborhood Commercial; Rural Commercial; General Commercial.
- b. A child group 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. Parking shall not be located in the required front yard.
- f. All other state and federal regulations shall be met.

(2526) *Day care centers, child, licensed centers.*

- a. Use districts: Office and Institutional; Neighborhood Commercial; Rural Commercial; General Commercial; M-1 and LI Light Industrial.
- 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.

(2627) *Drugs and Druggists' Sundries.*

- 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.

(2728) *Durable Goods, Not Otherwise Listed.*

- 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.

(~~2829~~) *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.

(~~2930~~) *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.

~~(3031)~~ *Dwellings, single family, zero lot line, common and parallel.*

- a. Use districts, Common: Residential, Multi-Family, Medium Density; Residential, Multi-Family, High Density; Office and Institutional; General Commercial.

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; Office and Institutional.
- 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.

~~(3132)~~ *Electrical Goods.*

- 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.

~~(3233)~~ *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.

~~(3334)~~ *Furniture and Home Furnishings.*

- 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.

(~~3435~~) *Golf courses.*

- a. Use districts: Traditional Recreation Open Space; General Commercial; M-1 and LI Light Industrial.
- b. There shall be a minimum fifty (50) foot setback between clubhouses or other non-course facilities and adjacent residentially zoned or used property.

(~~3536~~) *Golf driving ranges (freestanding).*

- a. Use districts: Traditional Recreation Open Space; Rural Commercial; General Commercial; M-1 and LI Light Industrial.
- 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.

(~~3637~~) *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.

(3738) *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.

(3839) *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.

(3940) *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.

(4041) *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.

(4142) *Lumber and Other Construction Materials.*

- 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.

(4243) *Machinery, Equipment and Supplies.*

- 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.

(4344) *Manufactured home sales.*

- a. Use districts: General Commercial; M-1 Light Industrial.
- b. Sales and storage areas shall be screened from adjacent residentially zoned or used properties.

(4445) *Manufactured home parks.*

- a. Use districts: Manufactured Home; M-1 Light Industrial.
- 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. Common area open space (meeting the requirements set forth in Sections 26-184(b)(2)&(3) of this chapter) shall be provided for each manufactured home park. 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.

(4546) Market showrooms.

- a. Use districts: General Commercial.
- b. Display areas shall exist within permanent buildings only.

(4647) Motor vehicles, new parts and supplies.

- 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.

(4748) *Motor vehicles, tires and tubes.*

- 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.

(4849) *Nondurable goods, not otherwise listed.*

- 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.

(4950) *Paints and Varnishes.*

- 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.

(5051) *Pet Care Services.*

- a. Use districts: Neighborhood Commercial, Rural Commercial.
- b. All pet care services shall be conducted inside an enclosed structure.

(5152) *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.

(5253) *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.

(5354) *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.

(5455) *Plumbing and Heating Equipment and Supplies.*

- 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.

(5556) *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.

(5657) *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.

(5758) *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.

(5859) *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.

(5960) *Radio, Television, and Other Similar Transmitting Towers.*

- a. Use districts: M-1 Light Industrial.

- 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 certain uses shall be as follows:
 - 1. In no case shall a communication tower be located within fifty (50) feet of a residential zoning district or an inhabited residential dwelling.
 - 2. For towers in excess of fifty (50) feet, the setback shall increase one (1) foot for each foot of height of the tower as measured from the base of the tower. The maximum required separation being two hundred and fifty (250) feet.
- 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.

~~(6061)~~ *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.

(6162) *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.

(6263) *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.

(6364) *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.

(6465) *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.

(6566) *Sexually oriented businesses.*

- a. Use districts: General Commercial.
- b. It is the purpose of this subsection to regulate sexually oriented businesses to promote the health, safety, morals, and general welfare of the citizens of Richland County. Furthermore, the purpose of these regulations is to establish reasonable and uniform regulations to prevent the continued deleterious location and concentration of sexually oriented businesses within the county. The provisions of this subsection have neither the purpose nor the effect of imposing a limitation or restriction on the content of any communicative materials, including sexually oriented materials. Similarly, it is not the intent or effect of these regulations to restrict or deny access by adults to sexually oriented materials protected by the First Amendment, or to deny access by the distributors and exhibitors of sexually oriented entertainment to their intended market. Neither is it the intent or effect of this subsection to condone or legitimize the distribution of obscene material.
- c. *Classification.* Sexually oriented businesses are classified as follows:
 1. Adult arcades;
 2. Adult bookstores or adult video stores;
 3. Adult cabarets;
 4. Adult motels;
 5. Adult motion picture theaters;
 6. Adult theaters;
 7. Escort agencies;
 8. Nude model studios; and
 9. Sexual encounter centers.
- d. *Permit and/or license required:*
 1. A person commits a misdemeanor if he or she operates a sexually oriented business without a valid permit and/or

license, issued by the county for the particular type of business.

2. An application for a permit and/or license must be made on a form provided by the Richland County Planning Department. The application must be accompanied by a sketch or diagram showing the configuration of the premises, including a statement of total floor space occupied by the business. The sketch or diagram need not be professionally prepared, but must be drawn to a designated scale or drawn with marked dimensions of the interior of the premises to an accuracy of plus or minus six (6) inches.
 3. The applicant must be qualified according to the provisions of this section, and the premises must be inspected and found to be in compliance with the law by the health department, fire department, and building official. The health department, fire department, and building official shall complete their inspections and certify same to the zoning administrator within twenty-one (21) days of receipt of the application by said zoning administrator.
 4. If a person who wishes to operate a sexually oriented business is an individual, he or she must sign the application for a permit and/or license as applicant. If a person who wishes to operate a sexually oriented business is other than an individual, each individual who has a ten percent (10%) or greater interest in the business must sign the application for a permit and/or license as applicant. If a corporation is listed as owner of a sexually oriented business or as the entity that wishes to operate such a business, each individual having a ten percent (10%) or greater interest in the corporation must sign the application for a permit and/or license as applicant.
 5. The fact that a person possesses other types of state or county permits and/or licenses does not exempt him or her from the requirement of obtaining a sexually oriented business permit and/or license.
- e. *Issuance of permit and/or license.* The zoning administrator shall approve the issuance of a permit and/or license to an applicant within thirty (30) days after receipt of an application unless he or she finds one or more of the following to be true:

1. An applicant is under eighteen (18) years of age.
 2. An applicant or applicant's spouse is overdue in his payment to the county of taxes, fees fines, or penalties assessed against him or imposed upon him in relation to a sexually oriented business.
 3. An applicant has failed to provide information reasonably necessary for issuance of the permit and/or license or has falsely answered a question or request for information on the applicant form.
 4. An applicant is residing with a person who has been denied a permit and/or license by the county to operate a sexually oriented business within the preceding twelve (12) months, or residing with a person whose license to operate a sexually oriented business has been revoked within the preceding twelve (12) months.
 5. The premises to be used for the sexually oriented business have not been approved by the health department, fire department, and the building official as being in compliance with applicable laws and ordinances.
 6. The permit and/or license fee required by this ordinance has not been paid.
 7. An applicant of the proposed establishment is in violation of or is not in compliance with any of the provisions of this section.
 8. The permit and/or license, if granted, shall state on its face the name of the person or persons to whom it is granted, the expiration date, and the address of the sexually oriented business. The permit and/or license shall be posted in a conspicuous place at or near the entrance to the sexually oriented business so that it may be easily read at any time.
- f. *Fees.* The annual fee for a sexually oriented business permit and/or license is five hundred (\$500.00) dollars.
- g. *Inspection.*
1. An applicant or permittee and/or licensee shall permit representatives of the sheriff's department, health department, fire department, planning department, or other

county departments or agencies to inspect the premises of a sexually oriented business for the purpose of ensuring compliance with the law, at any time it is occupied or open for business.

2. A person who operated a sexually oriented business, or his/her agent or employee, commits a misdemeanor if he or she refuses to permit such lawful inspection of the premises at any time it is occupied or open for business.

h. *Expiration of permit and/or license.*

1. Each permit and/or license shall expire one year from the date of issuance and may be renewed only by making application as provided in subsection e. above. Application for renewal should be made at least thirty (30) days before the expiration date, and when made less than thirty (30) days before the expiration date, the expiration of the permit and/or license will not be affected.
2. When the zoning administrator denies renewal of a license, the applicant shall not be issued a permit and/or license for one (1) year from the date of denial. If, subsequent to denial, the zoning administrator finds that the basis for denial of the renewal permit and/or license has been corrected or abated, the applicant may be granted a permit and/or license, if at least ninety (90) days have elapsed since the date denial became final.

i. *Suspension.* The zoning administrator shall suspend a permit and/or license for a period not to exceed thirty (30) days if he or she determines that a permittee and/or licensee or an employee of a permittee and/or licensee has:

1. Violated or is not in compliance with any provision of this section;
2. Engaged in excessive use of alcoholic beverages while on the sexually oriented business premises;
3. Refused to allow an inspection of the sexually oriented business premises as authorized by this section; or
4. Knowingly permitted gambling by an person on the sexually oriented business premises.

j. *Revocation.*

1. The zoning administrator shall revoke a permit and/or license if a cause of suspension in subsection i. above occurs and the permit and/or license has been suspended within the preceding twelve (12) months.
2. The zoning administrator shall revoke a permit and/or license if he or she determines that:
 - (a) A permittee and/or licensee gave false or misleading information in the material submitted to the planning department during the application process;
 - (b) A permittee and/or licensee or an employee has knowingly allowed possession, use, or sale of controlled substances on the premises;
 - (c) A permittee or licensee or an employee has knowingly allowed prostitution on the premises;
 - (d) A permittee and/or licensee or an employee knowingly operated the sexually oriented business during a period of time when the permittee's and/or licensee's permit and/or license was suspended;
 - (e) A permittee and/or licensee or an employee has knowingly allowed any act of sexual intercourse, sodomy, oral copulation, masturbation, or other sexual conduct to occur in or on the permitted and/or licensed premises;
 - (f) A permittee and/or licensee is delinquent in payment to the county or state for any taxes or fees past due
3. When the zoning administrator revokes a permit and/or license, the revocation shall continue for one (1) year, and the permittee and/or licensee shall not be issued a sexually oriented permit and/or license for one (1) year from the date revocation became effective. If, subsequent to revocation, the zoning administrator finds that the basis for the revocation has been corrected or abated, the applicant may be granted a permit and/or license if at least ninety

(90) days have elapsed since the date the revocation became effective.

k. *Transfer of permit and/or license.* A permittee and/or licensee shall not transfer his/her permit and/or license to another, nor shall a permittee and/or licensee operate a sexually oriented business under the authority of a permit and/or license, at any place other than the address designated in the application.

l. *Location of Sexually Oriented Businesses:*

1. A person commits a misdemeanor if he or she operates or causes to be operated a sexually oriented business outside of a designated GC General Commercial District. All sexually oriented businesses shall be located within a GC General Commercial District.

2. A person commits a misdemeanor if he or she operates or causes to be operated a sexually oriented business within one thousand (1,000) feet of any place of worship, a public or private elementary or secondary school, a child daycare center or a pre-school, a boundary of any residential district, a public park adjacent to any residential district, or the property line of a lot devoted to residential use.

3. A person commits a misdemeanor if he or she causes or permits the operation, establishment, substantial enlargement, or transfer of ownership or control of a sexually oriented business within one thousand (1,000) feet of another sexually oriented business.

4. A person commits a misdemeanor if he or she causes or permits the operation, establishment, or maintenance of more than one (1) sexually oriented business 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.

5. For the purpose of this Section 26-151(c)(53), measurement shall be made in a straight line, without regard to intervening structures or objects, from the nearest portion of the building or structure used as a part 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, or to

the nearest boundary of an affected public park, residential zoning district, or a residential lot.

6. For the purpose of subsection 3. 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 closest exterior wall of the structure in which the businesses are located.

7. Any sexually oriented business lawfully operating on August 1, 1987 that is in violation of subsections 1. through 6. above shall be deemed a nonconforming use. The nonconforming use will be permitted to continue for a period not to exceed two (2) years, unless sooner terminated for any reason or voluntarily discontinued for a period of thirty (30) days or more. Such nonconforming uses shall not be increased, enlarged, extended, or altered except that the use may be changed to a conforming use. If two (2) or more sexually oriented businesses are within one thousand (1,000) feet of one another and otherwise in a permissible location, the sexually oriented business which was first established and continually operating at a particular location is the conforming use and the later-established business(es) is nonconforming.

7. A sexually oriented business lawfully operating as a conforming use is not rendered a nonconforming use by the location, subsequent to the grant or renewal of the sexually oriented business permit and/or license, of a place of worship, public or private elementary or secondary school, public park, residential district, or residential lot within one thousand (1,000) feet of the sexually oriented business. This provision applies only to the renewal of a valid permit and/or license, and does not apply when an application for a permit and/or license is submitted after a permit and/or license has expired or has been revoked.

m. *Additional regulations for adult motels.*

1. Evidence that a sleeping room in a hotel, motel, or a similar commercial establishment has been rented and vacated two (2) or more times in a period of time that is less than ten (10) hours creates a rebuttable presumption that the establishment is an adult motel as that term is defined in this chapter.

2. A person commits a misdemeanor, if, as the person in control of a sleeping room in a hotel, motel, or similar commercial establishment that does not have a sexually oriented permit and/or license, he/she rents or sub-rents a sleeping room to a person and, within ten (10) hours from the time the room is rented, he/she rents or sub-rents the same sleeping room again.
 3. For purposes of subsection 2. above, the terms “rent” or “sub-rent” mean the act of permitting a room to be occupied for any form of consideration.
- n. *Regulations pertaining to exhibition of sexually explicit films or videos.*
1. A person who operates or causes to be operated a sexually oriented business, other than an adult motel, which exhibits on the premises in a viewing room of less than one hundred fifty (150) square feet of floor space, a film, video cassette, or other video reproduction that depicts specified sexual activities or specified anatomical areas, shall comply with the following requirements:
 - (a) Upon application for a sexually oriented permit and/or license, the application shall be accompanied by a diagram of the premises showing a plan thereof specifying the location of one or more manager’s stations and the location of all overhead lighting fixtures and designating any portion of the premises in which patrons will not be permitted. A manager’s station may not exceed thirty-two (32) square feet of floor area. The diagram shall also designate the place at which the permit will be conspicuously posted, if granted. 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. The zoning administrator may waive the foregoing diagram for renewal applications if the applicant adopts a diagram that was previously submitted and certifies

that the configuration of the premises has not been altered since it was prepared.

- (b) The application shall be sworn to be true and correct by the applicant.
- (c) No alteration in the configuration or location of a manager's station may be made without the prior approval of the zoning administrator.
- (d) 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.
- (e) 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 subsection must be by direct line of sight from the manager's station.
- (f) 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 subsection (e) 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 application filed pursuant to subsection (a) above.
- (g) No viewing room may be occupied by more than one (1) person at any time.

(h) The premises shall be equipped with overhead lighting fixtures of sufficient intensity to illuminate every place to which patrons are permitted access at an illumination of not less than one (1) foot-candle as measured at the floor level.

(i) 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.

2. A person having a duty under subsection (a) through (i) of subsection 1. above commits a misdemeanor if he or she knowingly fails to fulfill that duty.

o. *Exemptions.* It is a defense to prosecution under subsections (53)e. and (53)l. above that a person appearing in a state of nudity did so in a modeling class operated:

1. By a proprietary school licensed by the State of South Carolina; or by a college, junior college, or university supported entirely or partly by taxation; or

2. By a private college or university that maintains and operates educational programs in which credits are transferable to a college, junior college, or university supported entirely or partly by taxation; or

3. In a structure:

(a) Which has no sign visible from the exterior of the structure and no other advertising that indicates a nude person is available for viewing; and

(b) Where, in order to participate in a class a student must enroll at least three (3) days in advance of the class; and

(c) Where no more than one (1) nude model is present at any one (1) time.

~~(6667)~~ *Sporting Firearms and Ammunition.*

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.

(68) Swim and Tennis Clubs.

- 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.

(6769) Swimming pools.

- 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. 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.
- c. 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.

- d. Pools shall be located so as to comply with the minimum setback requirements for accessory buildings.

~~(6870)~~ *Tobacco and Tobacco Products.*

- 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.

~~(6971)~~ *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).

~~(7072)~~ *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.

~~(7173)~~ *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.

~~(7274)~~ *Warehouses (self-storage.)*

- a. Use districts: Rural Commercial, General Commercial, M-1 and LI Light Industrial.
- b. Fencing or walls shall be required around the perimeter of the development. The fence or wall shall be a minimum of six (6) feet in height.

- c. 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.
- d. 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.
- e. 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.
- f. 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.
- g. 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 d. above.
- h. 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.

(7375) *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.

(7476) *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.

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

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

SECTION XXXVI. Effective Date. This ordinance shall be enforced from and after _____, 2007.

RICHLAND COUNTY COUNCIL

BY: _____
Joseph McEachern, Chair

ATTEST THIS THE _____ DAY

OF _____, 2007

Michielle R. Cannon-Finch
Clerk of Council

RICHLAND COUNTY ATTORNEY'S OFFICE

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

First Reading: March 13, 2007
Public Hearing: April 24, 2007
Second Reading: April 24, 2007
Third Reading: May 1, 2007 (tentative)

STATE OF SOUTH CAROLINA
COUNTY COUNCIL OF RICHLAND COUNTY
ORDINANCE NO. ____-07HR

AN ORDINANCE OF THE COUNTY COUNCIL OF RICHLAND COUNTY, SOUTH CAROLINA, AMENDING THE ZONING MAP OF UNINCORPORATED RICHLAND COUNTY, SOUTH CAROLINA, TO CHANGE THE ZONING DESIGNATION FOR THE REAL PROPERTY DESCRIBED AS TMS # 25700-02-02 FROM RU (RURAL DISTRICT) TO NC (NEIGHBORHOOD COMMERCIAL DISTRICT); AND PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE.

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

Section I. The Zoning Map of unincorporated Richland County is hereby amended to change the real property described as TMS # 25700-02-02 from RU (Rural District) zoning to NC (Neighborhood Commercial District) zoning.

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

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

Section IV. This ordinance shall be effective from and after _____, 2007.

RICHLAND COUNTY COUNCIL

By: _____
Joseph McEachern, Chair

Attest this _____ day of
_____, 2007.

Michielle R. Cannon-Finch
Clerk of Council

RICHLAND COUNTY ATTORNEY'S OFFICE

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

Public Hearing: April 24, 2007
First Reading: April 24, 2007
Second Reading: May 1, 2007 (tentative)
Third Reading:

STATE OF SOUTH CAROLINA
COUNTY COUNCIL OF RICHLAND COUNTY
ORDINANCE NO. ____-07HR

AN ORDINANCE OF THE COUNTY COUNCIL OF RICHLAND COUNTY, SOUTH CAROLINA, AMENDING THE ZONING MAP OF UNINCORPORATED RICHLAND COUNTY, SOUTH CAROLINA, TO CHANGE THE ZONING DESIGNATION FOR THE REAL PROPERTIES DESCRIBED AS TMS # 17104-02-02/03/04 FROM RU (RURAL DISTRICTS) AND NC (NEIGHBORHOOD COMMERCIAL DISTRICTS) TO GC (GENERAL COMMERCIAL DISTRICTS); AND PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE.

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

Section I. The Zoning Map of unincorporated Richland County is hereby amended to change the real properties described as TMS # 17104-02-02/03/04 from RU (Rural District) zoning and NC (Neighborhood Commercial District) zoning to GC (General Commercial District) zoning.

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

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

Section IV. This ordinance shall be effective from and after _____, 2007.

RICHLAND COUNTY COUNCIL

By: _____
Joseph McEachern, Chair

Attest this _____ day of
_____, 2007.

Michielle R. Cannon-Finch
Clerk of Council

RICHLAND COUNTY ATTORNEY'S OFFICE

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

Public Hearing: April 24, 2007
First Reading: April 24, 2007
Second Reading: May 1, 2007 (tentative)
Third Reading:

MEMORANDUM

CONFIDENTIAL – ATTORNEY/CLIENT PRIVILEGED

TO: W. Anthony McDonald, Assistant County Administrator

FROM: Amelia R. Linder, Esq. *ARL*

CC: Larry C. Smith, Esq.

DATE: April 19, 2007

RE: Electric traffic signalization

As the proposed ordinance that would permit electric traffic signs proceeds to third reading and the specific request for signalization at the Summit heads to Committee, please weigh the potential liability of the County being responsible for the installation and maintenance of the signals with the perceived benefit of having the signal. Upon accepting the responsibility for allowing electric traffic signs to be installed at certain intersections, the County has assumed a duty it did not previously have to not only install the lights, but to ensure that they are at all times operational, functional, and maintained. In talking with David Chambers, I have confirmed that our liability risks increase and the claims and expense costs could increase when the County exposes itself by assuming responsibility for addressing public concerns. The risk increases with each traffic signal the County installs.

To decrease potential liability, the County could hire independent contractors to install and maintain the lights, preferably with the independent contractors signing a “Hold Harmless and Indemnification Agreement” that would shift some, if not most or all, of the potential liability away from the County.

Please let me know if you have any questions.

Thank you.

RICHLAND COUNTY COUNCIL DEVELOPMENT AND SERVICES COMMITTEE

Bernice G. Scott Joyce Dickerson Norman Jackson, Chair Bill Malinowski Val Hutchinson
District 10 District 2 District 11 District 1 District 9

*Tuesday, April 24, 2007
4:00 PM*

Recommendations

I. ITEMS FOR ACTION

- Consent A. Request to approve a Memorandum of Understanding with Clemson University's Institute for Economic and Community Development for the purpose of developing a 5 year strategic plan** – The committee recommended that council approve the MOU with Clemson University's IECD for the purpose of developing a five year strategic plan. The vote in favor was unanimous.
- Consent B. Request to approve change order #2 for the 2006 resurfacing project (awarded to Sloan Construction Company, Inc.) to authorize the resurfacing/repair of the SCDOT portion of Mallet Hill Rd** – The committee recommended that council approve the change order. The vote in favor was unanimous.
- C. Funding Options for Electric Traffic Signals** – The committee recommended that council use assessment districts as the funding source for the installation of traffic signals on county maintained roads. The vote was in favor.
- D. Proposed Traffic Signal Prioritization Policy** – The committee recommended that council approve the traffic signal prioritization policy. The vote was in favor.
- Consent E. Request for approval of a Sanitary Sewer Extension Agreement for sewer service to the Rothstein Tract, Walmart Shopping Center and the upgrade of several existing system components** – The committee recommended that council approve the Sanitary Sewer Extension Agreement for sewer service to the Rothstein Tract, Walmart Shopping Center and the upgrade of several existing system components. The vote in favor was unanimous.
- F. Request for approval of a Sanitary Sewer Extension Agreement for the upgrade of an existing sewer lift station and the construction of an odor control building to serve the Eagles Rest Subdivision** – The committee recommended that council approve the Sanitary Sewer Extension Agreement for the upgrade of an existing

sewer lift station and the construction of an odor control building to serve the Eagles Rest Subdivision. The vote was in favor.

- Consent**
- G. Request for approval of a Sanitary Sewer Extension Agreement for sewer service to River Shoals Subdivision** – The committee recommended that council approve the Sanitary Sewer Extension Agreement for sewer service to River Shoals Subdivision. The vote in favor was unanimous.

 - H. Request to approve the award of a construction contract to Sloan Construction Company, Inc. for the Paving Program (South Contract)** – The committee forwarded this item to the full council without recommendation.

 - I. Request to place sewer extension authority under Richland County Council** – The committee recommended approval of a motion that would place sewer extension authority under Richland County Council. The motion also included initiation of a study to determine whether to eliminate the current policy of allowing developers to extend sewer lines in exchange for taps; that the administration will conduct a study and make recommendations to Council, as soon as possible, as to another direction to go; that Richland County suspend sewer extension agreements until this particular study has been completed and that Council has acted on those recommendations of staff; the study will include the growth plan for the entire county; a review of consent of the older items; the provision for establishment of a Richland County service area for both water and sewer; and that we need to adopt an ordinance or a resolution that establishes a life of up to five years for all taps, so that all developers have the same benefit. The vote was in favor.

 - J. Request to place subdivision authority under the Richland County Planning Commission** – The committee recommended that council give first reading approval to an ordinance that would place subdivision authority under the Richland County Planning Commission. The vote was in favor.
- Consent**
- K. Request to approve the installation and maintenance of a traffic signal at the intersection of Summit Parkway and Summit Ridge Drive** – The committee recommended that council approve the installation and maintenance of a traffic signal at the intersection of Summit Parkway and Summit Ridge Drive. The vote in favor was unanimous. **(This item will be forwarded to the May 15, 2007 Council Meeting.)**

Staffed by Joe Cronin

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STATE OF SOUTH CAROLINA
COUNTY COUNCIL FOR RICHLAND COUNTY
ORDINANCE NO. ___07HR

AN ORDINANCE AMENDING THE RICHLAND COUNTY CODE OF ORDINANCES; CHAPTER 26, LAND DEVELOPMENT, AS FOLLOWS: 1) ARTICLE III, ADMINISTRATION; SECTION 26-34, DEVELOPMENT REVIEW TEAM; 2) ARTICLE IV, AMENDMENTS AND PROCEDURES; SECTION 26-53, LAND DEVELOPMENT PERMITS; SUBSECTION (B), PROCESSES; PARAGRAPH (1), LAND DEVELOPMENT COMPLIANCE REVIEW; 3) ARTICLE IV, AMENDMENTS AND PROCEDURES; SECTION 26-53, LAND DEVELOPMENT PERMITS; SUBSECTION (B), PROCESSES; PARAGRAPH (2), MINOR LAND DEVELOPMENT REVIEW; 4) ARTICLE IV, AMENDMENTS AND PROCEDURES; SECTION 26-53, LAND DEVELOPMENT PERMITS; SUBSECTION (B), PROCESSES; PARAGRAPH (3), MAJOR LAND DEVELOPMENT REVIEW; 5) ARTICLE IV, AMENDMENTS AND PROCEDURES; SECTION 26-54, SUBDIVISION REVIEW AND APPROVAL; SUBSECTION (B), PROCESSES; PARAGRAPH (1), ADMINISTRATIVE REVIEW; 6) ARTICLE IV, AMENDMENTS AND PROCEDURES; SECTION 26-54, SUBDIVISION REVIEW AND APPROVAL; SUBSECTION (B), PROCESSES; PARAGRAPH (2), MINOR SUBDIVISION REVIEW; 7) ARTICLE IV, AMENDMENTS AND PROCEDURES; SECTION 26-54, SUBDIVISION REVIEW AND APPROVAL; SUBSECTION (B), PROCESSES; PARAGRAPH (3), MAJOR SUBDIVISION REVIEW; AND 8) ARTICLE IV, AMENDMENTS AND PROCEDURES; SECTION 26-59, PLANNED DEVELOPMENT REVIEW/APPROVAL; SUBSECTION (D), STAFF REVIEW; SO AS TO REQUIRE THE RICHLAND COUNTY PLANNING COMMISSION TO REVIEW AND ACT UPON APPLICATIONS FOR COMMERCIAL DEVELOPMENTS AND MAJOR SUBDIVISIONS.

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

SECTION I. The Richland County Code of Ordinances, Chapter 26, Land Development; Article III. Administration; Section 26-34, Development Review Team; is hereby amended to read as follows:

Sec. 26-34. Development Review Team

- (a) *Established; duties.* A development review team is hereby established, which shall have the following duties:
- (1) *Land development review.* ~~The~~dDevelopment review team members 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.

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- (2) *Subdivision review.* ~~The d~~Development review team members 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) *Planned development review.* ~~The d~~Development review team members shall review and comment on all applications for planned developments. Such review shall be made in accordance with the procedures set forth in Section 26-59 of this chapter.
 - (4) *Assistance to the planning department.* ~~The d~~Development review team members 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.
 - ~~(5) *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 Members of the development review team shall be appointed by the planning director. ~~It~~ and 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.~~~~

SECTION II. The Richland County Code of Ordinances, Chapter 26, Land Development; Article IV. Amendments and Procedures; Section 26-53, Land Development Permits; Subsection (b), Processes; Paragraph (1), Land Development Compliance Review; is hereby amended to read as follows:

- (1) *Land development compliance review.*
 - a. *Applicability.* Construction of detached single-family dwelling units and two-family dwellings on individual lots of record are subject only to land development compliance review in order to obtain a land development permit. In addition, changes of use not involving new construction are subject only to land development compliance review in order to obtain a land development permit.
 - b. *Pre-application procedure.* No pre-application conference is required prior to applying for a land development permit subject to land development compliance review. Applicants are encouraged to call or visit

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the planning department prior to requesting a land development permit to determine what information is required for the application.

c. *Plan submittal.*

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

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

d. *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 following shall occur: ~~planning department, for projects not involving some other form of review, shall approve, approve conditionally, or deny the approval of the application within ten (10) days of receipt. Failure to act on those applications not involving some other form of review within ten (10) days shall result in the reimbursement of any application fee submitted to the county. Failure to act within sixty (60) 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.~~

1. ~~The~~ planning department, for projects not involving some other form of review, shall approve, approve conditionally, or deny the approval of the application within ten (10) days of receipt. Failure to act on those applications not involving some other form of review within ten (10) days shall result in the reimbursement of any application fee submitted to the county. Failure to act within sixty (60) 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.

2. ~~Development review team members shall review and comment on applications for land development permits that are subject to land~~

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development compliance review at the request of the planning department.

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

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by the planning department shall render the land development permit invalid.

SECTION III. The Richland County Code of Ordinances, Chapter 26, Land Development; Article IV. Amendments and Procedures; Section 26-53, Land Development Permits; Subsection (b), Processes; Paragraph (2), Minor Land Development Review; is hereby amended to read as follows:

- (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 (provided, however, such public purposes shall not include the dedication of new roads and/or stormwater management facilities). Minor land developments are subject to the review process outlined in subparagraphs b. through f. below in order to obtain a land development permit.
 - b. *Pre-application procedure.* No pre-application conference is required prior to applying for a land development permit subject to minor land development review. Applicants are encouraged to call or visit the planning department prior to requesting a land development permit to determine what information is required for the application.
 - c. *Plan submittal.*
 1. *Filing of application.* An application for a land development permit subject to minor land development review may be filed by the owner of the property or by an authorized agent. The application for a land development permit shall be filed with the planning department on a form provided by the department and shall be accompanied by plans drawn to scale of the development. The application and plans shall include all information requested by the department.
 2. *Fees.* A permit fee, as established by the Richland County Council, shall be submitted with the application.
 - d. *Staff review.* The planning department shall review the application and determine if it is complete. If the application is incomplete, the planning

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department shall notify the applicant of the deficiencies within thirty (30) days of the most recent submission date. Provided the application is complete, the following shall occur:

1. ~~*Planning staff review.*~~ Plans for development requiring minor land development review shall be reviewed by the planning department for compliance with the requirements of this chapter.
 2. ~~*Development review team.*~~ As needed, plans for development requiring minor land development review shall be reviewed by members of the county's development review team for compliance with the requirements of this chapter and other applicable county codes. ~~No formal team review shall be required.~~
 3. The planning department shall approve, approve conditionally, or deny the approval of the application within sixty (60) days of receipt. Failure to act on an application with sixty (60) 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.
- ~~e. *Planning commission review and action.* No planning commission review and/or action is required for land development permit issuance subject to minor land development review.~~
- f. *Public notification.* No public notification is required for land development permit issuance subject to minor land development review.
- ~~f. *Formal review.* No formal review is required for land development permit issuance subject to minor land development review.~~
- g. *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.
- h. *Appeals.* Appeals of the decisions of the planning department regarding land development permit applications (subject to minor 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 at 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 and must encompass all issues for appeal. In

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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.

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

SECTION IV. The Richland County Code of Ordinances, Chapter 26, Land Development; Article IV. Amendments and Procedures; Section 26-53, Land Development Permits; Subsection (b), Processes; Paragraph (3), Major Land Development Review; is hereby amended to read as follows:

(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

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assure that adequate services and facilities can be provided for these developments and to assure that they do not negatively impact the area in which they are proposed to be located or the county as a whole.

- b. *Pre-application procedure.* All applicants for a land development permit that is subject to major plan development approval are required to schedule a pre-application conference with the planning director prior to the preparation of development plans. This conference allows the applicant and planning staff an opportunity to discuss the review process, the requirements for completing the review schedule, contact persons for services and permits, and information regarding site plan requirements. The staff can also determine if any special reviews will be required. It is also highly recommended that the developer, as appropriate, meet with representatives of the neighborhood in which the proposed project is located. This meeting, which can be held at the pre-application stage, will allow the developer an opportunity to explain the proposed project and to be informed of the concerns of the neighborhood.
- c. *Plan submittal.*
 1. *Filing of application.* Applications for land development permits subject to major land development review may be filed by the owner of the property or an authorized agent. The application shall be filed with the planning department on a form provided by the department and shall be accompanied by the required number of site plans. The application and plans shall include all information requested by the department. The schedule for submittal of applications in order to have them reviewed at established technical review team and planning commission meetings shall be maintained in the planning department.
 2. *Preparation of plans.* Site plans for developments requiring major land development review shall be prepared by a registered architect, engineer, landscape architect, or licensed surveyor. Plans shall include a traffic management plan.
 3. *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. If the application is incomplete, the planning department shall notify the applicant of the deficiencies within thirty (30) days of the most recent submission date. Provided the application is complete, the following shall occur:

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1. ~~*Planning staff review.*~~ Plans for development requiring major land development review shall be reviewed by the planning department for compliance with the requirements of this chapter.
 2. ~~*Development review team.*~~ The planning department shall present site As needed, plans for developments requiring major land development review ~~to the development review team.~~ Within thirty (30) days of receipt of a site plan from the planning department, ~~the development review team shall be~~ reviewed by members of the county's development review team ~~the site plans~~ for compliance with existing federal, state and local laws and regulations, as well as for compatibility with the county's comprehensive plan. ~~The development review team shall take one of the following three (3) actions recommendations on the application within fifteen (15) days of reviewing the site plan:~~
 3. The planning department shall recommend approval, conditional approval, or denial of the site plan within forty-five (45) days of receipt of the plan and shall then schedule the matter for consideration at the next available meeting of the Richland County Planning Commission.
- ~~[a] *Approval by development review team.* If the site plan is approved by the development review team, the planning department shall notify the applicant and transmit the site plan to the planning commission for their information.~~
- ~~[b] *Conditional approval by development review team.* If the site plan receives conditional approval, the applicant shall revise the plan based upon the conditions of the approval and resubmit it. The revised plan shall be reviewed by the planning department and if it meets all of the review team conditions, the site plan shall be transmitted to the Richland County Planning Commission for their information. Conditional approval may also be appealed to the Richland County Planning Commission, subject to the procedures for a public hearing set forth in subsections e. and f. below.~~
- ~~[c] *Denial by development review team.* If the site plan is denied the reasons for denial shall be provided to the applicant. The site plan may be revised to address the reasons for denial and resubmitted in accordance with the provisions of this chapter. The denial may also be appealed to the Richland County Planning Commission, subject to the procedures for a public hearing set forth in subsections~~

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e. and f. below and the payment of any fees established by the Richland County Council.

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

~~e. Planning commission review and action. All applications for land development permits that are subject to major land development review shall ultimately be submitted by the planning department to the planning commission for review and final action. The planning commission may: deny approval, table the application pending submittal of additional information, or approve the application for a land development permit. The decision on the land development permit application shall be by a majority vote of the commission as set forth in the bylaws of the commission.~~

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

~~f. Formal review.~~

~~1. Public hearing or report before planning commission. Following receipt of a report or appeal on a proposed major land development plan, the matter shall be scheduled for report or hearing by the Richland County Planning Commission. The planning commission shall consider this request at the next available meeting. There shall be no public hearing held in conjunction with a report on a development project approved by the development review team. In these cases, the commission shall receive a report on the decision~~

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

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

- g. *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.
- h. *Appeals.* Appeals of the decisions 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 and must encompass all issues for appeal. In the alternative, also within thirty (30) days, a property owner whose land is the subject of a decision by the planning commission may appeal by filing a notice of appeal with the circuit court, accompanied by a request for pre-litigation mediation in accordance with Section 6-29-1150 and Section 6-29-1155 of the South Carolina Code of Laws.
- i. *Permit validity.* In accordance with Section 6-29-1510, et seq. of the South Carolina Code of Laws 1976, as amended, upon the issuance of a land development permit, the applicant shall have a vested right for two (2) years from the date of issuance to undertake and complete the corresponding development of property under the terms and conditions of the approved site specific development plan. Failure to complete work within this time shall render the permit void. However, the applicant may apply to the planning department for a one (1) year extension of this time period no later than 30 days and no earlier than 60 days prior to the expiration of the permit. The request for an extension must be approved unless otherwise prohibited by an intervening amendment to this chapter, such amendment having become effective prior to the expiration of the permit. Likewise, and in the same manner, the applicant may apply for four (4) more one (1) year extensions. Any change from the approved site specific development plan that has not first been reviewed and approved

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by the planning department shall render the land development permit invalid.

SECTION V. The Richland County Code of Ordinances, Chapter 26, Land Development; Article IV. Amendments and Procedures; Section 26-54, Subdivision Review and Approval; Subsection (b), Processes; Paragraph (1), Administrative Review; is hereby amended to read as follows:

(1) *Administrative review.*

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

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

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

c. *Plan submittal.*

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

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and shall be accompanied by a final subdivision plat containing all information as required by the department.

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

- d. *Staff review.* The planning department shall review the application and subdivision plat and ~~provide a written decision regarding the request as soon as possible, but no later than thirty (30) days after the submission date of a completed application. If the department does not provide the applicant with written notice of the application's status in this time period, the application fee shall be refunded. If the department does not provide the applicant with written notice of the application's status (approval, approval with conditions, or disapproval) within sixty (60) days after the submission date of a completed application, then the application shall be deemed approved.~~ 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 following shall occur:
 1. The planning department shall review the application and subdivision plat and provide a written decision regarding the request as soon as possible, but no later than thirty (30) days after the submission date of a completed application. If the department does not provide the applicant with written notice of the application's status in this time period, the application fee shall be refunded. If the department does not provide the applicant with written notice of the application's status (approval, approval with conditions, or disapproval) within sixty (60) days after the submission date of a completed application, then the application shall be deemed approved.
 2. Development review team members shall review and comment on applications for administrative subdivision review at the request of the planning department.

- e. *Planning commission review and action.* No planning commission review and/or action is required for administrative subdivision review.

- f. *Public notification.* No public notification is required for administrative subdivision review.

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

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- g. *Variances.* Requests for variances, unless otherwise specified, shall be heard by the board of zoning appeals under the procedures set forth in Section 26-57 of this chapter. However, variances from the requirements set forth in Article IX must be approved by the planning commission.
- h. *Appeals.* A person who may have a substantial interest in the decision of the planning department regarding subdivision applications may appeal such decision to the Richland County Planning Commission. Such appeal must be made within thirty (30) days of receipt of the decision by the property owner. The appeal shall be in writing and delivered to the planning department. The appeal must include the specific section of this chapter (or the specific design detail) from which the appeal is taken and the basis or reason for the appeal. An appeal from the decision of the planning commission by a person who may have a substantial interest in the decision must be taken to the circuit court within thirty (30) days after actual notice of the decision. In the alternative, also within thirty (30) days, a property owner whose land is the subject of a decision by the planning commission may appeal by filing a notice of appeal with the circuit court, accompanied by a request for pre-litigation mediation in accordance with Section 6-29-1150 and Section 6-29-1155 of the South Carolina Code of Laws.
- i. *Approval validity/final plat/recordation.* A final plat for an approved subdivision subject to administrative review shall be recorded by the applicant, within thirty (30) days of approval, with the Richland County Register of Deeds and a copy of the recorded plat shall be provided to the planning department by the applicant for the public record. Any hold-harmless agreement, if required, shall be attached to said recorded plat and any other subsequent property transfer instruments, and shall run with the land. No building permits or manufactured home setup permits shall be issued until the department receives a copy of the recorded plat of the subject property.

SECTION VI. The Richland County Code of Ordinances, Chapter 26, Land Development; Article IV. Amendments and Procedures; Section 26-54, Subdivision Review and Approval; Subsection (b), Processes; Paragraph (2), Minor Subdivision Review; is hereby amended to read as follows:

(2) *Minor subdivision review.*

- a. *Applicability.* The minor subdivision review process is required for those divisions of land that do not qualify for administrative subdivision review (see above) but which consist of less than fifty (50) lots. To be considered a minor subdivision, the dedication of land to the county for open space or other public purposes shall not be part of the development (provided, however, such public purposes shall not include the dedication of new

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roads and/or stormwater management facilities). If a phased project, with fewer than fifty (50) lots in one or more phases, involves a total of fifty (50) or more lots within five (5) years of the recording of any prior phase, then the project shall be treated as a major subdivision, regardless of the size of the individual phases.

- b. *Pre-application procedure.* No pre-application conference is required prior to applying for minor subdivision review. Applicants are encouraged to call or visit the planning department prior to requesting subdivision plat approval to determine what information is required for the application.
- c. *Plan submittal.*
 1. *Filing of application.* 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. The application shall be accompanied by a sketch plan, which shall be submitted in both a paper and a digital format as specified by the County, containing all information required on the application. For subdivisions containing five or fewer parcels, the applicant shall have the option of paying a per parcel COGO (coordinate geometry) fee, as specified by the County (however, such fee shall not exceed \$50.00 per parcel), in lieu of submitting a digital sketch plan.
 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. If the application is incomplete, the planning department shall notify the applicant of the deficiencies within thirty (30) days after the most recent submission date. Provided that the application is complete, the following shall occur:
 1. ~~*Planning staff review.*~~ Sketch plans for development requiring minor subdivision review shall be reviewed by the planning department for compliance with the requirements of this chapter.
 2. ~~*Development review team.*~~ As needed, plans for minor subdivisions 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.~~

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~~The planning department shall approve, approve conditionally, or deny the approval of the sketch plan for a minor subdivision within sixty (60) days after the submission date of a completed application. If the department fails to act on the application within that time, the application shall be deemed approved. A record of all actions will be maintained as a public record and the applicant must be notified of any actions taken.~~

3. The planning department shall make one of the following three (3) recommendations within sixty (60) days of receiving the sketch plan for a minor subdivision:

[a] *Approval by planning department.* If the sketch plan for a minor subdivision is recommended for approval by the planning department, staff shall schedule the matter for consideration at the next available meeting of the Richland County Planning Commission.

[b] *Conditional approval by planning department.* If the sketch plan for a minor subdivision is recommended for conditional approval, the reasons for such approval shall be provided to the applicant. The plan shall then be scheduled for consideration at the next available meeting of the Richland County Planning Commission. Alternatively, the applicant may revise the plan to address the reasons for conditional approval and resubmit it to the planning department for further review and final action by the Richland County Planning Commission in accordance with the provisions of this chapter.

[c] *Denial by planning department.* If the sketch plan is recommended for denial, the reasons for denial shall be provided to the applicant. The plan shall then be scheduled for consideration at the next available meeting of the Richland County Planning Commission. Alternatively, the applicant may revise the sketch plan to address the reasons for denial and resubmit it to the planning department for further review and final action by the Richland County Planning Commission in accordance with the provisions of this chapter.

e. *Planning commission review and action.* All sketch plans for minor subdivisions shall ultimately be submitted by the planning department to the planning commission for review and final action. The planning commission may: deny approval, table the application pending submittal of additional information, or approve the sketch plan for a minor subdivision. The decision on the sketch plan for a minor subdivision shall

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be by a majority vote of the commission as set forth in the bylaws of the commission. A record of all actions will be maintained as a public record and the applicant must be notified of any actions taken.

- f. ~~*Public notification.* No public notification is required for minor subdivision plan approval. Matters involving sketch plans for minor subdivisions shall be placed on the planning commission's agenda for review and action. The agenda shall then be published in a newspaper of general circulation in the county fifteen (15) days in advance of the meeting. Such notice shall contain the date, time, and place of the meeting, and the nature and character of the proposed action. The notice shall also inform the public where information may be examined and when and how written comment may be submitted on the proposed matter.~~
- f. ~~*Formal review.* No formal review is required for minor subdivision plan approval.~~
- g. *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.
- h. ~~*Appeals.* A person who may have a substantial interest in the decision of the planning department regarding subdivision applications may appeal such decision to the Richland County Planning Commission within thirty (30) days of receipt of the decision by the property owner. The appeal shall be in writing and delivered to the planning department. 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. 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.~~
- i. *Approval validity/final plat/recordation.*
 - 1. *Final plat.* Following approval of a sketch plan for a minor subdivision and the installation and acceptance of required improvements, a final plat shall be prepared and submitted. In addition, a copy of the final plat shall be submitted to the planning department in a digital format as specified by the County. The final plat application shall contain all information required by the planning department. The

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planning department shall review the application and determine if it is complete. If the application is incomplete, the planning department shall notify the applicant of the deficiencies within thirty (30) days after the most recent submission date. No later than fifteen (15) days after receipt of a complete final plat package, the planning department shall approve, approve with conditions, or deny the final plat application based on written findings of fact. Appeals shall be taken to the Richland County Planning Commission. If approved, prior to recordation, the plat must be signed in the appropriate place by the land development administrator. The approval of a final plat for a minor subdivision does 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. For subdivisions containing five or fewer parcels, the applicant shall have the option of paying a per parcel COGO (coordinate geometry) fee, as specified by the County (however, such fee shall not exceed \$50.00 per parcel), in lieu of submitting a digital sketch plan.

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

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

- (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

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for administrative or minor subdivision review (Section 26-54(b)(1) and Section 26-54(b)(2)). Any subdivision that involves the dedication of land to the county for open space or other public purposes shall be considered a major subdivision (provided, however, such public purposes shall not include the dedication of new roads and/or stormwater management facilities).

- b. *Pre-application procedure.* It is required that every applicant for major subdivision review meet with the planning department in a conference prior to the submittal of a subdivision plat. The purpose of this conference is to provide clarification and assistance in the preparation and submission of plans/plats for approval. It is also highly recommended that the developer, as appropriate, meet with representatives of the neighborhood in which the proposed project is located. This meeting, which can be held at the pre-application stage, will allow the developer to explain the proposed project and to be informed of the concerns of the neighborhood.
- c. *Plan submittal.*
 1. *Filing of application.* An application for major subdivision review may be filed by the owner of the property or by an authorized agent. The application for major subdivision approval shall be filed with the planning department on a form provided by the department. The application shall be accompanied by a sketch plan containing all information required on the application including a sketch of the entire proposed development even in cases where the development is occurring in phases. Sketch plans for developments requiring major land development review shall be submitted in both a paper and a digital format as specified by the County, and shall be prepared by a registered architect, engineer, landscape architect, or licensed surveyor. Plans shall include a traffic management plan.
 2. *Fees.* A permit fee, as established by the Richland County Council, shall be submitted with the application.
- d. *Sketch plan review and approval.*
 1. *Staff review.* The planning department shall review the application and determine if it is complete. If the application is incomplete, the planning department shall notify the application of the deficiencies within fifteen (15) days of the most recent submission date. Provided that the application is complete, the following shall occur:

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- [a] ~~*Planning staff review.*~~ Sketch plans for development requiring major subdivision review shall be reviewed by the planning department for compliance with the requirements of this chapter.
- [b] ~~*Development review team.*~~ The planning department shall present As needed, sketch plans for major subdivision developments requiring major subdivision review to the shall be reviewed by members of the county's development review team for compliance with ~~Within thirty (30) days of receipt from the planning department, the development review team shall review the sketch plans for compliance with~~ existing federal, state, and local laws, as well as for compatibility with the county's comprehensive plan. The development review team shall take one of the following three (3) actions on the application within fifteen (15) days of reviewing the sketch plan:
- [c] The planning department shall make one of the following three (3) recommendations on the application within forty-five (45) days of receiving the sketch plan for a major subdivision:
- [1] *Approval by planning department.* If the sketch plan for a major subdivision is recommended for approval by the planning department, staff shall schedule the matter for consideration at the next available meeting of the Richland County Planning Commission.
- [1] ~~*Approval by development review team.*~~ ~~If the sketch plan is approved by the development review team, the planning department shall notify the applicant and transmit the sketch plan to the planning commission for their information only.~~
- [2] *Conditional approval by planning department.* If the sketch plan for a major subdivision is recommended for conditional approval, the reasons for such approval shall be provided to the applicant. The plan shall then be scheduled for consideration at the next available meeting of the Richland County Planning Commission. Alternatively, the applicant may revise the plan to address the reasons for conditional approval and resubmit it to the planning department for further review and final

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action by the Richland County Planning Commission in accordance with the provisions of this chapter.

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

[3] *Denial by planning department.* If the sketch plan for a major subdivision is recommended for denial, the reasons for denial shall be provided to the applicant. The plan shall then be scheduled for consideration at the next available meeting of the Richland County Planning Commission. Alternatively, the applicant may revise the plan to address the reasons for denial and resubmit it to the planning department for further review and final action by the Richland County Planning Commission in accordance with the provisions of this chapter.

~~[3] *Denial by development review team.* If the sketch plan is denied, the reasons for denial shall be provided to the applicant. The sketch plan may be revised to address the reasons for denial and resubmitted in accordance with the provisions of this chapter. The denial may also be appealed to the Richland County Planning Commission, subject to the procedures for a public hearing set forth in subsections d.2. and d.3. below, and the payment of any fees established by the Richland County Council.~~

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

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2. Planning commission review and action. All sketch plans for major subdivisions shall ultimately be submitted by the planning department to the planning commission for review and final action. The planning commission may: deny approval, table the application pending submittal of additional information, or approve the sketch plan for a major subdivision. The planning commission shall approve the sketch plan if it finds:

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

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

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

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

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

3. Decision by the planning commission.

[a] The decision on the sketch plan for a major subdivision shall be by a majority vote of the commission as set forth in the bylaws of the commission, and the applicant must be notified of any actions taken.

[b] A record of all actions of the planning commission will be maintained as a public record.

[c] The applicant shall be provided with a written statement of the planning commission's action (approval, approval with conditions, or denial). Such statement shall, at a minimum, include findings of fact based on the criteria described above and shall establish the general parameters for the development of the entire area subject to the sketch plan.

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The county shall not accept an application for a preliminary plan, or for roads, storm drainage or sediment/erosion control, until the sketch plan is approved.

[d] Failure to act. Failure by the planning commission to act within sixty (60) days of complete submittal shall constitute approval unless this time period is extended by mutual agreement.

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

4. Public notification. Matters involving sketch plans for major subdivisions shall be placed on the planning commission's agenda for review and action. The agenda shall then be published in a newspaper of general circulation in the county fifteen (15) days in advance of the meeting. Such notice shall contain the date, time, and place of the meeting, and the nature and character of the proposed action. The notice shall also inform the public where information may be examined and when and how written comment may be submitted on the proposed matter.

~~3. Public notification. No public notification is required for major subdivision sketch plan review where a report of approval is being made by the development review team. However, when an appeal is made to the planning commission, notice of said appeal shall be published in a newspaper of general circulation in the county fifteen (15) days in advance of the hearing. Such notice shall contain the date, time, and place of the public hearing, and the nature and character of the proposed action. The notice shall also inform the public where information may be examined and when~~

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~~and how written comment may be submitted on the proposed matter.~~

~~3. Formal review.~~

~~{a} Public hearing or report before planning commission. Following receipt of a report or appeal on a proposed major subdivision sketch plan, the matter shall be scheduled by the Richland County Planning Commission. The planning commission shall consider this matter at the next available meeting. There shall be no public hearing held in conjunction with a report on a sketch plan approved by the development review team. In these cases, the commission shall receive a report on the decision of the development review team for their information. In case of an appeal, the planning commission shall conduct a public hearing on said appeal. Failure by the planning commission to act within sixty (60) days of complete submittal shall constitute approval unless this time period is extended by mutual agreement.~~

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

~~{1} The proposed project complies with the policies and objectives of the county comprehensive plan.~~

~~{2} The proposed project complies with the purpose, scope, and provisions of this chapter.~~

~~{3} Traffic management plan findings and proposals are accepted by the county and needed improvements are included in the plan. This shall include all appropriate access management techniques to provide safe vehicular and pedestrian ingress and egress to and through the subject site.~~

~~{4} The county address coordinator has approved the subdivision name and addresses, and the planning commission has approved the subdivision road names. (See Section 26-183 of this chapter).~~

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~~[5] — The proposed project complies with the subdivision sketch plan checklist of the planning department.~~

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

~~4. 5. *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.~~

~~5. 6. *Appeals.* Pursuant to the requirements of Section 6-29-1150 (C) of the South Carolina Code of Laws, any person who may have a substantial interest in the decision may appeal such decision of the planning commission to the circuit court, provided that a proper petition is filed with the Richland County Clerk of Court within thirty (30) days after receipt of the written notice of the decision by the applicant. An appeal shall cease all staff and review agency activity regarding the subject project. However, a reconsideration request may be heard at the same time an appeal is pending. Since an appeal to the circuit court must be based on the factual record generated during the subdivision review process, it is the applicant's responsibility to present whatever factual evidence is deemed necessary to support his/her position. In the alternative, also within thirty (30) days, a property owner whose land is the subject of a decision by the planning commission may appeal by filing a notice of appeal with the circuit court accompanied by a request for pre-litigation mediation in accordance with Section 6-29-1150 and Section 6-29-1155 of the South Carolina Code of Laws.~~

~~6. *Reconsideration of proposed subdivision.* The planning commission may reconsider any decision it made on a proposed major subdivision when an applicant has submitted new facts directly related to the proposed project that have been discovered subsequent to the planning commission's sketch plan decision. Simply seeking an opportunity to make a better argument shall not warrant planning commission reconsideration of a sketch plan decision. Such alleged new factual information shall be submitted~~

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~~to the planning department within fourteen (14) days of the planning commission sketch plan decision to be eligible for reconsideration. The planning commission shall consider whether the request for reconsideration meets the criteria for reconsideration at the next available planning commission meeting. A request for reconsideration shall toll the time limit requirement to file an appeal pursuant to the requirements of subparagraph 5. above.~~

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

e. *Preliminary subdivision plan review and approval.*

1. *Purpose/submittal.* The purpose of the preliminary subdivision plan stage of major subdivision review is to ensure that the subdivision can be built in substantial compliance with the approved sketch plan. The preliminary plan shall be submitted to the planning department in both a paper and a digital format as specified by the County, and shall contain all information required by the department.
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 as to whether or not the application is complete. Provided that the application is complete, the following shall occur:

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- [a] ~~*Planning staff review.*~~ Preliminary plans for development requiring major subdivision review shall be reviewed by the planning department for compliance with the requirements of this chapter and conformity with the approved sketch plan.
- [b] ~~*Development review team.*~~ Within three (3) days of mailing written notice to the applicant that the preliminary subdivision plan is complete, the department shall transmit the plan package to the appropriate development review team members for review and comment. These members shall review and get comments back to the planning department within fifteen (15) days.
- [c] ~~_____~~ No later than fifteen (15) days after receipt of all review team comments and/or permit approvals, the planning department shall transmit a report and recommendations to the applicant. Said report shall approve, approve with conditions, or deny the preliminary subdivision plan application based on written findings of fact. Approval of the preliminary subdivision plan shall not constitute final or bonded subdivision plat approval (see Sections 26-54(b)f. and g. below). Failure on the part of the planning department to act on the preliminary plat within sixty (60) days shall constitute approval.

~~3. _____~~ *Planning commission review and action.* No planning commission review and/or action is required for bonded subdivision plans.

~~4. 3.~~ *Public notification.* No public notification is required for major subdivision preliminary plan review and approval.

~~4. _____~~ *Formal review.* ~~No formal review is required for major subdivision preliminary plan review and approval.~~

5. *Variances.* There shall be no variance requests at this stage of major subdivision review. All variance requests shall occur during sketch plan review.

6. *Appeals of decisions of the planning department.* The applicant, a contiguous landowner, or an adjacent landowner may appeal a planning department decision regarding the preliminary subdivision plan to the planning commission. Such appeal must be in writing and must include the specific section of this chapter (or the specific design detail) from which the appeal is taken and the

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basis or reason for the appeal. Such appeal shall be heard at the planning commission's next available meeting.

7. *Appeals of decisions of the planning commission.* A person who may have a substantial interest in a decision of the planning commission must file an appeal in the circuit court within thirty (30) days after actual notice of the decision and must encompass all issues for appeal. In the alternative, also within thirty (30) days, a property owner whose land is the subject of a decision by the planning commission may appeal by filing a notice of appeal with the circuit court, accompanied by a request for pre-litigation mediation in accordance with Section 6-29-1150 and Section 6-29-1155 of the South Carolina Code of Laws.

7. 8. *Approval validity.* In accordance with Section 6-29-1510, et seq. of the South Carolina Code of Laws 1976, as amended, upon written notice of preliminary plan approval for a subdivision phase, the applicant shall have a two (2) year vested right to proceed with the development of the approved subdivision phase under the requirements of Article VII (General Development, Site, and Performance Standards) and Article VIII (Resource Protection Standards) of this Chapter, which are in effect on the date of preliminary plan approval. Failure to submit an application for either bonded plat or final plat approval within this two (2) year period shall render the preliminary subdivision plan approval void. However, the applicant may apply to the planning department for a one (1) year extension of this time period no later than 30 days and no earlier than 120 days prior to the expiration of the preliminary subdivision plan approval. The request for an extension must be approved unless otherwise prohibited by an intervening amendment to this chapter, such amendment having become effective prior to the expiration of the approval. Likewise, and in the same manner, the applicant may apply for four (4) more one (1) year extensions. Any change from the approved preliminary plan that has not first been reviewed and approved by the planning department shall render the preliminary subdivision plan approval invalid. Preliminary subdivision plan approval allows the issuance of building permits or manufactured home setup permits in the name of the subdivision developer only, for one model dwelling unit per subdivision phase, as well as for a temporary construction office or storage structure or a temporary security office/quarters. However, approval must be obtained from DHEC for water supply and sewage disposal prior to building occupancy.

f. *Bonded subdivision plan review and approval.*

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1. *Purpose/submittal.* The purpose of the bonded subdivision plan stage of major subdivision review is, by mutual consent of both the developer and the county, to record a bonded plat, enable the conveyance of lots to third parties, and allow the issuance of building permits and manufactured home setup permits to third parties before the construction, installation, and acceptance of all required infrastructure improvements. The county protects these third parties and assures the orderly completion of the subdivision infrastructure by choosing to accept, in accordance with the provisions in Section 26-223 of this chapter, a bond, in an amount and with surety and conditions satisfactory to it, providing for and securing to the county the actual construction and installation of all improvements and utilities within a specified time period. The bonded plan shall be submitted to the planning department in both a paper and a digital format as specified by the County, and shall contain all information required by the department.
2. *Staff review.* The planning department shall review the bonded plan submittal and determine if it is complete. If the application is incomplete, the planning department shall notify the applicant of the deficiencies within thirty (30) days after the most recent submission date. Provided that the application is complete, the following shall occur:
 - [a] ~~*Planning staff review.*~~ Bonded plans for development requiring major subdivision review shall be reviewed by the planning department for compliance with the requirements of this chapter and conformity with the approved sketch plan and preliminary plan.
 - [b] ~~*Development team review.*~~ As needed, bonded plans for major subdivisions shall be reviewed by members of the county's development review team for compliance with the requirements of this chapter and other applicable county codes. ~~No formal team review shall be required.~~
 - [c] The planning department shall approve, approve with conditions, or deny the bonded subdivision plan application based on written findings of fact. Approval of the bonded subdivision plan shall not constitute final subdivision plan approval (see subparagraph g. below on final subdivision plan approval). Failure on the part of the planning department to act on the bonded plat within sixty (60) days after receiving a complete application shall constitute approval.

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~~3. *Planning commission review and action.* No planning commission review and/or action is required for bonded subdivision plans.~~

~~4.3. *Public notification.* No public notification is required for major subdivision bonded plan review and approval.~~

~~4. *Formal review.* No formal review is required for major subdivision bonded plan review and approval.~~

5. *Variances.* There shall be no variance requests at this stage of major subdivision review. All variance requests shall occur during sketch plan review.

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

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

g. *Final subdivision plan review and approval.*

1. *Purpose/submittal.* The purpose of the final subdivision plan stage of major subdivision review is to document the satisfactory completion of required infrastructure improvements, enable the conveyance of lots to third parties, and allow the issuance of building permits and manufactured home setup permits to third

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parties. Following approval of a preliminary subdivision plan for a major subdivision, (and optionally, a bonded subdivision plan) and the installation and acceptance of required infrastructure improvements, a final plat shall be prepared and submitted in both a paper and a digital format as specified by the County. The final plat application shall contain all information required by the planning department, including written county and utility provider acceptance of all infrastructure.

2. *Staff review.* The planning department shall review the final plan submittal and determine if it is complete. If the application is incomplete, the planning department shall notify the applicant of the deficiencies within thirty (30) days after the most recent submission date. ~~No later than fifteen (15) days after receipt of a complete final plat package, the department shall approve, approve with conditions, or deny the final plat application based on written findings of fact. Failure on the part of the planning department to act on the final plat within sixty (60) days after receiving a complete application shall constitute approval.~~

[a] No later than fifteen (15) days after receipt of a complete final plat package, the planning department shall approve, approve with conditions, or deny the final plat application based on written findings of fact. Failure on the part of the planning department to act on the final plat within sixty (60) days after receiving a complete application shall constitute approval.

[b] Development review team members shall review and comment on applications for final plat approval at the request of the planning department.

- ~~3. Planning commission review and action. No planning commission review and/or action is required for final plans for major subdivisions.~~

- ~~3. 4. Public notification. No public notification is required for major subdivision final plan review and approval.~~

- ~~4. Formal review. No formal review is required for major subdivision final plan review and approval.~~

- ~~4. 5. Variances. There shall be no variance requests at this stage of major subdivision review. All variance requests shall occur during sketch plan review.~~

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5. 6. *Appeals.* An applicant, or other party of interest, may appeal a planning department decision regarding the final subdivision plan to the planning commission. Such appeal shall be heard at the planning commission's next available meeting.
6. 7. *Approval validity/recordation.* If approved, prior to recordation, the final plat must be signed in the appropriate place by the land development administrator. The approval of a final plat for a major subdivision shall not automatically constitute or affect an acceptance by the county of the dedication of any road, easement, or other ground shown upon the plat. Public acceptance of the lands must be by action of the Richland County Council. A final plat for a major subdivision must be recorded by the applicant within thirty (30) days of approval with the Richland County Register of Deeds. The applicant shall provide the planning department with at least one (1) copy of the recorded plat. Except as allowed under Section 26-54(b)(3)e.7. or unless an optional bonded plat has already been approved and recorded, no building permits or manufactured home setup permits shall be issued until the department receives a copy of the recorded final plat of the subject property.

SECTION VIII. The Richland County Code of Ordinances, Chapter 26, Land Development; Article IV. Amendments and Procedures; Section 26-59, Planned Development Review/Approval; Subsection (d), Staff Review; is hereby amended to read as follows:

- (d) Staff review. ~~The planning department shall review the application for a PDD 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 following shall occur: the planning department shall schedule the matter for consideration by the development review team. Within thirty (30) days of receipt from the planning department, the development review team shall review the proposed PDD. The development review team shall take action on the application within thirty (30) days of reviewing the proposed PDD. Following the action by the development review team, the matter shall be scheduled for consideration by the planning commission. 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 and deadlines for the meetings shall be maintained in the planning department.~~
- (1) Plans for a PDD shall be reviewed by the planning department for compliance with the requirements of this chapter.
- (2) As needed, plans for PDDs shall be reviewed by members of the county's development review team for compliance with existing federal, state and

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local laws and regulations, as well as for compatibility with the county's comprehensive plan.

- (3) The planning department shall prepare a staff recommendation on the PDD application and the zoning map amendment within forty-five (45) days of receipt of the plan, and shall then schedule the matter for consideration at the next available meeting of the Richland County Planning Commission. The schedule for meetings of the planning commission and applications and deadlines for the meetings shall be maintained in the planning department.

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

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

SECTION XI. This ordinance shall be effective from and after _____, 2007.

RICHLAND COUNTY COUNCIL

BY: _____
Joseph McEachern, Chair

Attest this the ____ day of
_____, 2007

Michielle R. Cannon-Finch
Clerk of Council

RICHLAND COUNTY ATTORNEY'S OFFICE

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

First Reading: May 1, 2007 (tentative)
Public Hearing:
Second Reading:
Third Reading:

RICHLAND COUNTY COUNCIL ADMINISTRATION AND FINANCE COMMITTEE

Kit Smith, Chair
District 5

Mike Montgomery
District 8

Paul Livingston
District 4

Greg Pearce
District 6

Damon Jeter
District 3

*Tuesday, April 24, 2007
6:00 PM*

Recommendations

I. ITEMS FOR ACTION

- Consent** **A. Request to approve a budget amendment to Risk Management, Ombudsman, and Central Services** – The committee recommended that council give first reading approval to a budget amendment for Risk Management, Ombudsman, and Central Services. The vote in favor was unanimous.
- B. Request to approve a budget amendment to increase the Coroner’s budget for body removal services (\$50,000)** – The committee recommended that council give first reading approval to a budget amendment for the Coroner’s Office. The vote was in favor.
- Consent** **C. Resolution to Distribute \$27,327.18 in Federal Forestry Funds** – The committee recommended that council approve the resolution, with 50% of the funds going to public roads, and 50% to Richland County schools. The vote in favor was unanimous.
- Consent** **D. Ordinance authorizing the issuance of revenue refunding bonds and revenue bonds for the benefit of International Paper Company and related matters in connection therewith** – The committee recommended that council give first reading to the ordinance. The committee also requested an economic development audit report for International Paper prior to the next Council meeting. The vote in favor was unanimous.
- Consent** **E. Resolution towards the issuance of revenue refunding bonds and revenue bonds for the benefit of International Paper Company and related matters in connection therewith** – The committee recommended that council approve the resolution. The committee also requested an economic development audit report for International Paper prior to the next Council meeting. The vote in favor was unanimous.
- Consent** **F. Request to renew contract with Correct Care Solutions for the provision of medical services at the Alvin S. Glenn Detention Center** – The committee

recommended that council approve the contract with Correct Care Solutions. The vote in favor was unanimous.

- Consent** **G. Emergency Services: Request for approval to purchase four new ambulance vehicles and five new chassis for ambulance remounts** – The committee recommended that council approve the purchase four new ambulance vehicles and five new chassis for ambulance remounts. The vote in favor was unanimous.
- Consent** **H. Request for approval for the Administrator to negotiate a price with the vendor selected to provide a CAD system for the Richland County / City of Columbia 911 Center** – The committee recommended that council authorize the Administrator to negotiate a price with the vendor selected to provide a CAD system for the Richland County / City of Columbia 911 Center. The vote in favor was unanimous.
- Consent** **I. Request for Timeline Regarding TIF Mediation** – The committee recommended that council request Judge Harwell, who will mediate the dispute between Richland County and the City of Columbia regarding the Vista TIF, to set a timeline for the TIF mediation. The vote in favor was unanimous.

Staffed by Joe Cronin

STATE OF SOUTH CAROLINA
COUNTY COUNCIL FOR RICHLAND COUNTY
ORDINANCE NO. ___-07HR

AN ORDINANCE AMENDING THE FISCAL YEAR 2006-2007 GENERAL FUND ANNUAL BUDGET TO ADD ONE MILLION SIXTY FIVE THOUSAND DOLLARS (\$1,065,000.00) TO THE BUDGETS OF RISK MANAGEMENT, THE OMBUDSMAN, AND CENTRAL SERVICES FOR THE PURPOSE OF PROVIDING ADDITIONAL BUDGET DOLLARS TO COVER FY07 EXPENDITURES.

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

SECTION I. That the amount of One Million Sixty-Five Thousand Dollars (\$1,065,000.00) be appropriated to the FY 2006-2007 Budgets of Risk Management, the Ombudsman, and Central Services. Therefore, the Fiscal Year 2006-2007 General Fund Annual Budget is hereby amended as follows:

REVENUE

| | |
|---|----------------|
| Revenue appropriated July 1, 2006 as amended: | \$120,443,265 |
| Appropriation of Unrestricted General Fund Balance: | 465,000 |
| Appropriation of Restricted General Fund Balance: | <u>600,000</u> |
| Total General Fund Revenue As Amended: | \$121,508,265 |

EXPENDITURES

| | |
|--|---------------|
| Expenditures appropriated July 1, 2006 as amended: | \$120,443,265 |
| Increase in Risk Management Budget: | 1,000,000 |
| Increase In Ombudsman Budget: | 15,000 |
| Increase in Central Services Budget: | <u>50,000</u> |
| Total General Fund Expenditures As Amended: | \$121,508,265 |

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

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

SECTION IV. Effective Date. This ordinance shall be enforced from and after _____, 2007.

RICHLAND COUNTY COUNCIL

BY: _____
Joseph McEachern, Chair

ATTEST THIS THE ____ DAY

OF _____, 2007

Michielle R. Cannon-Finch
Clerk of Council

RICHLAND COUNTY ATTORNEY'S OFFICE

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

First Reading: May 1, 2007 (tentative)
Second Reading:
Public Hearing:
Third Reading:

STATE OF SOUTH CAROLINA
COUNTY COUNCIL FOR RICHLAND COUNTY
ORDINANCE NO. ___-07HR

AN ORDINANCE AMENDING THE FISCAL YEAR 2006-2007 GENERAL FUND ANNUAL BUDGET TO ADD FIFTY THOUSAND DOLLARS (\$50,000.00) TO THE CORONER'S BUDGET FOR BODY REMOVAL SERVICES.

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

SECTION I. That the amount of Fifty Thousand (\$50,000.00) be appropriated to the FY 2006-2007 Coroner budget. Therefore, the Fiscal Year 2006-2007 General Fund Annual Budget is hereby amended as follows:

REVENUE

| | |
|---|---------------|
| Revenue appropriated July 1, 2006 as amended: | \$121,508,265 |
| Appropriation of Unrestricted General Fund Balance: | <u>50,000</u> |
| Total General Fund Revenue As Amended: | \$121,558,265 |

EXPENDITURES

| | |
|--|---------------|
| Expenditures appropriated July 1, 2006 as amended: | \$121,508,265 |
| Increase in Coroner's Budget: | <u>50,000</u> |
| Total General Fund Expenditures As Amended: | \$121,558,265 |

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

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

SECTION IV. Effective Date. This ordinance shall be enforced from and after _____, 2006.

RICHLAND COUNTY COUNCIL

BY: _____
Joseph McEachern, Chair

ATTEST THIS THE ____ DAY

OF _____, 2007

Michielle R. Cannon-Finch
Clerk of Council

RICHLAND COUNTY ATTORNEY'S OFFICE

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

First Reading: May 1, 2007 (tentative)
Second Reading:
Public Hearing:
Third Reading:

STATE OF SOUTH CAROLINA)
)
COUNTY OF RICHLAND) A RESOLUTION OF THE
 RICHLAND COUNTY COUNCIL

A RESOLUTION TO ALLOCATE MILITARY FOREST FUNDS

WHEREAS, the State of South Carolina receives forty percent (40%) of the net proceeds from the sale of forest products on land owned or leased by a military department; and

WHEREAS, the Office of the State Treasurer issues a check to Richland County annually, representing a share of federal monies generated at Ft. Jackson and at other military installations located within the County; and

WHEREAS, the Richland County Treasurer currently has a total of \$27,327.18 in Military Forest Fund monies, which was received from the Office of the State Treasurer; and

WHEREAS, pursuant to 10 U.S.C. §2665(e)(2), “the amount paid to a State pursuant to paragraph (1) shall be expended as the State legislature may prescribe for the benefit of the public schools and public roads of the county or counties in which the military installation or facility is situated”; and

WHEREAS, the South Carolina Legislature has not enacted, to date, any law prescribing how these funds are to be allocated, so that allocation must be determined for the benefit of both the public schools and public roads of Richland County;

NOW, THEREFORE, BE IT RESOLVED that the Richland County Council does hereby allocate the Military Forest Funds of \$27,327.18 as follows:

50% to Richland School District One, Richland School District Two, and Richland/Lexington School District Five, to be apportioned according to the respective student population of each school district; and

50% to be transferred to the General Fund of Richland County, to be used for the construction and/or improvement of public roads within the County.

ADOPTED THIS the ____ day of _____, 2007.

Joseph McEachern, Chair
Richland County Council

Attest: _____
Michielle R. Cannon-Finch
Clerk of Council

STATE OF SOUTH CAROLINA
COUNTY COUNCIL FOR RICHLAND COUNTY
ORDINANCE NO. ___-07HR

AUTHORIZING RICHLAND COUNTY, SOUTH CAROLINA (THE "ISSUER") TO ISSUE UP TO \$30,000,000 IN AGGREGATE PRINCIPAL AMOUNT OF ITS ENVIRONMENTAL IMPROVEMENT REVENUE REFUNDING BONDS, 2007 SERIES A (INTERNATIONAL PAPER COMPANY PROJECT) (THE "REFUNDING BONDS"), THE PROCEEDS OF WHICH WILL BE USED TO REFUND A PORTION OF THE ISSUER'S ENVIRONMENTAL IMPROVEMENT REVENUE REFUNDING BONDS, 2002 SERIES A (INTERNATIONAL PAPER COMPANY PROJECT) PURSUANT TO SECTION 48-3-10 ET SEQ. OF THE CODE OF LAWS OF SOUTH CAROLINA 1976, AS AMENDED, AND TO ISSUE UP TO \$2,500,000 IN AGGREGATE PRINCIPAL AMOUNT OF ITS ENVIRONMENTAL IMPROVEMENT REVENUE BONDS, 2007 SERIES B (INTERNATIONAL PAPER COMPANY PROJECT) (THE "NEW MONEY BONDS", AND TOGETHER WITH THE "REFUNDING BONDS" THE "BONDS"), PURSUANT TO SECTION 4-29-10 ET SEQ. OF THE CODE OF LAWS OF SOUTH CAROLINA 1976, AS AMENDED; AUTHORIZING THE EXECUTION AND DELIVERY OF CONTRACTS OF PURCHASE PROVIDING FOR THE ISSUANCE AND SALE OF SUCH BONDS; AND AUTHORIZING THE ISSUANCE OF THE BONDS AND THE EXECUTION OF NECESSARY DOCUMENTS AND THE TAKING OF ANY OTHER ACTION NECESSARY TO BE TAKEN BY THE ISSUER TO CAUSE THE ISSUANCE AND SALE OF SUCH BONDS.

WHEREAS, the Issuer issued its Environmental Improvement Revenue Refunding Bonds, 2002 Series A (International Paper Company Project) (the "Prior Bonds") to refinance the costs of acquisition, construction, installation and equipping of certain pollution control facilities and/or sewage and solid waste disposal facilities (the "Prior Project"), operated by International Paper Company, a New York corporation (the "Company"), at the Company's paper mill located within the geographical boundaries of Richland County, South Carolina, pursuant to the authorization of the Section 48-3-10 et seq. of the Code of Laws of South Carolina 1976, as amended (the "Pollution Control Facilities Act"). The Company has now advised the Issuer that it is desirable that the Issuer issue, sell and deliver its refunding revenue bonds to be designated as Richland County, South Carolina Environmental Improvement Revenue Refunding Bonds, 2007 Series A (International Paper Company Project) (the

“Refunding Bonds”) pursuant to Section 48-3-100 of the Pollution Control Facilities Act, the proceeds of which will be used to defray the cost of refunding the Prior Bonds;

WHEREAS, the Company has also advised the Issuer that it is desirable that the Issuer issue, sell and deliver its revenue bonds to be designated as Richland County, South Carolina Environmental Improvement Revenue Bonds, 2007 Series A (International Paper Company Project), the proceeds of which will be used to finance certain solid waste disposal facilities and waste water treatment facilities (the “New Project,” together with the “Prior Project,” the “Projects”) at the Company’s paper mill located within the geographical boundaries of Richland County, South Carolina, pursuant to the authorization of Section 4-29-10 et seq. of the Code of Laws of South Carolina 1976, as amended (the “Industrial Development Act,” and together with the Pollution Control Facilities Act, the “Acts”); and

WHEREAS, the County Council of Richland County, South Carolina (the “County Council”), the governing body of the Issuer, did resolve to submit its petition (the “Petition”) to the State Budget and Control Board of South Carolina (the “State Board”) seeking the approval of the State Board of an undertaking by the Issuer (i) to issue up to \$30,000,000 in aggregate principal amount of its Refunding Bonds to be designated as Environmental Improvement Revenue Refunding Bonds, 2007 Series A (International Paper Company Project) (or such other designation as shall be approved by the Chairman in accordance with Section 2 hereof) the proceeds of the sale of which will be applied to defray the cost of refunding the Prior Bonds pursuant to the Pollution Control Facilities Act, and (ii) to issue up to \$2,500,000 in aggregate principal amount of its New Money Bonds to be designated as Environmental Improvement Revenue Bonds, 2007 Series A (International Paper Company Project) (or such other designation as shall be approved by the Chairman in accordance with Section 3 hereof) pursuant to the

Industrial Development Act, the proceeds of the sale of which will be applied to finance the New Project; and

WHEREAS, the Company has heretofore requested the Issuer to (a) issue the Bonds subject to the approval by the State Board of the Petition and receipt by the Issuer of appropriate evidence of such approval, (b) authorize the issuance of the Bonds, from time to time or at one time and in one or more issues or series, each such Bond bearing interest at a rate not in excess of nine percent (9.00%) per annum and each such Bond maturing not later than forty (40) years from the date of issuance of the Bonds, (c) authorize the execution and delivery of all documents necessary to the consummation of the transaction described above containing substantially the terms as contained in those forms of documents presented to the County Council prior to the third reading of this Ordinance (the "Documents"), and (d) sell the Bonds pursuant to the Contracts of Purchase (the "Contracts") to be entered between the Issuer, the Company and an underwriter or underwriters as shall be designated by the Company, at a price not less than ninety-five (95) percent of the aggregate principal amount of the Bonds to which the Contracts relate; and

WHEREAS, the Department of Health and Environmental Control of South Carolina has certified that (i) the Prior Project is necessary and (ii) the design thereof will result in the elimination, mitigation and prevention of air and/or water pollution, and that the Prior Project, as designed, is in furtherance of the purpose of abating or controlling atmospheric pollutants or contaminants or water pollution; and

WHEREAS, the County Council has determined to undertake the issuance of the Bonds and authorize the other actions herein described.

NOW, THEREFORE BE IT FOUND, RESOLVED AND ORDAINED BY THE COUNTY COUNCIL ON BEHALF OF RICHLAND COUNTY, SOUTH CAROLINA:

1. The execution and delivery of the Documents presented to the County Council prior to the third reading of this Ordinance, in substantially the forms presented with such changes as the executing officers shall approve (their execution to be conclusive evidence of such approval) on behalf of the Issuer, are hereby authorized and directed. The Documents shall be executed and delivered on behalf of the Issuer by the Chairman of the County Council and attested by the Clerk of the County Council or, in either of their absences, by such other officers as shall be permitted by rule of the County Council.

2. Upon the execution and delivery of the Documents, and subject further to the approval by the State Board of the Petition and the receipt by the Issuer of appropriate evidence thereof, the Refunding Bonds in an aggregate principal amount not to exceed \$30,000,000 are hereby authorized to be issued, from time to time or at one time, in one or more issues or series, and the proceeds of the Refunding Bonds shall be used to refinance the Prior Project and refund the Prior Bonds in the manner and according to the terms of the Documents. The Refunding Bonds shall be designated as Richland County, South Carolina Environmental Improvement Revenue Refunding Bonds, 2007 Series A (International Paper Company Project), or by such other designation as the Chairman of the County Council may provide and approve, and shall be issued in one or more issues or series, each such issue or series designated alphabetically and by year (2007 Series A, 2007 Series B, etc.) and each such Refunding Bond shall be dated as of a particular day of the month in which such Refunding Bond is issued (or a prior month), which date shall be before December 31, 2007, and shall mature not later than forty (40) years from the date of issuance of each such Refunding Bond, and bear interest at a rate not in excess of nine

percent (9.00%) percent per annum, and shall be subject to redemption as provided in the Documents. The Refunding Bonds shall be in one or more forms as are permitted by the Documents, and prior to delivery, shall be authenticated by a trustee as prescribed in the Documents.

3. Upon the execution and delivery of the Documents, and subject further to the approval by the State Board of the Petition and the receipt by the Issuer of appropriate evidence thereof, the New Money Bonds in an aggregate principal amount not to exceed \$2,500,000 are hereby authorized to be issued, from time to time or at one time, in one or more issues or series, and the proceeds of the New Money Bonds shall be used to defray the costs of the New Project in the manner and according to the terms of the Documents. The New Money Bonds shall be designated as Richland County, South Carolina Environmental Improvement Revenue Bonds, 2007 Series A (International Paper Company Project), or by such other designation as the Chairman of the County Council may provide and approve, and shall be issued in one or more issues or series, each such issue or series designated alphabetically and by year (2007 Series A, 2007 Series B, etc.) and each such Bond shall be dated as of a particular day of the month in which such New Money Bond is issued (or a prior month), which date shall be before December 31, 2008, and shall mature not later than forty (40) years from the date of issuance of each such New Money Bond, and bear interest at a rate not in excess of nine percent (9.00) per annum, and shall be subject to redemption as provided in the Documents. The New Money Bonds shall be in one or more forms as are permitted by the Documents, and prior to delivery, shall be authenticated by a trustee as prescribed in the Documents.

4. The sale of the Bonds, upon the request of the Company to such underwriter or underwriters as shall be designated by the Company, for a price as specified by the Company of

not less than ninety-five (95) percent of the aggregate principal amount of the Bonds to which the Contracts relate, together with accrued interest to the date of issue of each such Bond, and otherwise in accordance with the Contracts to be approved by the Company and submitted to the Issuer, is hereby approved. The Chairman of the County Council and its Clerk or, in either of their absences, such other officers as shall be permitted by rule of the County Council, are hereby authorized to execute and deliver the Contracts and are fully authorized and empowered to take such further action, to cause the preparation and distribution of such appropriate marketing documents, including a preliminary official statement and an official statement, and to execute and deliver such closing documents all as may be necessary and proper to effect the marketing, sale, issuance and delivery of the Bonds in accordance with the terms and conditions of the Contracts, and the action of such officers or any of them in executing and delivering any of such documents in such forms as the executing officer or officers shall approve is hereby authorized.

5. When received, the proceeds of the Bonds shall be paid directly to the trustee appointed in the Documents and thereafter disposed of by such trustee in accordance with the terms and provisions of the Documents and not otherwise.

DONE AND RATIFIED AT COLUMBIA, SOUTH CAROLINA this ____ day of _____, 2007.

RICHLAND COUNTY COUNCIL

BY: _____
Joseph McEachern, Chairman

ATTEST THIS THE ____ DAY
OF _____, 2007

Michielle R. Cannon-Finch
Clerk of County Council

RICHLAND COUNTY ATTORNEY'S OFFICE

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

First Reading: May 1, 2007 (tentative)
Second Reading: May 15, 2007 (tentative)
Public Hearing: June 5, 2007 (tentative)
Third Reading: June 5, 2007 (tentative)

V4516100.3

STATE OF SOUTH CAROLINA)
)
COUNTY OF RICHLAND)

A RESOLUTION OF THE
RICHLAND COUNTY COUNCIL

REGARDING THE ISSUANCE BY RICHLAND COUNTY, SOUTH CAROLINA (THE “ISSUER”) OF CERTAIN REVENUE REFUNDING BONDS DESCRIBED HEREIN IN ACCORDANCE WITH SECTIONS 48-3-10 ET SEQ. OF THE CODE OF LAWS OF SOUTH CAROLINA 1976, AS AMENDED (THE “POLLUTION CONTROL FACILITIES ACT”), IN AN AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED \$30,000,000 (THE “REFUNDING BONDS”), THE PROCEEDS OF WHICH WILL BE USED TO REFUND A PORTION OF THE ISSUER’S ENVIRONMENTAL IMPROVEMENT REVENUE REFUNDING BONDS, 2002 SERIES A (INTERNATIONAL PAPER COMPANY PROJECT) AND THE ISSUANCE BY THE ISSUE OF CERTAIN REVENUE BONDS DESCRIBED HEREIN IN ACCORDANCE WITH SECTIONS 4-29-10 ET SEQ. OF THE CODE OF LAWS OF SOUTH CAROLINA 1976, AS AMENDED (THE “INDUSTRIAL DEVELOPMENT ACT,” AND TOGETHER WITH THE POLLUTION CONTROL FACILITIES ACT, THE “ACTS”) IN AN AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED \$2,500,000 (THE “NEW MONEY BONDS”, TOGETHER WITH THE “REFUNDING BONDS”, THE “BONDS”), THE PROCEEDS OF WHICH WILL BE USED TO FINANCE CERTAIN SOLID WASTE DISPOSAL FACILITIES AND WASTE WATER TREATMENT FACILITIES; AUTHORIZING AND RATIFYING THE PREPARATION AND FILING OF A PETITION OR PETITIONS WITH THE STATE BUDGET AND CONTROL BOARD OF SOUTH CAROLINA IN ACCORDANCE WITH THE ACTS, PURSUANT TO WHICH THE ISSUER REQUESTS THE STATE BUDGET AND CONTROL BOARD OF SOUTH CAROLINA TO APPROVE THE UNDERTAKING OF THE ISSUER TO ISSUE THE BONDS; AND AUTHORIZING THE PUBLICATION OF A NOTICE OF PUBLIC HEARING WITH RESPECT TO THE BONDS.

As and incident to the adoption of this Resolution, Richland County, South Carolina (the “Issuer”) through its County Council (the “County Council”) has made the following findings:

1. International Paper Company (the “Company”) has requested the Issuer to assist the Company by authorizing \$30,000,000 in principal amount of its revenue refunding bonds (the “Refunding Bonds”) to be issued, from time to time or at one time, in one or more issues or series, in order to provide funds to defray the cost of refunding the Issuer’s Environmental Improvement Revenue Refunding Bonds, 2002 Series A (International Paper Company Project) (the “Prior Bonds”). The Prior Bonds were issued by the Issuer in order to refinance the costs of acquisition, construction, installation and equipping of certain pollution control facilities and/or

sewage and solid waste disposal facilities (the “Prior Project”) at the Eastover, South Carolina Mill of the Company.

2. The Company has also requested the Issuer to assist the Company by authorizing \$2,500,000 in principal amount of its revenue bonds (the “New Money Bonds,” and together with the Refunding Bonds, the “Bonds”) to be issued from time to time or at one time, in one or more issues or series, in order to finance certain solid waste disposal facilities and waste water treatment facilities (the “New Project” and, together with the “Prior Project”, the “Projects”) at the Eastover, South Carolina Mill of the Company.

3. The Issuer has determined that the issuance of the Refunding Bonds pursuant to Section 48-3-100 of the Pollution Control Act will not give rise to any pecuniary liability of the Issuer, the County Council or a charge against the Issuer’s general credit or taxing power and that the Refunding Bonds shall be payable solely out of the moneys to be derived by the Issuer pursuant to a financing agreement in the form of one or more loan agreements hereinafter described.

4. The Issuer has determined that the New Project is necessary and that the issuance of the New Money Bonds will subserve the purposes of the Industrial Development Act, is anticipated to benefit the general public welfare of Richland County, South Carolina by providing services, employment, recreation or other public benefits not otherwise provided locally, and will not give rise to any pecuniary liability of the Issuer, the County Council or a charge against the Issuer’s general credit or taxing power and that the New Money Bonds shall be payable solely out of the moneys to be derived by the Issuer pursuant to a financing agreement in the form of one or more loan agreements hereinafter described.

5. The County Council adopted a resolution on June 15, 2004 (the “2004 Resolution”), toward the issuance of the Issuer’s \$300,000,000 Richland County, South Carolina Revenue Bonds, 2004 Series A (International Paper Company Project) for the financing identified generally as the acquisition, construction and equipping of facilities for an upgrade of the Company’s existing Eastover, South Carolina Mill located in Richland County which facilities include sewage and solid waste disposal facilities that are part of the New Project.

6. The proceeds derived from the sale of the Bonds will be made available by the Issuer to the Company for the purpose of defraying the costs of refunding the Prior Bonds and the costs of the New Project, and the Company will prepare and submit to the Issuer one or more loan agreements (the “Loan Agreements”) under which the Company will agree to make payments in the amount necessary to provide the annual payments of principal of, premium, if any, and interest on the Bonds as the same become due and payable. The Loan Agreements will be in substantially such form as shall be approved by the County Council and the County Attorney.

7. If the Bonds are issued, the Company will agree to effect the repayment of the Prior Bonds to the extent the proceeds of the Refunding Bonds are insufficient. Further, the Company will indemnify the Issuer against any costs in connection with the Projects.

8. The Bonds will be issued pursuant to a security agreement in the form of one or more trust indentures (the “Trust Indentures”) between the Issuer and a bank yet to be named as trustee prescribing the terms and conditions of the Bonds and the security therefor. The Trust Indentures and the forms of the Bonds will be in substantially such form as shall be approved by the County Council and the County Attorney.

9. In view of the well-established credit of the Company, it is unnecessary to establish reserve funds for the payment of principal of, premium, if any, and interest on the Bonds.

NOW, THEREFORE BE IT RESOLVED BY RICHLAND COUNTY THROUGH ITS COUNTY COUNCIL, IN MEETING DULY ASSEMBLED:

That the Issuer through its County Council finds that the facts set forth above are in all respects true and correct and on such basis determines to finance or refinance the Projects above described, and to express its willingness to authorize the sale of the Bonds by the Issuer as aforesaid, conditioned upon the following prerequisites:

1. That approval of the State Budget and Control Board of South Carolina (the "State Board") under Sections 48-3-100 and 48-3-140 of the Pollution Control Facilities Act, in the case of the Refunding Bonds, and Sections 4-29-20 and 4-29-140 of the Industrial Development Act, in the case of the New Money Bonds, be obtained;

2. That the Issuer and the Company agree as to the forms and content of all agreements and documents necessary or convenient to the issuance of the Bonds; and

3. That the Bonds and all documents and proceedings in connection therewith comply in all respects with the prerequisites or conditions of the Acts and of the Internal Revenue Code of 1986, as amended.

BE IT FURTHER RESOLVED:

That the Petition to the State Board be prepared on behalf of the Issuer by the Company's representatives, and that the proper officers of the Issuer be, and they are hereby directed, to take all such future actions, including the preparation of documents, and the advertisement and conducting of a public hearing with respect to the Bonds, as shall be necessary to carry out the

purposes of this Resolution.

BE IT FURTHER RESOLVED:

That the 2004 Resolution and the findings therein are hereby ratified and confirmed and shall remain effective in all respects except to the extent modified hereby.

ADOPTED THIS THE _____ DAY OF _____, 2007.

Joseph McEachern, Chair
Richland County Council

Attest: _____
Michielle R. Cannon-Finch
Clerk of Council

\4517148.2

STATE OF SOUTH CAROLINA)
)
 COUNTY OF RICHLAND)
)
 TO THE STATE BUDGET AND CONTROL)
)
 BOARD OF SOUTH CAROLINA)
)

PETITION

The Petition of the County Council of Richland County, South Carolina (the “County Council”) pursuant to Sections 48-3-10 et seq. of the Code of Laws of South Carolina 1976, as amended (the “Pollution Control Facilities Act”) and Sections 4-29-10 et seq. of the Code of Laws of South Carolina 1976, as amended (the “Industrial Development Act,” and together with the “Pollution Control Facilities Act,” the “Acts”), respectfully shows:

1. The County Council is the governing body of Richland County, South Carolina (the “Issuer”) as established by Section 4-9-310 of the Code of Laws of South Carolina 1976, as amended, and as such is the “governing board” of the Issuer referred to in the Acts.

2. The County Council is authorized, subject to obtaining the approval of the State Budget and Control Board of South Carolina (the “State Board”) required by Sections 48-3-100 and 4-3-140 of the Pollution Control Facilities Act, in the case of the Refunding Bonds (hereinafter defined), to enter into agreements with any industry to refinance the costs of acquisition, construction, installation and equipping of certain pollution control facilities and/or sewage and solid waste disposal facilities (the “Prior Project”), to enter into loan agreements with such industry prescribing the terms and conditions of the payments to be made by the industry to the Issuer or its assignee to meet the payments that shall become due on bonds issued pursuant to the Pollution Control Facilities Act, to issue revenue refunding bonds for the purpose of providing funds to defray the cost of refunding a portion of the Issuer’s Environmental

Improvement Revenue Refunding Bonds, 2002 Series A (International Paper Company Project) (the "Prior Bonds"), to secure the payment of such bonds as hereafter provided.

3. The County Council is authorized, subject to obtaining the approval of the State Board required by Sections 4-29-20 and 4-29-120 of the Industrial Development Act, in the case of the New Money Bonds (hereinafter defined), to enter into agreements with any industry to finance certain solid waste disposal facilities and waste water treatment facilities (the "New Money Project," and together with the "Prior Project," the "Projects"), to enter into loan agreements with such industry prescribing the terms and conditions of the payments to be made by the industry to the Issuer or its assignee to meet the payments that shall become due on bonds issued pursuant to the Industrial Development Act, to issue revenue bonds for the purpose of financing the New Money Project, to secure the payment of such bonds as hereafter provided.

4. The Issuer has heretofore agreed with International Paper Company, a New York corporation (the "Company"), which owns and operates a pulp and paper mill near the Town of Eastover, in Richland County, South Carolina, to assist the Company by authorizing \$30,000,000 in principal amount of its Refunding Bonds to be issued, from time to time or at one time, in one or more issues or series, and by authorizing \$2,500,000 in principal amount of its New Money Bonds to be issued from time to time or at one time, or in one or more issues or series.

5. The County Council is advised by the Company that it will be desirable that the Issuer issue up to \$30,000,000 in aggregate principal amount of its Environmental Improvement Revenue Refunding Bonds, 2007 Series A (International Paper Company Project) (the "Refunding Bonds") the proceeds of which shall be loaned to the Company and used to refund a portion of the Prior Bonds, and to issue up to \$2,500,000 in aggregate principal amount of its Environmental Improvement Revenue Bonds, 2007 Series B (International Paper Company

Project) (the “New Money Bonds,” and together with the “Refunding Bonds,” the “Bonds”) the proceeds of which shall be loaned to the Company and used to defray the cost of the New Project, each such Bond bearing interest at a rate not in excess of nine percent (9.00%) per annum, and each such Bond maturing not later than forty (40) years from the date of issuance of each such Bond.

6. Pursuant to Sections 48-3-140 and 4-29-140 of the Acts, as applicable, the County Council sets forth the following information:

A. The Prior Project to be refinanced with the proceeds of the Refunding Bonds consists of pollution control facilities and/or sewage and solid waste disposal facilities designed for the elimination, mitigation and prevention of air and water pollution and the collection, treatment and disposal of waste;

B. In the case of the Refunding Bonds and the Prior Project, the State Department of Health and Environmental Control determined that the Prior Project (i) is necessary and (ii) that the design thereof will result in the elimination, mitigation and prevention of air and/or water pollution, and that the Prior Project is in furtherance of the purpose of abating or controlling atmospheric pollutants or contaminants or water pollution.

C. The New Project to be financed with the proceeds of the New Money Bonds consists of facilities designed for the disposal of solid waste and/or the handling of waste water and sewage. The New Project will result in the retention of employment in the County and will thus affect the economy of the County and areas adjacent thereto;

D. The financing agreement or agreements shall be in the form of one or more loan (and not lease) agreements (the “Loan Agreements”), and therefore the Company shall not

claim any exemption from property taxation other than those to which it might be entitled by entitled by reason of its ownership of the Projects;

E. The cost of refunding the Prior Bonds is estimated to be **an amount at least equal to** \$30,000,000;

F. The cost of financing the New Money Project is estimated to be an amount **up at least equal** to \$2,500,000;

G. The proposed Loan Agreements, will provide, in general:

(a) To refinance the Prior Project by refunding a portion of the Prior Bonds, the Issuer will issue, from time to time or at one time, in one or more issues or series, up to \$30,000,000 aggregate principal amount of Refunding Bonds which will be secured by a pledge of the payments to be made by the Company under the related Loan Agreement pursuant to one or more security agreements, in the form of one or more trust indentures (the "Refunding Trust Indenture"), as authorized by the Pollution Control Facilities Act, between the Issuer and a bank yet to be named by the Company, as trustee (the "Refunding Trustee");

(b) Proceeds derived from the sale of the Refunding Bonds will be loaned to the Company and deposited with the Refunding Trustee under the Refunding Trust Indenture and will be applied, **together with other funds made available by the Company** solely to the portion of the Prior Bonds selected for redemption;

(c) To finance the New Money Project, the Issuer will issue, from time to time or at one time, in one or more issues or series, up to \$2,500,000 aggregate principal amount of New Money Bonds which will be secured by a pledge of the payments to be made by the Company under the related Loan Agreement pursuant to one

or more security agreements, in the form of one or more trust indentures (the “New Money Trust Indenture,” and together with the “Refunding Trust Indenture,” the “Trust Indentures”), as authorized by the Industrial Development Act, between the Issuer and a bank yet to be named by the Company, as trustee (the “New Money Trustee,” and together with the “Refunding Trustee,” the “Trustees”);

(d) Proceeds derived from the sale of the New Money Bonds will be loaned to the Company and deposited with the New Money Trustee under the New Money Trust Indenture and applied to defray the cost of the New Project;

(e) Under the terms of the Loan Agreement related to the Refunding Bonds, the Company will obligate itself to effect the repayment of the Prior Bonds to the extent the proceeds derived from the sale of the Refunding Bonds are insufficient.

(f) The Company will indemnify the Issuer against any costs in connection with the Projects. Additionally, the Company, under the terms of one or more guaranty agreements (the “Guaranty Agreements”), will guarantee the full and prompt payment of the principal of, interest and redemption premium, if any, on the Bonds when due and payable; and

(g) The Loan Agreements will contain no provision imposing any pecuniary liability upon the Issuer or which would create a charge upon its general credit or taxing powers.

H. The proposed Trust Indentures will be in conventional form and will prescribe the terms and conditions upon which the Bonds will be issued. The Trust Indentures entered into will make provision for the issuance, from time to time or at one time, in one or more issues or series, of Refunding Bonds in the aggregate principal amount of up to

\$30,000,000, and the New Money Bonds in the aggregate principal amount of up to \$2,500,000. The Trust Indentures will provide for the payment and redemption of the Bonds, the establishment of a bond fund or bond funds in which the proceeds of the payments made by the Company pursuant to each Loan Agreement are placed and the use of said bond funds for the payment of the Bonds. The Trust Indentures will contain no provision imposing any pecuniary liability upon the Issuer or which would create a charge upon its general credit or taxing powers;

I. The proposed Guaranty Agreements will be in conventional form and will provide for the unconditional guarantee by the Company directly to the Trustee(s) for the benefit of the holders of the Bonds of the principal of, interest and redemption premium, if any, on the Bonds as the same become due and payable. The Issuer will not be a party to the Guaranty Agreements, and the Guaranty Agreements will contain no provision imposing any pecuniary liability upon the Issuer or which would create a charge upon its general credit or taxing powers; and

J. The Company may make arrangements for retirement of the Bonds prior to maturity and, in such event; the Company may enter separate agreements with banks or other financial institutions to provide for the early retirement and/or purchase and/or resale of the Bonds.

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Upon the basis of the foregoing, the County Council respectfully prays that the State Budget and Control Board of South Carolina accept filing of this Petition, and that the State Board as soon as practicable make such review as it deems advisable, and that if it finds that the issuance of the bonds in order to refinance the Prior Project and finance the New Money Project is intended to promote the purposes of the Pollution Control Facilities Act, in the case of the Refunding Bonds, and the Industrial Development Act, in the case of the New Money Bonds, and may reasonably be anticipated to effect such result, that it approve the proposed refinancing and financing thereof by the Issuer through the issuance of the Bonds pursuant to the Acts, including changes in any details of said financing as finally consummated which do not materially affect the undertaking of the Issuer, and give published notice of its approval in the manner set forth in Section 48-3-140 and Section 4-29-140 of the Acts.

_____, 2007

Respectfully submitted,

RICHLAND COUNTY, SOUTH CAROLINA

(SEAL)

By: _____
Joseph McEachern
Chair, County Council

ATTEST:

Michielle R. Cannon-Finch
Clerk, County Council

STATE OF SOUTH CAROLINA

COUNTY OF RICHLAND

I, the undersigned Clerk to the County Council of Richland County, South Carolina (the "County Council"), DO HEREBY CERTIFY:

That the foregoing Petition is submitted pursuant to authority granted in a Resolution adopted by the County Council at a duly called and regularly held meeting at which all members attended and remained throughout on May ____, 2007.

That said Resolution is now in full force and effect and has not been modified, amended, repealed or rescinded.

IN WITNESS WHEREOF, I have hereunto set my hand and the seal of the said County this ____ day of _____, 2007.

(SEAL)

Michielle R. Cannon-Finch
Clerk, County Council

\4520516.4

STATE OF SOUTH CAROLINA)
)
COUNTY OF RICHLAND)

AGREEMENT TO SELL AND BUY

This Agreement, entered into this _____ day of _____, by and between The Citadel Foundation (hereafter "Seller"), and Richland County or assigns (hereafter "Buyer").

WITNESSETH: That for and in consideration of the sum of Five and No/100 Dollars, to be applied as part of the cash portion of the purchase price, and the conditions and terms hereinafter mentioned, the Seller agrees to sell and the Buyer agrees to buy 94 plus or minus acres located within the Northpoint Industrial Park, to include all rights, easements, access agreements and other pertinent materials, said property more particularly described as follows:

SEE ATTACHMENT A

Sale to be consummated upon the further payment of Nine Hundred Eighty Seven Thousand (\$987,000.00) Dollars from Buyer to Seller after Buyer's completion of any appraisals, tests, studies, inspections and upon expiration of the "Feasibility Period" set forth herein, and approval of the Richland County Council, Buyer's Governing Body.

It is herein agreed that for a period ending ninety (90) days after execution of this Agreement (the "Feasibility Period"), Seller grants Buyer permission to have its engineers, employees, contractors, agents and also potential tenants of the Property enter upon the Property for the purpose of conducting surveys, engineering, environmental and other tests, market studies and other items deemed necessary by Buyer in connection with its proposed purchase of the Property. Buyer agrees to indemnify and hold Seller harmless from any injury, loss or damage including any costs and attorney's fees, as a result of Buyer's access to, or activities upon, the real estate as provided hereunder.

At any time during the Feasibility Period or its extensions, Buyer may rescind and cancel this Agreement for any or no reason by giving written notice to the Seller of its desire to do so and this Agreement shall be terminated, null and void and neither party shall thereafter have any further obligation to the other hereunder.

Prior to date of closing, Seller shall have prepared, at its expense, a current plat and survey of the subject property. Seller shall be responsible for the payment of any Documentary Stamps associated with this transaction.

The Seller hereby covenants and agrees to convey the above described property to the Buyer, its heirs or assigns in fee by proper deed, with covenant of general warranty, free from all defects and encumbrances, except such as are herein agreed to be assumed. Seller shall pay for preparation of deed and for all statutory deed recording fees.

The above described property shall be conveyed subject to applicable zoning ordinances and valid recorded easements, restrictions and covenants provided the foregoing do not make the title unmarketable or prohibit Buyer from using the property for its intended lawful purposes.

Upon tender of such deed at the time below provided, the Buyer agrees to comply fully with the terms of this Agreement.

All taxes, rents, water rents, paving assessments and interest to be prorated to date of completion of sale. Hazard insurance to be prorated or canceled at the option of buyer.

This sale and purchase to be completed within thirty (30) days of the expiration of the Feasibility Period.

Buyer shall not be responsible to pay any portion of any real estate commission associated with the transaction contemplated in this agreement unless expressly agreed to by Buyer in a separate agreement with any real estate agent chosen by Buyer.

This Agreement is binding upon ourselves, our heirs, executors, administrators, successors or assigns.

It is understood that this written Agreement constitutes the entire contract between the parties hereto.

Witness our Hands and Seals the day and year first above written.

Accepted this _____ day of _____ 2007.

In the presence of:

SELLER: The Citadel Foundation

By: _____

Its: _____

BUYER: Richland County

By: _____

Its: _____

RESOLUTION

A RESOLUTION MAKING APPLICATION TO THE STATE BUDGET AND CONTROL BOARD OF SOUTH CAROLINA FOR APPROVAL OF THE ISSUANCE BY RICHLAND COUNTY, SOUTH CAROLINA, OF ITS SPECIAL SOURCE REVENUE BOND, SERIES 2007, IN AN AGGREGATE PRINCIPAL AMOUNT OF NOT TO EXCEED \$1,000,000, PURSUANT TO THE PROVISIONS OF THE CODE OF LAWS OF SOUTH CAROLINA 1976, AS AMENDED, TITLE 4, CHAPTERS 1 AND 29

WHEREAS, Richland County, South Carolina (the "County"), acting by and through its County Council (the "County Council"), is authorized and empowered under and pursuant to the provisions of the Constitution of the State of South Carolina of 1895, as amended (the "Constitution"); the Code of Laws of South Carolina 1976, as amended (the "Code"); and the case law of the Courts of the State of South Carolina, to offer and provide certain privileges, benefits, and incentives to prospective industries as inducements for economic development within the County; is authorized and empowered under and pursuant to the provisions of Article VIII, Section 13 of the South Carolina Constitution, in conjunction with other portions and provisions of Title 4 of the Code of Laws of South Carolina including, without limitation, Chapters 1 and 29, as amended (collectively the "Act") to jointly develop an industrial or business park with other counties wherein the area comprising the parks and all property having a situs therein is exempt from all ad valorem taxation but, instead, pays fees in lieu of tax; and, to issue special source revenue bonds secured by such payments for the purpose of paying the cost of designing, acquiring, constructing, improving, or expanding the infrastructure serving the issuer and for improved or unimproved real estate used in the operation of a manufacturing or commercial enterprise in order to enhance the economic development of the issuer and costs of issuance of the bonds; and

WHEREAS, the County is contemplating purchasing certain acreage (the "Property") owned by the Citadel Foundation and located in Northpoint Industrial Park (the "Park") for a purchase price of \$987,000; and

WHEREAS, in addition to the purchase price of the Property, the County anticipates the cost of improving the Property, including clearing, providing roads, curbing, gutters, storm drainage and other like improvements (the "Improvements" and, together with the Property, the "Project"), will cost approximately \$900,000; and

WHEREAS, the County contemplates that upon completion of such land and infrastructure improvements, the Project can and will be used for further industrial development; and

WHEREAS, the County Council believes that the Project would directly and substantially benefit the general public welfare of the County by providing an area for future industrial development and the creation of jobs and employment, the increase of *ad valorem* tax base, service, employment, recreation or other public benefits not otherwise provided locally; and, that the Project gives rise to no pecuniary liability of the County or a charge against the County's general credit or taxing power; and that the purposes to be accomplished by the purchase of the Property, i.e. economic development, creation or retention of jobs, and addition to the tax base of the County, are proper governmental and public purposes and that the inducement of the location or expansion within the Park which is located in the County and State is of paramount importance to the County and that the Project's benefits to the County will be greater than the costs; and

WHEREAS, the County is authorized by Section 4-29-68 and Section 4-1-175 of the Code (the "Bond Act") to issue its special source revenue bonds, secured by and payable solely from revenues of the County from payments in lieu of taxes pursuant to Section 13(D), Article VIII of the Constitution, for the purpose of paying the cost of designing, acquiring, constructing, improving, or expanding the infrastructure serving the County and for improved or unimproved real estate used in the operation of a manufacturing or commercial enterprise in order to enhance the economic development of the issuer and costs of issuance of the bonds; and

WHEREAS, the County proposes to issue, subject to the approval of the State Budget and Control Board of South Carolina (the "Budget and Control Board"), its Special Source Revenue Bond Series 2007 (the "Bond") in the principal amount of not exceeding \$1,000,000 to defray the costs of acquiring, constructing, improving, or expanding the infrastructure serving the Project used in the operation of a manufacturing or commercial enterprise in order to enhance the economic development of the issuer and costs of issuance of the bonds, as defined in Section 4-29-68(A)(2); and

WHEREAS, all properties located in the Park are also a part of the I-77 Corridor Regional Industrial Park, a Multi-County Joint Regional Industrial Park developed between the County and Fairfield County in an agreement dated on or about April 15, 2003, as amended (the "Master Park Agreement"); and

WHEREAS, pursuant to the provisions of the Master Park Agreement all properties located within the Park make payments in lieu of taxes ("Fee Payments") to the County; and

WHEREAS, pursuant to the provisions of the Bond Act and the terms of the decision rendered by the South Carolina Supreme Court on September 4, 2001, in the case of *Horry County School District v. Horry County and the City of Myrtle Beach*, 346 S.C. 621, 552 S.E.2d 737 (2001) (the "Horry Decision"), the County Council is vested with the authority to exercise discretion over the distribution of FILOT payments received from properties located within a multi-county park, and such distribution is not required to be made in accordance with the pro-rata distribution scheme applied to normal *ad valorem* taxes.

WHEREAS, it is now deemed advisable by the County Council to file with the Budget and Control Board, in compliance with Section 4-29-140 of the Code, the Petition of the County requesting approval of the issuance of the Bond by the State Budget and Control Board; and

NOW, THEREFORE, BE IT RESOLVED by the County Council of Richland County, South Carolina, as follows:

Section 1. Findings and Determinations. It is hereby found, determined and declared as follows:

(a) The Project will constitute “infrastructure” as such term is referred to in Section 4-29-68 of the Bond Act, and the issuance of the Bond in the principal amount of not exceeding \$1,000,000 to defray the cost of infrastructure development will serve the purposes and in all respects conform to the provisions and requirements of the Bond Act.

(b) The amounts necessary in each year to pay the principal of and interest on the Bond are set forth in a Bond Ordinance to be enacted by the County Council. The Bond Ordinance will provide terms and conditions which govern (i) the issuance and repayment of the Bond payable from the Fee Payments to be made pursuant to the provisions of the Master Park Agreement and (ii) the issuance and repayment of the Bond.

Section 2. Submission of Petition. There be and is hereby authorized and directed the submission on behalf of the County of a Petition requesting the approval of the proposal of the County to issue the Bond by the Budget and Control Board pursuant to the within-referenced provisions of the Code; the Petition, which constitutes and is hereby made a part of this Resolution, to be in substantially the form attached hereto.

Section 3. Execution of Petition. The Chairman of the County Council and the Administrator of the County shall be and are hereby authorized and directed to execute the Petition in the name of and on behalf of the County; and the Clerk to the County Council shall be and is hereby authorized and directed to attest the same and thereafter to submit an executed copy of this Resolution to the Budget and Control Board in Columbia, South Carolina.

Section 4. Effect of Resolution. All orders and resolutions and parts thereof in conflict herewith are to the extent of such conflict hereby repealed, and this Resolution shall take effect and be in full force from and after its passage and approval.

Adopted this ____ day of _____, 2007.

RICHLAND COUNTY, SOUTH CAROLINA

By: _____
Joseph McEachern, Chair
Richland County Council,
Richland County, South Carolina

(SEAL)

ATTEST:

Michielle Cannon-Finch, Clerk to County Council
Richland County, South Carolina

STATE OF SOUTH CAROLINA)
)
RICHLAND COUNTY)

TO THE STATE BUDGET)
AND CONTROL BOARD OF)
SOUTH CAROLINA)

P E T I T I O N

This Petition of Richland County, South Carolina (the "County"), pursuant to South Carolina Code Annotated, Title 4, Chapter 29 (1976), as amended (the "Act"), and specifically Section 4-29-140 thereof, respectfully shows:

1. The County Council of Richland County (the "County Council") is the governing body of the County and as such is the "governing board" of the County referred to in the Act.

2. The County, acting by and through the County Council, is authorized and empowered under and pursuant to the provisions of the Constitution of the State of South Carolina of 1895, as amended (the "Constitution"); the Code of Laws of South Carolina 1976, as amended (the "Code"); and the case law of the Courts of the State of South Carolina, to offer and provide certain privileges, benefits, and incentives to prospective industries as inducements for economic development within the County; is authorized and empowered under and pursuant to the provisions of Article VIII, Section 13 of the South Carolina Constitution, in conjunction with other portions and provisions of Title 4 of the Code of Laws of South Carolina including, without limitation, Chapters 1 and 29, as amended (collectively the "Act") to jointly develop an industrial or business park with other counties wherein the area comprising the parks and all property having a situs therein is exempt from all ad valorem taxation but, instead, pays fees in lieu of tax; and, to issue special source revenue bonds secured by such payments for the purpose of paying the cost of designing, acquiring, constructing, improving, or expanding the infrastructure serving the issuer and for improved or unimproved real estate used in the operation of a manufacturing or commercial enterprise in order to enhance the economic development of the issuer and costs of issuance of the bonds; and

3. The County is contemplating purchasing certain acreage (the "Property") owned by the Citadel Foundation and located in Northpoint Industrial Park (the "Park") for a purchase price of \$987,000. All of the properties located in the Park are also a part of the I-77 Corridor Regional Industrial Park, a Multi-County Joint Regional Industrial Park developed between the County and Fairfield County in an agreement dated on or about April 15, 2003, as amended (the "Master Park Agreement").

4. The County anticipates the cost of improving the Property, including clearing, providing roads, curbing, gutters, storm drainage and other like improvements (the "Improvements" and, together with the Property, the "Project"), will cost approximately \$900,000.

5. The County proposes to issue, subject to the approval of the State Budget and Control Board of South Carolina (the "Budget and Control Board"), its Special Source Revenue Bond Series 2007 (the "Bond") in the principal amount of not exceeding \$1,000,000 to defray the costs of constructing the improvements.

6. Pursuant to Section 4-29-140 of the Act, the County sets forth the following information:

(a) The Project consists of the acquisition and improvement of property within the Park. The County has found that the Project would be directly and substantially beneficial to the County, the taxing entities of the County, and the citizens and residents of the County, and that the Project would directly and indirectly benefit the general residents of the County, and that the Project would directly and indirectly benefit the general public welfare and serve a public purpose of the County by providing services, employment, recreation, promotion of tourism, or other public benefits not otherwise provided locally; and, that the Project gives rise to no pecuniary liability of the County or incorporated municipality, or a charge against the general credit or taxing power of either; that the purposes to be accomplished by the Project, i.e., economic development and welfare, creation of jobs, promotion of tourism, and addition to the tax base of the County, are proper governmental and public purposes and that the inducement of the location or expansion of the Project within the County and State is of paramount importance and that the benefits of the Project will be greater than the cost. It is estimated that the Project, at completion, will involve the investment of not exceeding \$1,000,000.

(b) The Bond will be issued pursuant to a Bond Ordinance to be enacted by the County Council. The Bond, together with the interest thereon, will be payable solely from and secured equally and ratably by a pledge of a portion of the Revenues (as defined in the Bond Ordinance) received and retained by the County under the Master Park Agreement, which shall be irrevocably pledged to the payment of the principal of and interest on the Bond; The amount of the annual Revenue is based upon the total millage rate within the taxing entities within whose jurisdiction the Project falls. The Bond, and the interest thereon is, (i) payable solely from all or a specifically described part of the Revenues received and retained by the County under the Master Park Agreement; (ii) not secured by, or in any way entitled to, a pledge of the full faith, credit, or taxing power of the County; (iii) not an indebtedness of the County within the meaning of any state constitutional provision or statutory limitation but are payable solely from a special source that does not include revenues from any tax or license; and (iv) not a pecuniary liability of the County or a charge against the County's general credit or taxing power.

Upon the basis of the foregoing, the County respectfully requests that the Budget and Control Board:

1. Accept the filing of this Petition;
2. Conduct such review as it considers advisable;
3. If it finds that the proposal of the County is intended to promote the purposes of the Act, approve the proposal of the County to execute and deliver the Bond pursuant to the Act to defray the cost of the Infrastructure (including changes in any details of the said financing as finally consummated which do not materially affect the undertaking of the County); and
4. Give published notice of its approval in the manner set forth in Section 4-29-140 of the Act.

[Signatures on following page]

Respectfully submitted,

RICHLAND COUNTY, SOUTH CAROLINA

By: _____
Joseph McEachern, Chair
Richland County Council,
Richland County, South Carolina

(SEAL)

ATTEST:

Michielle Cannon-Finch, Clerk to Richland County Council
Richland County, South Carolina

Dated: _____, 2007

Richland County Council

Rules and Appointments Committee



Mike Montgomery
Chair
District Eight

Paul Livingston
District Four

Bill Malinowski
District One

Staffed by:

Monique Walters
Assistant to the Clerk of
Council

RICHLAND COUNTY COUNCIL
REGULAR SESSION MEETING
MAY 1, 2007

REPORT OF THE RULES AND APPOINTMENTS COMMITTEE

I. NOTIFICATION OF VACANCIES ON BOARDS, COMMISSIONS, AND COMMITTEES

A. East Richland Public Service Commission-2

There will be two terms expiring on this Board

| | |
|-------------------|---------------|
| Diane Sumpter | June 4, 2007* |
| Catherine S. Cook | June 4, 2007* |

II. NOTIFICATION OF APPOINTMENTS TO BOARDS, COMMISSIONS, AND COMMITTEES

A. Planning Commission-1

There is one appointment to be made to this board.
One application was received:

Leanne Johnson, 10 Years in Affordable Housing Industry

B. Riverbank Zoo-1

There are two appointments to be made to this committee.
One application was received from the following individual.

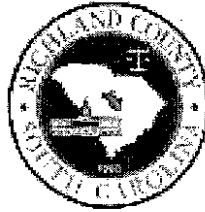
Bud Tibshrany, Cable Television Executive for 43 Years

III. AMENDMENTS TO COUNCIL RULES

- A. Section 4.6 Reports; Clarification regarding forwarding an item to the Council agenda that was defeated or not acted on in Committee**
- B. Section 5.21 Voting; Clarification regarding voting on an item that is perceived to be a conflict**

* Eligible for re-appointment

Report prepared and submitted by
Monique Walters, Assistant to the Clerk of Council



APPLICATION FOR SERVICE ON RICHLAND COUNTY
COMMITTEE, BOARD OR COMMISSION

Applicant must reside in Richland County.

Name: Leanne Johnson

Home Address: 119 Tiger Paw Lane, Irmo, SC 29063

Telephone: (home) 781-7847 (work) 896-9194

Office Address: 300-C Outlet Pointe Blvd., Columbia, SC 29210

Educational Background: BA from the University of South Carolina

Professional Background: 10 years in the Affordable Housing industry

Male Female Age: 18-25 26-50 Over 50

Name of Committee in which interested: Planning Commission

Reason for interest: I believe having an individual with affordable housing experience on this commission is imperative at this time in Richland County's history.

Your characteristics/qualifications, which would be an asset to Committee/Board/ Commission:

Characteristics - hard-working, dependable, motivator, creative, take the initiative, committed, able to weigh pros/cons in each situation, open-minded, and excitable

Qualifications - have self-educated myself on many of Richland County's land use issues, affordable housing experience, community leader, desire to do my best and encourage the same from those around me

Presently serve on any County Board/Commission/Committee? No

Any other information you wish to give? _____

Recommended by Council Member(s): Bill Malinowski

Hours willing to commit each month: Whatever it takes

CONFLICT OF INTEREST POLICY

It is the policy of Richland County to require disclosure of any personal or financial interest that may be influenced by decisions of the board for which any citizen applies for membership.

Such conflict of interest does not preclude service but shall be disclosed before appointment. The Clerk of Council shall be notified of any change on an annual basis and members of all boards shall be required to abstain from voting or influencing through discussion or debate or any other way, decisions of the board affecting those personal and financial interests.

All statements so filed shall be signed and verified by the filer. The verification shall state that the filer has used all reasonable diligence in its preparation, and that to the best of his or her knowledge it is true and complete.

Any person who willfully files a false or incomplete statement of disclosure or no change of condition, or who willfully fails to make any filing required by this article, shall be subject to such discipline, including censure and disqualification from the Board or Commission, as the County Council, by majority vote of the council, shall elect.

STATEMENT OF FINANCIAL OR PERSONAL INTERESTS

Do you have any financial or personal interest in any business or corporation (profit or not-for-profit) that could be potentially affected by the actions of the board?

Yes _____ No X

If so, describe: _____

Jeanne Johnson 4-12-2007
Applicant's Signature Date

Return to:
Clerk of Council, Post Office Box 192, Columbia, SC 29202.
For information, call 576-5060.

One form must be submitted for each committee on which you wish to serve.

Applications are current for one year.

| | |
|---|--------------------|
| Staff Use Only | |
| Date Received: _____ | Received by: _____ |
| Date Sent to Council: _____ | |
| Status of Application: <input type="checkbox"/> Approved <input type="checkbox"/> Denied <input type="checkbox"/> On file | |



**APPLICATION FOR SERVICE ON RICHLAND COUNTY
COMMITTEE, BOARD OR COMMISSION**

Applicant must reside in Richland County.

Name: Bud M. Tibshrary

Home Address: 606 Poinsettia Street, Columbia, SC 29205

Telephone: (home) (803) 787-4309 (work) (803) 251-5294

Office Address: Time Warner Cable, 3347 Platt Springs Rd., West Columbia, SC 29170

Email Address: bud.tibshrary@twcable.com (office); btibshrary@sc.rr.com (home)

Educational Background: BA Degree – University of South Carolina

Professional Background: Cable Television executive for 43 years

Male Female Age: 18-25 26-50 Over 50

Name of Committee in which interested: Riverbanks Park Commission

Reason for interest: I have been an ardent supporter of Riverbanks Zoo & Garden for many years and have served on the Riverbanks Society Board for approximately 15 years.

Your characteristics/qualifications, which would be an asset to Committee/Board/ Commission:

I have served on the Riverbanks Society Board for approximately 15 years and previously served as President of the Society Board. I serve on a number of other Boards in the community and have many contacts who are presently and potentially beneficial to Riverbanks.

Presently serve on any County Board/Commission/Committee? Riverbanks Society Board

Any other information you wish to give? If appointed, I will be a dedicated and productive Commission Member.

Recommended by Council Member(s): Gregory Pearce

Hours willing to commit each month: As many hours as necessary

CONFLICT OF INTEREST POLICY

It is the policy of Richland County to require disclosure of any personal or financial interest that may be influenced by decisions of the board for which any citizen applies for membership.

Such conflict of interest does not preclude service but shall be disclosed before appointment. The Clerk of Council shall be notified of any change on an annual basis and members of all boards shall be required to abstain from voting or influencing through discussion or debate or any other way, decisions of the board affecting those personal and financial interests.

All statements so filed shall be signed and verified by the filer. The verification shall state that the filer has used all reasonable diligence in its preparation, and that to the best of his or her knowledge it is true and complete.

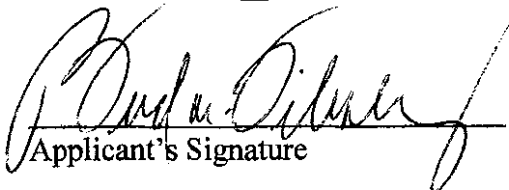
Any person who willfully files a false or incomplete statement of disclosure or no change of condition, or who willfully fails to make any filing required by this article, shall be subject to such discipline, including censure and disqualification from the Board or Commission, as the County Council, by majority vote of the council, shall elect.

STATEMENT OF FINANCIAL OR PERSONAL INTERESTS

Do you have any financial or personal interest in any business or corporation (profit or not-for-profit) that could be potentially affected by the actions of the board?

Yes _____ No X _____

If so, describe: _____


Applicant's Signature

April 18, 2007
Date

Return to:
Clerk of Council, Post Office Box 192, Columbia, SC 29202.
For information, call 576-2060.

One form must be submitted for each committee on which you wish to serve.

Applications are current for one year.

| | |
|-----------------------------|--------------------|
| Staff Use Only | |
| Date Received: _____ | Received by: _____ |
| Date Sent to Council: _____ | 179 of 181 |

4.5 Meetings

Committees shall meet regularly in a room designated by the Committee Chair. No committee shall meet while the Council is meeting without special leave. No committee shall sit unless a quorum is present. No Council member shall be allowed under any circumstances to vote by proxy. Members of Council, whenever possible, shall make inquiries and requests for information at the Committee meetings. Members of the public may address a Committee with the permission of the Committee Chair and with the consent of the Committee; however, any material that a citizen intends to present, including audio and visual presentations, must be approved by the Clerk of Council prior to the Committee meeting.

4.6 Reports

All committee recommendations requiring formal action by Council shall be included in the agenda and distributed to all members of Council prior to consideration and adoption by Council, provided that if any matter is considered by the majority of any committee to be an emergency, copies of such reports may be furnished each member of Council at the time of said Council meeting.

All items presented to Council by a committee must carry the recommendations of the committee and it is understood that such items have approval, or approval to deny, of a majority of the membership of the committee.

Any item defeated or not acted on by committee within 90 days may be placed on the Council agenda when the Clerk's Office has received a written request signed by three individual members of Council.

A minority report may be made if requested. Presentation of the committee's motion at the regular Council meeting does not require a second.

4.7 Recommitting

Any item, which may come before the Council, may be committed or recommitted before a final decision thereon.

4.8 Budget Work Sessions

The Council shall meet as a Committee of the Whole for budget work sessions prior to first reading of the budget.

RULE V: LEGISLATIVE ACTION

5.1 Emergency Ordinances

To meet public emergencies affecting life, health, safety or the property of the people, emergency ordinances may be adopted upon a two-thirds affirmative vote of the Council members present. Such an ordinance is effective immediately upon its enactment without regard to any public hearing, reading, publication, or notice requirements. It automatically expires after 60 days. Every emergency ordinance shall be designated as such and shall contain a declaration that an emergency exists and describe the emergency.

5.20 Defeated Actions

Once an action of any kind has been proposed and defeated twice during two separate regular or called meetings of Council, within a period of sixty (60) days, no motion of the same effect may be allowed with regard to the same question for a period of one year from the date of initial motion, without the consent of a majority plus one of the entire Council. The names of the consenting Council members shall be presented to the Chair prior to the listing of the item on the agenda.

5.21 Voting

Each member shall vote on each question put, except that no member shall be permitted to vote on any question of a private nature in the event of which she/he is (or could be perceived as being) personally or pecuniarily interested. A Council member must be at his/her seat in order to vote for those at the dais. If a member does not declare a vote or an abstention, his/her vote shall be recorded with the prevailing side. If voting an abstention, a reason for the abstention must be stated and recorded in the minutes. No member shall, under any circumstances be permitted to vote after a decision has been announced by the Chair. After the decision of the question, an absent member may be permitted to record the vote she/he would have given if present, but such vote shall not affect the previous question.

A show of hands on any motion, ordinance, or resolution shall be had upon request of any member. The roll shall be called and votes recorded in the minutes.

5.22 Dividing Question

Any member may call for the division of a question. Council may then divide it if the question can be so comprehended that, one part being taken away, the rest can stand entire for decision. A motion to divide the question shall require a second and shall be effective upon the vote of a majority of members present and voting. Provided, however, that a motion to "strike out and insert" may not be divided, but that rejection of a motion to "strike out" shall not preclude a motion to "strikeout and insert."

5.23 Reconsideration

After a question has been decided, any member who voted with the prevailing side may move for a reconsideration, and any member may second such a motion. However, if Council either shall refuse to reconsider or shall affirm its first decision, then no further reconsideration shall be in order except by unanimous consent. The motion to reconsider shall have precedence over all other main motions, but it may be introduced only on the day of the decision in question or during the next succeeding session of Council prior to the approval of the minutes. Any subsequent proposal to alter the decision of Council must take the form of a main motion to rescind.

5.24 Public Inspection

After adoption, the full ordinance shall be made available for public inspection at the Office of the Clerk of Council.

5.25 Resolutions

Council may adopt Resolutions to formally express its opinions or desires. Upon adoption, the Chairperson shall execute the document on behalf of the entire Council.