

**RICHLAND COUNTY COUNCIL
REGULAR SESSION
MARCH 4, 2008
6:00 P.M.**

**CALL TO ORDER Honorable Joseph McEachern,
Chairman**

INVOCATION Honorable Damon Jeter

**PLEDGE OF ALLEGIANCE
 Honorable Damon Jeter**

ADOPTION OF AGENDA

CITIZEN'S INPUT

APPROVAL OF MINUTES

Regular Session: February 19, 2008 [Pages 7-15]

Special Called Meeting: February 26, 2008 [Pages 16-18]

Zoning Public Hearing February 26, 2008 [Pages 19-21]

REPORT OF THE COUNTY ADMINISTRATOR

- a. Clarification of EMS Stations Budget Amendment**
- b. Farmer's Market Update [Pages 22-23]**
- c. C Funds Update [Pages 24-25]**
- d. Animal Care MOU with Lexington County**
- e. Digital Billboards**
- f. Riverside Property**
- g. Report on Pending Claim**
- h. Recreation Commission Update**

**REPORT OF THE COUNTY ATTORNEY FOR EXECUTIVE
SESSION ITEMS**

- a. Personnel matter**
- b. Pending litigation: Splash, Inc., et al. v. Richland County**

REPORT OF THE CLERK OF COUNCIL

- a. **COG Luncheon – March 5th**

REPORT OF THE CHAIRMAN

OPEN/CLOSE PUBLIC HEARING ITEMS

1.a., 1.b., 1.c., 1.d., 1.e., 1.f., 1.g., 1.h., 1.i., 1.j., 2.a., 2.b., 2.c., 2.h.

APPROVAL OF CONSENT ITEMS

1.a., 1.b., 1.c., 1.d., 1.e., 1.f., 1.g., 1.h., 1.i., 2.d., 2.e., 2.f., 2.g., 2.h., 4.a., 4.b, 4.c., 4.d.

1. THIRD READING ITEMS

- a. **An Ordinance amending the Richland County Code of Ordinances; Chapter 12, Garbage, trash and refuse; Article III, Construction, Modification, expansion, and/or operation of solid waste management facilities, beneficial landfills, and composting facilities, so as to repeal certain provisions [PUBLIC HEARING] [CONSENT] [Pages 26-27]**
- b. **An Ordinance authorizing a quit-claim deed for 62 square feet on Hastings Alley [PUBLIC HEARING] [CONSENT] [Page 28]**
- c. **An Ordinance amending Chapter 23 regarding Hospitality Tax Sections 23-67 and 23-73 [PUBLIC HEARING] [CONSENT] [Pages 29-31]**
- d. **An Ordinance amending Chapter 16 regarding Peddlers' Licenses [PUBLIC HEARING] [CONSENT] [Pages 32-36]**
- e. **An Ordinance amending Ordinance 96-096HR regarding Tourism Development fee [PUBLIC HEARING] [CONSENT] [Pages 37-40]**
- f. **A budget amendment to transfer interest earned on the Vista TIF funds to the General Fund and appropriate an increase in the General Fund Budget for legal and accounting fees by the amount of money previously spent to finalize the TIF agreement with the City of**

**Columbia [PUBLIC HEARING] [CONSENT]
[Pages 41-42]**

- g. An Ordinance amending the Fiscal Year 2007-2008 budget to transfer funds for the Elders Pond Station Construction for (\$1,722,000) and transfer funds for the Horrell Hill Station construction for (\$550,244) to a capital project fund from the fire fund and general fund [PUBLIC HEARING] [CONSENT] [Pages 43-45]**
- h. A budget amendment to increase the Board of Voter Registration Department budget by \$20,000 for the purpose of providing for part-time employees [PUBLIC HEARING] [CONSENT] [Pages 46-47]**
- i. An Ordinance amending the Richland County Code of Ordinances; Chapter 2, Administration; Article V, County Departments; Division 4, Planning and Development Services; and to add a new division entitled "4.A. Building Codes and Inspections" so that a new county department will be created [PUBLIC HEARING] [CONSENT] [Pages 48-50]**
- j. An Ordinance calling for a referendum and ballot question to authorize the South Carolina Department of Revenue to issue temporary permits for off-premises sales of beer and wine without regard to the days or hours of sale [PUBLIC HEARING] [Pages 51-52]**

2. SECOND READING ITEMS

- a. An Ordinance amending the Richland County Code of Ordinances, Chapter 26, Land Development; Article V, Zoning Districts and District Standards, Section 26-141, table of permitted uses with special requirements, and special exception; "manufacturing, mining and industrial uses" of table 26-V-2; and Article VI, supplemental use standards; Section 26-152 Special Exceptions; so as to permit a limited number of digital billboards in the GC, M-1, LI, HI Zoning Districts as special exceptions [SPECIAL EXCEPTION VERSION] [PUBLIC HEARING] [Pages 53-77]**
- b. An Ordinance amending the Richland County Code of Ordinances; Chapter 26, Land Development; Article**

VII, General Development, Site and performance standards; Section 26-180, Signs, so as to create a new section that would allow digital display devices [SAVANNAH VERSION][PUBLIC HEARING] [Pages 78-79]

- c. An Ordinance amending the Richland County Code of Ordinances; Chapter 26, Land Development, Article VII, General Development, Site, and performance standards; Section 26-180, signs, so as to create a new section that would allow digital display devices; [INDUSTRY VERSION] [PUBLIC HEARING] [Pages 80-81]**
- d. 08-01MA
Stan Mack
OI to PDD (9 acres)
Construction Company &
Commercial Mixed Use
03300-07-06
Farming Creek Road [CONSENT] [Pages 82-84]**
- e. 08-02MA
David Gantt
NC to RU (1 acre)
Landscape and Horticultural Service
15200-01-09 (p) & 15200-01-13 (p)
Blythewood Road [CONSENT] [Page 85]**
- f. Decker Boulevard Redevelopment Overlay Zone: An Ordinance amending the Richland County Code of Ordinances; Chapter 26, Land Development; Article V, Zoning Districts and District Standards; Section 26-83, establishment of zoning districts; subsection (D) overlay districts; so as to provide for a “CRD Corridor Redevelopment Overlay District” [CONSENT] [Pages 86-113]**
- g. An Ordinance amending the Richland County Code of Ordinances; Chapter 26, Land Development; Article VI, supplemental use standards; section 26-151, permitted uses with special requirements; subsection (c) standards; paragraph (66) sexually oriented businesses; so as to amend requirements pertaining to sexually oriented businesses [CONSENT] [Pages 114-149]**

- h. An Ordinance amending the Richland County Code of Ordinances; Chapter 16, Licenses and miscellaneous business regulations; Article 1, in general, so as to amend requirements pertaining to sexually oriented businesses, and make clarifications pertaining to all businesses [PUBLIC HEARING] [CONSENT] [Pages 150-165]**

3. REPORT OF DEVELOPMENT AND SERVICES COMMITTEE [Page 166]

***There were no items for action. Therefore, there are no recommendations to report.**

4. REPORT OF ADMINISTRATION AND FINANCE COMMITTEE [Page 167]

- a. Request to approve a contract with Honeywell, Inc., in the amount of \$246,991.99 for the purpose of updating HVAC controls and smoke evacuation system at the Alvin S. Glenn Detention Center [CONSENT]**
- b. Smoking policy for county facilities and vehicles [CONSENT]**
- c. An Ordinance authorizing deed to the City of Columbia for certain water lines to serve the Palmetto Heart Medical Office Building at the Palmetto Richland Hospital Campus; Richland County TMS #11503-01-04 (p) [CONSENT] [Page 168]**
- d. An Ordinance authorizing deed to the City of Columbia for certain sanitary sewer lines to serve the Palmetto Heart Medical Office Building at the Palmetto Richland Hospital Campus; Richland County TMS #11503-01-04(p) [CONSENT] [Page 169]**
- e. Draft intergovernmental agreement for detention center services [170-172]**

5. REPORT OF THE RULES AND APPOINTMENTS COMMITTEE [Page 173]

**6. APPLICATION FOR LOCATING A COMMUNITY
RESIDENTIAL CARE FACILITY IN AN
UNINCORPORATED AREA OF RICHLAND COUNTY
[Pages 174-177]**

**a. Brenda C. Price
4724 Faulkland Road
Columbia, South Carolina 29210
[DICKERSON]**

7. Lower Richland Sewer Service

8. Report of Northeast Sports Complex Committee

9. CITIZEN'S INPUT

10. EXECUTIVE SESSION

11. MOTION PERIOD

12. ADJOURNMENT

MINUTES OF



RICHLAND COUNTY COUNCIL REGULAR SESSION TUESDAY, FEBRUARY 19, 2008 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.

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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, Joe Cronin, Stephany Snowden, Jennifer Dowden, Tamara King, Brad Farrar, Joseph Kocy, Anna Almeida, Audrey Shifflett, Daniel Driggers, Teresa Smith, Pam Davis, Donny Phipps, Chief Harrell, Monique Walters, Michelle Onley

CALL TO ORDER

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

INVOCATION

The Invocation was given by the Honorable Joseph McEachern

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by the Honorable Joseph McEachern

PRESENTATIONS

Katherine Horne, CEO, EdVenture Children's Museum – Ms. Katherine Horne and “Corn on the Cob” gave a brief presentation regarding the upcoming Big Ed Health Team event at the EdVenture Children's Museum.

Lower Richland Heritage Corridor Update, Ms. Marie Adams – Ms. Marie Barber Adams, Chair of the Board for the Southeast Rural Community Outreach Ministries, and Ms. Tracy Swartout gave a brief update on the Lower Richland Heritage Corridor.

ADOPTION OF AGENDA

Ms. Finch stated that Citizens' Input needed to be added after the approval of the minutes.

Mr. Montgomery requested that the Report of the Rules and Appointments Committee be moved until after the Report of the Chairman.

Mr. Montgomery moved, seconded by Mr. Malinowski, to approve the agenda as amended. The vote in favor was unanimous.

APPROVAL OF MINUTES

Zoning Public Hearing: January 29, 2008 – Mr. Pearce moved, seconded by Ms. Hutchinson, to approve the minutes as submitted. The vote in favor was unanimous.

Regular Session: February 5, 2008 – Mr. Montgomery moved, seconded by Ms. Hutchinson, to approve the minutes as distributed. The vote in favor was unanimous.

CITIZENS' INPUT

No one signed up to speak.

REPORT OF THE COUNTY ADMINISTRATOR

Qualifications of Building Codes Director – Mr. Pope stated that this was Item 2.g. on the agenda and he would give a brief update at that time.

Budget Kickoff – Mr. Pope stated that all budgets have been received.

C-Funds – Mr. Pope stated that he was awaiting a report from the CTC regarding the C-Funds.

Animal Care MOU with Lexington – Mr. Pope stated that Lexington County has moved forward with their contribution of \$1.5 million toward the partnership with Richland County on a no-kill animal shelter. This matter will be before Council at a Special Called meeting on February 26th.

Lower Richland Sewer Service – Mr. Pope stated that staff provided a recommendation at the February 5th Council meeting on this issue. Staff met with the Lower Richland LLC this morning, wherein the LLC provided documentation regarding their opposition to staff's recommendation. The documentation was provided to Council and this matter will be placed on the March 4th Council agenda.

REPORT OF THE COUNTY ATTORNEY FOR EXECUTIVE SESSION MATTERS

The following item was a potential Executive Session item:

a. Farmers' Market Update

REPORT OF THE CLERK OF COUNCIL

NaCO Conference, March 1-5, 2008 – Ms. Finch stated that there were two Council members planning to attend this conference.

2008 Rural Summit—March 2-4, 2008, The Inn at Clemson – Ms. Finch stated that an e-mail had been forwarded to Council regarding this item.

Richland Memorial Hospital Board of Trustees – Ms. Finch stated that Council had received an invitation from the Richland Memorial Hospital Board of Trustee for a reception welcoming the recently appointed board members. The Reception will be held Tuesday, March 11th at 6:00 p.m. at the Palmetto Club in the McMeekin Room. The Board has requested that Council RSVP by March 3rd.

REPORT OF THE RULES AND APPOINTMENTS COMMITTEE

I. NOTIFICATION OF APPOINTMENTS TO BOARDS, COMMISSIONS AND COMMITTEES

- a. Accommodations Tax Committee—1** – Mr. Montgomery stated that the committee recommended that staff advertise for this vacancy. The vote in favor was unanimous.

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

- a. Business Service Center Appeals Board—4** – Mr. Montgomery stated there were no applicants and four vacancies. The committee

recommended re-advertising for these vacancies. The vote in favor was unanimous.

- b. **Employee Grievance Committee—2** – Mr. Montgomery stated there were no applicants and two vacancies. The committee recommended re-advertising for these vacancies. The vote in favor was unanimous.
- c. **Internal Audit Committee—1** – Mr. Montgomery stated there were no applicants and one vacancy. The committee recommended re-advertising for this vacancy. The vote in favor was unanimous.

III. DISCUSSIONS

- a. **Presentations** – Mr. Montgomery stated that the committee's recommendation was to amend the rule regarding presentations as follows: "Except by leave of Council for time exigency or other good cause shown, anyone desiring to make a presentation to Council shall make a request on a form provided by the Clerk's Office for inclusion in Council's agenda at least one meeting prior to the meeting where the presentation is sought to be made. The party requesting to make the presentation shall set forth (1) the name of the person, group, association or entity making the presentation, (2) the name and contact information for the presenter or spokesperson thereof, (3) the substance of the presentation and a realistic requested length of the presentation. Absent unusual circumstances, the request should be no more than one page in length and should be timely submitted to the Clerk's Office. The purpose of this rule is so that Council may plan its meetings accordingly, given the variety of presentations and lengths thereof, and to assess the merits of the given presentation. Presentations shall not be used to request funding or resources support from the County."

A discussion took place regarding the time limit of presentations.

Mr. Montgomery further stated that language be added back to the rule that: "Presentations shall be limited to five (5) minutes per presentation. Questions and answers must be included within the five (5) minute time frame."

The vote in favor was unanimous.

- b. **Motion Period** – Mr. Montgomery stated that the committee's recommendation was to amend the rule regarding motion requests as follows: "to submit motion requests twenty-four (24) hours prior to the meeting so that the nature of the motion would appear on the agenda."

The vote in favor was unanimous.

- c. **Pending Items** – Mr. Montgomery stated that the committee's recommendation was to add a rule pertaining to pending items. The pending items rule is as follows: "Issues that have been raised by a Council member wherein a response is expected from staff, shall be listed on the agenda along with a time frame in which a response from staff will be provided. These items shall be for information only and no discussion shall take place relative to matters listed under Pending Items other than for staff to seek guidance on responding to a Council member's stated issue and for setting a reasonable time frame in which to respond.

The vote in favor was unanimous.

REPORT OF THE CHAIRMAN

No report was given.

PUBLIC HEARING ITEMS

There were no public hearings.

APPROVAL OF CONSENT ITEMS

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

- **An Ordinance to temporarily extend staff review time for various actions required under the Richland County Code of Ordinances; Chapter 26, Land Development [Third Reading]**
- **An Ordinance amending the Richland County Code of Ordinances; Chapter 12, Garbage, trash and refuse; Article III, Construction, modification, expansion, and/or operation of solid waste management facilities, beneficial landfills, and composting facilities, so as to repeal certain provisions [Second Reading]**
- **Ordinance authorizing a quit-claim deed for 62 square feet on Hastings Alley [Second Reading]**
- **Business Service Center Ordinance revision: Peddlers' Licenses [Second Reading]**
- **Business Service Center Ordinance revision: Tourism Development fee [Second Reading]**
- **A budget amendment to increase the Board of Voter Registration Department budget by \$20,000 for the purpose of providing for part-time employees [Second Reading]**
- **A budget amendment to transfer interest earned on the Vista TIF funds to the General Fund and appropriate an increase in the General Fund budget for legal and accounting fees by the amount of money previously spent to finalize the TIF agreement with the City of Columbia [Second Reading]**

The vote in favor was unanimous.

SECOND READING

Business Service Center Ordinance revision: Hospitality Tax – Ms. Smith moved, seconded by Mr. Jeter, to approve the staff's recommendation. A discussion took place.

The vote in favor was unanimous.

An Ordinance amending the Richland County Code of ordinances, Chapter 16, licenses and miscellaneous business regulations; Article 1, in general, so as to amend requirements pertaining to sexually oriented businesses, and make clarifications pertaining to all businesses – Ms. Dickerson moved, seconded by Ms. Scott, to defer this item until the March 4th meeting. The vote in favor was unanimous.

A Budget Ordinance amending FY07-08 budget to transfer funds for Elders Pond EMS Station (\$1,722,000), and transfer funds for Horrell Hill EMS Station (\$550,244) to a capital project fund from the Fire Fund and General Fund – Mr. Malinowski moved, seconded by Ms. Scott, to approve this item. A discussion took place.

The vote in favor was unanimous.

An ordinance amending the Richland County Code of Ordinances; Chapter 2, Administration; Article V, county departments; division 4, planning and development services; and to add a new division entitled "4.A. Building codes and inspections"; so that a new county department will be created – Mr. Montgomery moved, seconded by Ms. Scott, to approve this item. A discussion took place.

Mr. Malinowski proposed the following amendment: to strike the words "in lieu of" from the qualifications for Building Codes and Inspections Director and to have the change in language become effective July 1, 2008.

Mr. Montgomery accepted Mr. Malinowski's proposed amendment.

An Ordinance calling for a referendum and ballot question to authorize the South Carolina Department of Revenue to issue temporary permits for off-premises sales of beer and wine without regard to the days or hours of sale – Mr. Jeter moved, seconded by Mr. Montgomery, to accept this item. The vote was in favor.

FIRST READING ITEM

An Ordinance amending the Richland County Code of Ordinances, Chapter 26, Land Development; Article V, zoning, districts and special requirements, and special exceptions; "manufacturing, mining, and industrial uses" of Table 26-V-2; and Article VI supplemental use standards; Section 26-152, special exceptions; so

as to permit a limited number of digital billboards in the GC, M-1, LI, HI zoning districts as special exceptions (one of three versions of this ordinance)

An Ordinance amending the Richland County Code of Ordinances; Chapter 26, Land Development; Article VII, general development, site, and performance standards; Section 26-180, signs; so as to create a new section that would allow digital display devices (one of three versions of this ordinance) [SAVANNAH VERSION]

An Ordinance amending the Richland County Code of Ordinances, Chapter 26, Land Development; Article VII, general development, site, and performance standards; Section 26-180, signs; so as to create a new section that would allow digital display devices (one of three versions of this ordinance) [INDUSTRY VERSION] – Mr. Jeter moved, seconded by Mr. Jackson, to approve this version of the ordinance. A discussion took place.

Ms. Smith made a substitute motion, seconded by Mr. Montgomery, to approve all three (3) ordinances for First Reading with the following amendment to the 1st amendment: to change the 6 second increments to 8 second increments. Further discussion took place.

<u>In Favor</u>	<u>Oppose</u>
Pearce	Jackson
Malinowski	Jeter
Hutchinson	Dickerson
McEachern	Scott
Livingston	
Smith	
Montgomery	

The substitute motion passed.

POINT OF PERSONAL PRIVILEGE – Ms. Smith recognized that Mr. J. T. McLawhorn was in the audience.

CITIZENS' INPUT

Mr. Larry Stephens, Carolina Scholarships, spoke regarding the March 29th Apollo Night at the Township Auditorium featuring Angie Stone that benefits Carolina Scholarships. He also stated that on June 14th an awards ceremony will be held to honor Councilwoman Bernice Scott, as well as other outstanding citizens in Richland County, for her service to the Richland County.

EXECUTIVE SESSION

Mr. Pearce moved, seconded by Mr. Malinowski, to go into Executive Session. The vote in favor was unanimous.

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Council went into Executive Session at approximately 7:18 p.m. and came out at approximately 7:43 p.m.
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- a. **Farmers' Market Update** – No action was taken.

MOTION PERIOD

Infrastructure Bank Matching Funds – Mr. Jackson moved to explore the possibility of matching funds for long-range programs for the infrastructure bank.

Resolution honoring the "Auntie Karen" Foundation – Mr. McEachern requested unanimous consent from Council to approve a resolution in support of the "Auntie Karen" Foundation.

ADJOURNMENT

The meeting adjourned at approximately 7:49 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

MINUTES OF



RICHLAND COUNTY COUNCIL SPECIAL CALLED MEETING TUESDAY, FEBRUARY 26, 2008 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
Absent	Kit Smith

OTHERS PRESENT – Michielle Cannon-Finch, Milton Pope, Tony McDonald, Roxanne Matthews, Joe Cronin, Stephany Snowden, Jennifer Dowden, Tamara King, Brad Farrar, Amelia Linder, Sandra Haynes, Geo Price, Daniel Driggers, Teresa Smith, Monique Walters, Michelle Onley

CALL TO ORDER

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

INVOCATION

The Invocation was given by the Honorable Mike Montgomery

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by the Honorable Mike Montgomery

ADOPTION OF AGENDA

Mr. Livingston moved, seconded by Ms. Dickerson, to approve the agenda as distributed. The vote in favor was unanimous.

CITIZENS' INPUT

No one signed up to speak.

PUBLIC HEARING

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

- **Ordinance Authorizing the Issuance of Not to Exceed \$1,500,000 General Obligation Bonds for a Joint Lexington County/Richland County "No-Kill" Animal Shelter**

Gene Daniels, Jane Brundage, Ron Rowe, Pat McQueen, Celeste Springer, Greg LaPointe, Delores Mungo, Denise Wilkinson, Linda Amoson, Laura Thaxton and Rhonda McCurry spoke regarding this matter.

The public hearing was closed.

THIRD READING

Ordinance Authorizing the Issuance of Not to Exceed \$1,500,000 General Obligation Bonds or Other Financing Strategies for a Joint Lexington County/Richland County "No-Kill" Animal Shelter – Mr. Montgomery moved, seconded by Ms. Scott, to approve this item. A discussion took place.

Mr. Malinowski made a substitute motion, seconded by Mr. Jackson, to direct staff to research other viable options. The substitute motion failed.

The vote on the main motion was in favor.

Animal Care MOU with Lexington County – Ms. Scott moved, seconded by Mr. Montgomery, to approve this item. The vote was in favor.

CITIZENS' INPUT

No one signed up to speak.

MOTION PERIOD

Carolina Scholarships – Mr. Jeter requested that Carolina Scholarships' funding request be forwarded to the A&F Committee for consideration.

ADJOURNMENT

The meeting adjourned at approximately 6:50 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

MINUTES OF



RICHLAND COUNTY COUNCIL ZONING PUBLIC HEARING TUESDAY, FEBRUARY 26, 2008 7:00 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

Absent Kit Smith

OTHERS PRESENT: Michielle Cannon-Finch, Milton Pope, Anna Almeida, Suzie Haynes, Geo Price, Jennie Sherry-Linder, Amelia Linder, Jennifer Dowden, Tamara King, Monique Walters, Michelle Onley

CALL TO ORDER

The meeting was called to order at approximately 7:02 p.m.

ADDITIONS/DELETIONS TO AGENDA

Ms. Linder stated that an Executive Session needed to be added before action is taken on Item B under Text Amendments.

Ms. Scott moved, seconded by Ms. Dickerson, to adopt the agenda as amended. The vote in favor was unanimous.

MAP AMENDMENTS

08-01MA, Stan Mack, NC to PDD (9 Acres), Construction Company & Commercial Mixed Use, 03300-07-06, Farming Creek Rd.

Mr. McEachern opened the floor to the public hearing.

The citizens that signed up to speak in favor of this item declined to speak at this time.

The floor to the public hearing was closed.

Mr. Malinowski moved, seconded by Mr. Jackson, to give First Reading approval to this item contingent upon the requirements on p. 9 being met. The vote in favor was unanimous.

08-02MA, David Gantt, NC to RU (1 Acre), Landscape & Horticultural Service, 15200-01-09(p) & 15200-01-13(p), Blythewood Rd.

Mr. McEachern opened the floor to the public hearing.

The citizen that signed up to speak in favor of this item declined to speak at this time.

The floor to the public hearing was closed.

Ms. Dickerson moved, seconded by Ms. Scott, to give First Reading approval to this item. The vote in favor was unanimous.

08-03MA, Charlie Waite, Summit Contractors, Inc., HI to RM-HD (27.86 Acres), Mult-Family Apartments, 17400-05-30, Clemson Rd. & Longreen Parkway – Ms. Hutchinson moved, seconded by Ms. Scott, to defer the Public Hearing and action on this item until the March Zoning Public Hearing. The vote in favor was unanimous.

08-04MA, David Armstrong, Jr., RU to GC (1.15 Acres), Wash Shed, 20200-01-02, 600 Longtown Rd. – Ms. Dickerson moved, seconded by Ms. Scott, to defer the Public Hearing and this item until the March Zoning Public Hearing. The vote in favor was unanimous.

TEXT AMENDMENTS

Decker Boulevard Redevelopment Overlay Zone. An Ordinance Amending the Richland County Code of Ordinances; Chapter 26, Land Development; Article V, Zoning Districts and District Standards; Section 26-83, Establishment of Zoning Districts; Subsection (d) Overlay Districts; so as to provide for a "CRD Corridor Redevelopment Overlay District".

Mr. McEachern opened the floor to the public hearing.

Mr. Gwynn spoke in favor of this item.

The floor to the public hearing was closed.

Mr. Montgomery moved, seconded by Ms. Scott, to give First Reading approval to this item. The vote in favor was unanimous.

An Ordinance Amending the Richland County Code of Ordinances; Chapter 26, Land Development; Article VI, Supplemental Standards; Section 26-151, Permitted Uses with Special Requirements; Subsection (c), Standards; Paragraph (66), Sexually Oriented Businesses; so as to amend requirements pertaining to sexually oriented businesses

Mr. McEachern opened the floor to the public hearing.

No one signed up to speak.

The floor to the public hearing was closed.

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Council went into Executive Session at approximately 7:11 p.m. and came out at approximately 7:31 p.m.
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Mr. Montgomery moved, seconded by Mr. Jackson, to defer this item until the March Zoning Public Hearing. The vote in favor was unanimous.

ADJOURNMENT

The meeting adjourned at approximately 7:31 p.m.

Submitted respectfully by,

Joseph McEachern
Chair

The minutes were transcribed by Michelle M. Onley

- Rep. Bales
b. Report of County Administrator

That they have duly and carefully considered the same and recommend that the same do pass:

HUGH K. LEATHERMAN, SR. for Committee.

A JOINT RESOLUTION

TO AUTHORIZE THE DEPARTMENT OF AGRICULTURE TO RELOCATE THE COLUMBIA STATE FARMERS' MARKET FROM ITS CURRENT LOCATION IN RICHLAND COUNTY TO LEXINGTON COUNTY, TO RE-AUTHORIZE APPROPRIATIONS FOR THE DEPARTMENT TO EXPEND CERTAIN MONIES FOR THE RELOCATION, TO AUTHORIZE THE COMMISSIONER OF AGRICULTURE TO TERMINATE THE PENDING PROJECT THAT RELOCATES THE MARKET TO THE WALKER TRACT IN RICHLAND COUNTY, AND TO AUTHORIZE THE COMMISSIONER TO IMPLEMENT A STATEWIDE FARMERS' MARKET PLAN.

Be it enacted by the General Assembly of the State of South Carolina:

SECTION 1. (A) The Department of Agriculture may relocate the Columbia State Farmers' Market from its current location on Bluff Road in Richland County to a new location selected by the Commissioner of Agriculture in Lexington County.

(B) The following funds are authorized or re-authorized to be used for the relocation project:

- (1) the balance of the ten million dollars from the Capital Improvement Bond funds authorized in the 1999 Bond Act;
- (2) the projected fourteen million eight hundred fifty thousand dollars from the sale of the existing market;
- (3) the two million five hundred thousand dollars from the Ordinary Sinking Fund;
- (4) the fifteen million dollars from the Capital Reserve Fund in 2007; and
- (5) the proceeds from the sale of the Columbia Metrology Laboratory and the contiguous tract of state land.

The department may use no more than twenty-two million five hundred thousand dollars for the relocation project. This joint resolution modifies and supersedes any conflicting language found in Part IA, Section 22 of Act 117 of 2007.

(C) As part of the relocation project authorized in this joint resolution, the Commissioner of Agriculture is authorized to terminate the pending project on the

b. Report of County Administrator

b. Report of County Administrator

Walker Tract in Richland County, to resolve any related disputes, negotiate and enter any agreements incidental to the relocation project, and to engage any needed professional services. As part of the commissioner's efforts to resolve and negotiate any disputes, the State must transfer convey the portion of the Walker Tract given to it by Richland County to Richland County without any additional financial consideration being made; provided that the County sign a complete release and waiver of any claims, demands or obligations against the state, its agents, employees, agencies and officials related to this project. The commissioner shall provide a quarterly update on the progress of the relocation of the Columbia State Farmers' Market and the implementation of the statewide farmers' market plan to the Chairman of the Senate Finance Committee and the Chairman of the House Ways and Means Committee. Further, notwithstanding any other provision of law relating to the approval of state real property transactions, the commissioner must consult with the Chairman of Senate Finance Committee, the Chairman of Ways and Means Committee, and the Division of General Services prior to entering into any real property transaction. Any real estate purchased as part of the relocation project shall be titled in the name of the State of South Carolina. The commissioner is prohibited from purchasing any real estate for the project at an amount greater than the appraised value.

(D) As part of the relocation project, the commissioner, in consultation with the Division of General Services, is authorized to sell and convey the Columbia Metrology Laboratory location and the contiguous tract of land.

(E) The remaining funds are authorized to be used to implement a statewide farmers' market system. The Commissioner of Agriculture is authorized to work with Clemson University to analyze the current status of markets throughout the State and to study the statewide farmers' market system. The commissioner shall select the appropriate locations and enhancements for the statewide system based upon Clemson University's recommendations, which must include an analysis of agricultural and other economic data. The department may not expend more than one million five hundred thousand dollars of the remaining funds on any individual farmers' market. Notwithstanding the limitations contained in this provision, the Commissioner must transfer one million five hundred thousand dollars of these funds to Richland County for its use in establishing or improving a local farmers market.

(F) The department may expend a portion of the remaining funds, as determined necessary by the Division of General Services, for rent and other cost escalations related to the department's laboratory on Williams Street.

(G) Upon completion of the relocation of the Columbia State Farmers' Market, and the complete implementation of the statewide farmers' market system provided for in subsection (E), the department must return any unused balance of the designated funds to the general fund of the State.

SECTION 2. This joint resolution takes effect upon approval by the Governor.

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b. Report of County Administrator

C. Report of County Administrator

RICHLAND COUNTY TRANSPORTATION COMMITTEE

February 21, 2008

The Honorable Joseph McEachern
Chairman
Richland County Council
Post Office Box 3751
Columbia, South Carolina 29230

Re: Funding Issues Richland County CTC

Dear Mr. McEachern:

Richland County Transportation Committee (CTC) held its regular meeting on January 29, 2008, with major focus on the continuation towards a solution on funding issues relative to road improvements on Richland County Projects. Prior to this meeting, as you know, we had series of contacts and meetings with county officials to express this dilemma. In conversations we cited the reasons for this funding matter.

The CTC receives "C" funds on a monthly basis. The funds come from the gas tax that rebates back to the county for road improvements on any road systems within the county. Currently, our cash balance is less than our over-all committed funds balance. A simple way to convey this is that the CTC funds are over-committed. The over-commitment resulted from the significant unexpected over-runs on several road improvement projects that are under contract, and are either completed or near completion.

We received a notice from the South Carolina Department of Transportation, who manages Richland's "C" funds, informing us that the CTC was out of balance and inconsistent with their policies. We were then advised that the Richland County Transportation Committee had to suspend commitment of any new funds and defer already committed funds until it returns back into balance. We anticipate, based on CTC monthly allocation versus balances deficits; that funds will again be available to commit in February 2009.

Certainly, we are concerned about this unfortunate situation, which has an affect on Richland County Government and others who anticipated and planned to utilize the committed C-funds. The committee has proposed two (2) options. The options are:

1. To continue to pursue Richland County to defer its scheduled road improvement projects, not yet under obligations or contracts, until such time as the CTC come into a positive balance. However, if the county wishes and must move forward with its projects: we ask that the CTC is given a time frame for projects completion, to gauge how it will coincide with projected fund balance, with the possibility of delaying invoices until funds are in the positive (expected date Feb.2009). The CTC is willing to enter into a binding agreement with this proposal.

1701 Main Street, Suite 409/P.O. Box 192/Columbia, South Carolina 29202/ 803-748-4661

C. Report of County Administrator

C. Report of County Administrator

The Honorable Joseph McEachern

Page 2


February 21, 2008

2. The second option is for the CTC to pursue the possibility of issuing a bond to generate the necessary funding to apply towards the committed funds, for the county's identified road improvement projects. This option, however, will require several levels of approval.

The Richland County Transportation Committee would like the opportunity to meet with Richland County Council to discuss this funding issue.

We look forward to collaborating with all concerned, for a solution to this matter. To contact me, please call (803) 576-1906.

Sincerely,



James C. Brown

Chairman

JCB/kl

cc: Richland County Council Members
Mr. Milton Pope, County Administrator

C. Report of County Administrator

STATE OF SOUTH CAROLINA
COUNTY COUNCIL FOR RICHLAND COUNTY
ORDINANCE NO. ____-08HR

AN ORDINANCE AMENDING THE RICHLAND COUNTY CODE OF ORDINANCES; CHAPTER 12, GARBAGE, TRASH AND REFUSE; ARTICLE III, CONSTRUCTION, MODIFICATION, EXPANSION, AND/OR OPERATION OF SOLID WASTE MANAGEMENT FACILITIES, BENEFICIAL LANDFILLS, AND COMPOSTING FACILITIES, SO AS TO REPEAL CERTAIN PROVISIONS.

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 12, Garbage, Trash and Refuse, Article III, Construction, Modification, Expansion, and/or Operation of Solid Waste Management Facilities, Beneficial Landfills, and Composting Facilities, is hereby amended to read as follows:

ARTICLE III. CONSTRUCTION, MODIFICATION, EXPANSION, AND/OR OPERATION OF SOLID WASTE MANAGEMENT FACILITIES, BENEFICIAL LANDFILLS, AND COMPOSTING FACILITIES

Section 12-41. Federal, state and local law.

All solid waste management facilities, beneficial landfills, and composting facilities shall adhere to all federal and state rules and regulations, and all local zoning, land use and other applicable local ordinances.

Sections 12-42 – 12-47. Reserved.

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 enforced from and after _____, 2008.

RICHLAND COUNTY COUNCIL

BY: _____
Joseph McEachern, Chair

ATTEST THIS THE _____ DAY

OF _____, 2008

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:	February 5, 2008
Second Reading:	February 19, 2008
Public Hearing:	March 4, 2008 (tentative)
Third Reading:	March 4, 2008 (tentative)

STATE OF SOUTH CAROLINA
COUNTY COUNCIL FOR RICHLAND COUNTY
ORDINANCE NO. ____-08HR

AN ORDINANCE AUTHORIZING A QUIT-CLAIM DEED TO “WE RENT PRETTY HOUSES, LLC” FOR A CERTAIN PARCEL OF LAND TOTALING SIXTY-TWO (62) SQUARE FEET LOCATED ALONG HASTINGS ALLEY, RICHLAND COUNTY, SOUTH CAROLINA, A PORTION OF TMS # 11203-03-29.

Pursuant to the authority 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. For and in consideration of the sum of \$1.00, the County of Richland and its employees and agents are hereby authorized to grant a quit-claim deed for a certain portion of land totaling sixty-two (62) square feet located along Hastings Alley, Richland County, South Carolina, a portion of TMS# 11203-03-29, to WE RENT PRETTY HOUSES, LLC, as specifically described in the attached quit claim deed, which is incorporated herein.

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

SECTION III. Conflicting Ordinances. 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 _____, 2008.

RICHLAND COUNTY COUNCIL

By: _____
Joseph McEachern, Chair

Attest this _____ day of
_____, 2008.

Michielle R. Cannon-Finch
Clerk of Council

First Reading: February 5, 2008
Second Reading: February 19, 2008
Public Hearing: March 4, 2008 (tentative)
Third reading: March 4, 2008 (tentative)

STATE OF SOUTH CAROLINA
COUNTY COUNCIL FOR RICHLAND COUNTY
ORDINANCE NO. ___-08HR

AN ORDINANCE AMENDING THE RICHLAND COUNTY CODE OF ORDINANCES, CHAPTER 23, TAXATION; ARTICLE VI, LOCAL HOSPITALITY TAX; SECTION 23-67, PAYMENT OF LOCAL HOSPITALITY TAX, SUBSECTION (C); SO AS TO SPECIFY THE DOCUMENTS THAT MUST ACCOMPANY EACH PAYMENT; AND AMENDING SECTION 23-73, VIOLATIONS AND PENALTIES; AND CREATING A NEW SECTION ENTITLED "ASSESSMENTS".

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 23, Taxation; Article VI, Local Hospitality Tax; Section 23-67, Payment of Local Hospitality tax; Subsection (c); is hereby amended read as follows:

(c) The provider of services shall remit the local hospitality tax voucher form, a copy of the State of South Carolina sales tax computation form and/or other approved revenue documentation, and the hospitality taxes when due, to the County on the 20th of the month, or on the next business day if the 20th is not a business day.

SECTION II. The Richland County Code of Ordinances; Chapter 23, Taxation; Article VI, Local Hospitality Tax; Section 26-73, Violations and Penalties; is hereby amended to read as follows:

Sec. 26-73. Assessments of hospitality tax.

(a) When a person fails to pay their hospitality taxes or to furnish the information required by this Article or by the Business Service Center, a license official of the Business Service Center shall proceed to examine such records of the business or any other available records as may be appropriate and to conduct such investigations and statistical surveys as the license official may deem appropriate to assess a hospitality tax and penalties, as provided herein.

(b) A notice of such tax assessment shall be served by certified mail. Within five (5) business days after the notice is mailed, any person who desires to have the assessment adjusted must make application to the Business Service Center for a reassessment. The license official shall establish a procedure for hearing an application for a reassessment, and for issuing a notice of final assessment. A final assessment may be appealed to the Business Service Center Appeals Board, as described in Section 16-18 of this Code of Ordinances, provided that an application for reassessment was submitted within the allotted time period of five (5) business days. However, if no application for reassessment is submitted within the allotted time period, the assessment shall become final.

SECTION III. The Richland County Code of Ordinances; Chapter 23, Taxation; Article VI, Local Hospitality Tax; is hereby amended to create a new section to read as follows:

Sec. 23-734. Violations and Penalties.

(a) It shall be a violation of this Article to:

- (1) fail to collect the Local Hospitality Tax as provided in this Article,
- (2) fail to remit to the County the Local Hospitality Tax collected, pursuant to this Article,
- (3) knowingly provide false information on the form of return submitted to the County, or
- (4) fail to provide books and records to the County Administrator or other authorized agent of the County for the purpose of an audit upon twenty-four (24) hours' notice.

(b) The penalty for violation of this Article shall be five percent (5%) per month, charged on the original amount of the Local Hospitality Tax due. Penalties shall not be waived.

(c) Any person violating the provision of this article shall be deemed guilty of a misdemeanor and upon conviction shall be subject to punishment under the general penalty provisions of Section 1-8 of this Code of Ordinances: that is, shall be subject to a fine of up to \$500.00 or imprisonment for not more than thirty (30) days or both. Each day of violation shall be considered a separate offense. Punishment for violation shall not relieve the offender of liability for delinquent fees, penalties, and costs provided for herein.

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

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

SECTION VI. Effective Date. This ordinance shall be effective from and after _____, 2008.

RICHLAND COUNTY COUNCIL

BY: _____
Joseph McEachern, Chair

ATTEST THIS THE ____ DAY

OF _____, 2008

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: February 4, 2008
Second Reading: February 19, 2008
Public Hearing: March 4, 2008 (tentative)
Third Reading: March 4, 2008 (tentative)

STATE OF SOUTH CAROLINA
COUNTY COUNCIL FOR RICHLAND COUNTY
ORDINANCE NO. ___-08HR

AN ORDINANCE AMENDING THE RICHLAND COUNTY CODE OF ORDINANCES; CHAPTER 16, LICENSES AND MISCELLANEOUS BUSINESS REGULATIONS; ARTICLE III, SOLICITORS, PEDDLERS AND HAWKERS.

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 16, Licenses and Miscellaneous Business Regulations; Article III, Solicitors, Peddlers and Hawkers; is hereby amended to read as follows:

ARTICLE III. SOLICITORS AND PEDDLERS ~~AND HAWKERS~~

Section 16-28. Definitions.

Charitable organization means a person:

- (a) determined by the Internal Revenue Service to be a tax exempt organization pursuant to Section 501(c)(3) of the Internal Revenue Code; or
- (b) that is or holds itself out to be established for any benevolent, social welfare, scientific, educational, environmental, philanthropic, humane, patriotic, public health, civic, or other eleemosynary purpose, or for the benefit of law enforcement personnel, firefighters, or other persons who protect the public safety; or
- (c) that employs a charitable appeal as the basis of solicitation or an appeal that suggests that there is a charitable purpose to a solicitation, or that solicits or obtains contributions solicited from the public for a charitable purpose.

Charitable purpose means a purpose described in Section 501(c)(3) of the Internal Revenue Code or a benevolent, social welfare, scientific, educational, environmental, philanthropic, humane, patriotic, public health, civic, or other eleemosynary objective, including an objective of an organization of law enforcement personnel, firefighters, or other persons who protect the public safety if a stated purpose of the solicitations includes a benefit to a person outside the actual service membership of the organization.

~~*Hawk or peddle*~~ means to offer goods for sale from door-to-door, or on the streets by outcry, or by attracting the attention of persons by exposing goods in a public

place, or by placards, labels, or signals.

Panhandle or panhandling means to go door-to-door or on the streets asking for monetary contributions for the personal benefit of the individual asking.

Person means an individual, an organization, a trust, a foundation, a group, an association, a partnership, a corporation, a society, or a combination of them.

Solicit and solicitation means to request and the request for money, credit, property, financial assistance, or other thing of value, or a portion of it, to be used for a charitable purpose or to benefit a charitable organization. A solicitation takes place whether or not the person making the request receives a contribution.

Section 16-29. Administration.

No person shall solicit, ~~or hawk~~ or peddle, anywhere in the unincorporated areas of Richland County unless they have met the requirements of this Article.

Section 16-30. Peddler's license required for non-charitable purposes.

(a) *License required.* Any person desiring to ~~hawk or~~ peddle goods, wares, and/or merchandise for non-charitable purposes, anywhere in the unincorporated area of the county, shall first acquire the state ~~hawkers and~~ peddlers license and meet all regulations pursuant to the provisions of Sections 40-41-10, et seq., S.C. Code of Laws as amended, and shall also meet all local and state laws and regulations.

(b) *Application for license.* An applicant for a ~~hawkers and~~ peddlers license shall be required to furnish information concerning his/her business, including, but not limited to the following: gross receipts, as reflected on federal tax returns, for the previous calendar year; type of merchandise sold; address of considered place of business; and companies, firms, or corporations with which the applicant is affiliated or for which s/he is a representative. Falsification of any information on a permit application shall be grounds for the revocation of any permit issued.

(c) Location of business activity. No person or business is authorized to peddle goods, wares, and/or merchandise of any kind on or in the County rights-of-way of highways and streets located within the unincorporated areas of the County.

(ed) Fees. The fee for a ~~hawkers and~~ peddlers license shall be fifty dollars (\$50.00) ~~based upon the dollar value of gross receipts during the previous calendar year, as reflected on federal tax returns.~~

~~(1) The amount of fees payable annually shall be as follows:~~

~~a. On gross receipts not exceeding five thousand dollars (\$5,000) — thirty-six dollars (\$36).~~

~~b. — On each additional one thousand dollars (\$1,000) or fraction thereof
— five dollars (\$5).~~

~~(2) — For any applicant who has not been engaged in hawking or peddling during the entirety of the previous calendar year, the license fee shall be based on the average of monthly receipts while so engaged, times twelve (12).~~

~~(3) — For any applicant who has not been engaged in hawking or peddling during any portion of the previous calendar year, the license fee shall be thirty six dollars (\$36).~~

Section 16-31. Solicitation of charitable funds.

Any charitable organization desiring to solicit contributions within the unincorporated area of the county shall comply with the requirements of Sections 33-56-10, et seq., S.C. Code of Laws as amended.

Section 16-32. Permit required prior to soliciting funds from motorists.

(a) Only rescue squads, volunteer fire departments, and charitable organizations in this State may solicit funds from motorists on highways and streets located within the unincorporated area of the county.

(b) Prior to soliciting such funds, the organization shall apply for and acquire a permit from the County Council. All provisions of Section 5-27-910 of the S.C. Code of Laws, as amended, shall be followed.

(c) The organization shall complete the permit application form, including the specific date(s), time(s), and location(s) of the desired solicitation.

(d) No more than two (2) permits shall be issued to an organization in any one calendar year, and each permit shall be valid for no longer than seven (7) consecutive days.

Section 16-33. Panhandling prohibited.

No person shall engage in panhandling activities in the unincorporated areas of Richland County.

Section 16-34. Solicitation and/or peddling goods on county property.

In addition to the requirements of this Article, any person who wishes to solicit funds and/or peddle goods in county-owned buildings or on county-owned property, shall comply with the following:

(a) County employees shall first obtain approval from their department directors.

(b) All other persons shall first obtain approval from the County Administrator or the County Administrator's designee.

Section 16-35. Enforcement.

The County Administrator or other authorized agent of the County may make systematic inspections of people or businesses governed by this Article within the County to ensure compliance with this Article. Records of inspections shall not be deemed public records.

Section 16-36. Violations.

Any person violating any provision of this article shall be deemed guilty of a misdemeanor and upon conviction shall be subject to punishment under the general penalty provisions of Section 1-8 of this Code of Ordinances: that is, shall be subject to a fine of up to \$500.00 or imprisonment for not more than thirty (30) days or both. Each day of violation shall be considered a separate offense. Punishment for violation shall not relieve the offender of liability for delinquent fees, penalties, and costs provided for herein.

Section 16-37 – 16-40. Reserved.

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

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

SECTION VI. Effective Date. This ordinance shall be effective from and after _____, 2008.

RICHLAND COUNTY COUNCIL

BY: _____
Joseph McEachern, Chair

ATTEST THIS THE _____ DAY

OF _____, 2008

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: February 4, 2008
Second Reading: February 19, 2008
Public Hearing: March 4, 2008 (tentative)
Third Reading: March 4, 2008 (tentative)

**STATE OF SOUTH CAROLINA
COUNTY COUNCIL FOR RICHLAND COUNTY
ORDINANCE NO. ____-08IIR**

AN ORDINANCE AMENDING ORDINANCE NO. 96-096HR, WHICH ESTABLISHED A THREE PERCENT (3%) TOURISM FEE ON ALL BUSINESSES PROVIDING TRANSIENT ACCOMMODATIONS IN THE UNINCORPORATED AREA OF RICHLAND COUNTY, AND WHICH ESTABLISHED A SPECIAL REVENUE FUND TO ACCOUNT FOR THESE COLLECTIONS.

WHEREAS, Richland County Council enacted Ordinance No.96-096HR on December 3, 1996, effective on January 1, 1997; and

WHEREAS, Richland County Council has now determined that further revisions to Ordinance No. 96-096HR are needed; and

WHEREAS, the intention of these revisions is to, 1) designate the County Administrator or other authorized agent to enforce the ordinance; 2) designate that revenue and expenditures will be with the Richland County Tourism Development Fee Special Revenue Fund; 3) remove the cap on penalties (consistent with the County’s business license ordinance and the handling of hospitality taxes); 4) clearly state that penalties will not be waived (consistent with the County’s business license ordinance and the handling of hospitality taxes); and 5) make the violation section consistent with the County’s business license ordinance and the handling of hospitality taxes;

NOW, THEREFORE, pursuant to the authority 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**, that the Sections of Ordinance No. 96-096 shall be amended to read as follows:

SECTION I. DEFINITION: Accommodation is defined as any room (excluding meeting and conference rooms), campground spaces, recreational vehicles spaces, lodgings or sleeping accommodations furnished to transients by any hotel, motel, inn, condominium, “bed and breakfast”, residence, or any other place in which rooms, lodgings, or sleeping accommodations are furnished for consideration within the unincorporated area of Richland County, South Carolina. The gross proceeds received from the lease or rental of sleeping accommodations supplied to the same person or persons for a period of thirty (30) continuous days are not considered proceeds from transients.

SECTION II. TOURISM DEVELOPMENT FEE. A uniform fee equal to three percent (3%) is hereby imposed on the gross proceeds derived from the rental of any accommodations within the unincorporated area of Richland County.

SECTION III. PAYMENT OF TOURISM DEVELOPMENT FEE. Payment of the tourism development fee established herein shall be the liability of the consumer of the services. The fee

shall be paid at the time of delivery of the services to which the fee applies, and shall be collected by the provider of the services. The County shall promulgate a form of return which shall be utilized by the provider of the services to calculate the amount of tourism development fees collected and due. This form shall contain a sworn declaration as to the correctness thereof by the provider of the services.

The provider of the services shall remit the form, a copy of the State of South Carolina sales tax computation form, and the tourism development fees due not later than the 20th of each month to the ~~Richland County Finance Department, 2020 Hampton Street, Columbia, South Carolina 29204~~ Business Service Center.

SECTION IV. TOURISM DEVELOPMENT FEE SPECIAL REVENUE FUND. An interest bearing, segregated and restricted account to be known as the “Richland County Tourism Development Fee Special Revenue Fund” is hereby established. All revenues received from the tourism development fee shall be deposited into this fund. The principal and any accrued interest in this fund shall be expended only as permitted by this Ordinance.

SECTION V. DISTRIBUTION OF FUNDS.

- (a) All fund placed in the Richland County Tourism Development Fee Special Revenue Fund including accrued interest shall be expended only for the purpose of investigating the feasibility of the construction of public meeting facilities, the construction of public meeting facilities and for other enhancements to services used by tourists and convention delegates in Richland County. Any such expenditure shall be authorized by a subsequent ordinance indicating a specific amount and purpose by the Richland County Council.
- (b) (1) No funds shall be expended until the impact of any such expenditure on the operation of the Township Auditorium has been determined;
- (2) The county shall not be held liable for any operating deficit of any facilities beyond the amount generated by this fee;
- (3) An agreement be reached that the City of Columbia sewer and water rates shall not be increased for County residents to offset any operating deficits incurred by any facility constructed and operated with these funds.
- (c.) In the event an ordinance has not been enacted by this Council to expend these funds in compliance with paragraph A, the funds would then revert to the general Accommodations Tax Fund and this act be repealed.

SECTION VI. INSPECTIONS, AUDITS, AND ADMINISTRATION. For the purpose of enforcing the provisions of this Ordinance, the ~~Director of Finance~~ County Administrator or other authorized agent of the County is empowered to enter upon the premises of any person subject to this Ordinance and to make inspections, examine and audit books and records. It shall be unlawful for any person to fail or refuse to make available the necessary books and records during normal business hours upon twenty-four (24) hours written notice. In the event an audit reveals that false information has been filed by the remitter, the cost of the audit shall be added

to the correct amount of fees determined to be due.

All operational and administrative costs associated with the billing and collection of this tourism development fee ~~will~~ may be charged to the ~~Richland County Finance Department~~ and ~~will be paid for from the earned interest to the County~~ “Richland County Tourism Development Fee Special Revenue Fund.” The ~~Finance Director~~ County Administrator or other authorized agent of the County may make systematic inspections of all accommodations within the County to ensure compliance with this Ordinance. Records of inspections shall not be deemed public records.

SECTION VII. ASSESSMENTS OF TOURISM DEVELOPMENT FEE. When a person fails to pay their Tourism Development Fees or to furnish the information required by this Ordinance or by the Business Service Center, a license official of the Business Service Center shall proceed to examine such records of the business or any other available records as may be appropriate and to conduct such investigations and statistical surveys as the license official may deem appropriate to assess a Tourism Development Fee and penalties, as provided herein.

A notice of such assessment shall be served by certified mail. Within five (5) business days after the notice is mailed, any person who desires to have the assessment adjusted must make application to the Business Service Center for a reassessment. The license official shall establish a procedure for hearing an application for a reassessment, and for issuing a notice of final assessment. A final assessment may be appealed to the Business Service Center Appeals Board, provided that an application for reassessment was submitted within the allotted time period of five (5) business days. However, if no application for reassessment is submitted within the allotted time period, the assessment shall become final.

SECTION VIII. VIOLATIONS AND PENALTIES.

(1) It shall be a violation to:

- a. Fail to collect the tourism development fee in connection with the rental of any accommodations to transients,
- b. Fail to remit to the County of Richland the tourism development fee collected, pursuant to this Ordinance on a monthly basis,
- c. Knowingly provide false information on the form of return submitted to the County of Richland, and/or
- d. Fail to provide books and records to the ~~Richland County Finance Department~~ County’s authorized agent for the purpose of an audit upon twenty-four (24) hours written notice.

(2) Penalties. The penalty for violation of this ordinance shall be five percent (5%) per month, charged on the original amount of the tourism development fee due, ~~up to a maximum of 100%.~~ Penalties shall not be waived. ~~Additionally, violators may be deemed guilty of a misdemeanor, subject to a \$500 fine and/or imprisonment for up to thirty (3) days for violation of this Ordinance.~~

(3) Violations. Any persons violating the provision of this article shall be deemed guilty of a misdemeanor and upon conviction shall be subject to punishment under the general penalty provisions of Section 1-8 of this Code of Ordinances: that is, shall be subject to a fine of up to \$500.00 or imprisonment for not more than thirty (30) days or both. Each day of violation shall be considered a separate offense. Punishment for violation shall not relieve the offender of liability for delinquent fees, penalties, and costs provided for herein.

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

SECTION XI. Effective Date. This ordinance shall be enforced from and after _____, 2008

RICHLAND COUNTY COUNCIL

BY: _____
Joseph McEachern, Chair

ATTEST THIS THE ____ DAY

OF _____, 2008

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: February 5, 2008
Second Reading: February 19, 2008
Public Hearing: March 4, 2008 (tentative)
Third Reading: March 4, 2008 (tentative)

STATE OF SOUTH CAROLINA
COUNTY COUNCIL FOR RICHLAND COUNTY
ORDINANCE NO. __-08HR

AN ORDINANCE AMENDING THE FISCAL YEAR 2007-2008 GENERAL FUND ANNUAL BUDGET TO TRANSFER TWO HUNDRED TWENTY-NINE THOUSAND FIVE HUNDRED AND TWENTY-FOUR DOLLARS (\$229,524) OF INTEREST EARNED ON THE VISTA TIF FUNDS TO THE GENERAL FUND. THIS WILL RESULT IN AN INCREASE TO NON-DEPARTMENTAL AND THE FINANCE DEPARTMENT BUDGET.

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 two hundred twenty-nine thousand five hundred and twenty-four dollars (\$229,524) be appropriated to the FY 2007-2008 General Fund Budget. Therefore, the Fiscal Year 2007-2008 General Fund Annual Budget is hereby amended as follows:

REVENUE

Revenue appropriated July 1, 2007 as amended:	\$ 126,747,449
Transfer-in of Vista TIF Interest Revenue	<u>229,524</u>
Total General Fund Revenue as Amended:	\$ 126,976,973

EXPENDITURES

Expenditures appropriated July 1, 2007 as amended:	\$ 126,747,449
Increase to Non-Departmental Budget:	193,432
Increase to Finance Department Budget:	<u>36,092</u>
Total General Fund Expenditures as Amended:	\$ 126,976,973

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 _____, 2008.

RICHLAND COUNTY COUNCIL

BY: _____
Joseph McEachern, Chair

ATTEST THIS THE ____ DAY

OF _____, 2008

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: February 5, 2008
Second Reading: February 19, 2008
Public Hearing: March 4, 2008 (tentative)
Third Reading: March 4, 2008 (tentative)

STATE OF SOUTH CAROLINA
COUNTY COUNCIL FOR RICHLAND COUNTY
ORDINANCE NO. __-08HR

AN ORDINANCE AMENDING THE FISCAL YEAR 2007-2008 BUDGET TO TRANSFER FUNDS FOR THE ELDERS POND STATION CONSTRUCTION FOR (\$1,722,000) AND TRANSFER FUNDS FOR THE HORRELL HILL STATION CONSTRUCTION FOR (\$550,244) TO A CAPITAL PROJECT FUND FROM THE FIRE FUND AND GENERAL FUND.

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 nine hundred and sixty-nine thousand three hundred and eighty dollars (\$1,969,380) be transferred from the Fiscal Year 2007-2008 Fire Service Fund Annual Budget to the Fiscal Year 2007-2008 Capital Project Fund Annual Budget.

REVENUE

Revenue appropriated July 1, 2007 as amended:	\$ 16,560,500
Transfer to Capital Project Budget	<u>(1,969,380)</u>
Total Fire Service Fund Revenue as Amended:	\$ 14,591,120

EXPENDITURES

Expenditures appropriated July 1, 2007 as amended:	\$ 16,560,500
Change in Fire Service Fund Budget:	<u>(1,969,380)</u>
Total Fire Service Fund Expenditures as Amended:	\$ 14,591,120

That the amount of two hundred and ninety-two thousand dollars (\$302,864) be transferred from the Fiscal Year 2007-2008 General Fund Annual Budget to the Fiscal Year 2007-2008 Capital Project Fund Annual Budget.

REVENUE

Revenue appropriated July 1, 2007 as amended:	\$ 126,996,973
Transfer to Capital Projects Budget	<u>(302,864)</u>
Total General Fund Revenue as Amended:	\$ 126,694,109

EXPENDITURES

Expenditures appropriated July 1, 2007 as amended:	\$ 126,996,973
Change in General Fund Expenditure Budget:	<u>(302,864)</u>
Total General Fund Expenditures as Amended:	\$ 126,694,109

Therefore, the Fiscal Year 2007-2008 Capital Project Fund Budget is hereby amended as follows:

REVENUE

Revenue appropriated July 1, 2007 as amended:	\$ 2,281,171
Transfer-in from Fire Service Fund	1,969,380
Transfer-in from General Fund	<u>302,864</u>
Total Capital Project Fund Revenue as Amended:	\$ 4,553,415

EXPENDITURES

Expenditures appropriated July 1, 2007 as amended:	\$ 2,281,171
Increase in Capital Project Budget:	<u>2,272,244</u>
Total Emergency Telephone Service Expenditures as Amended:	\$ 4,553,415

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 _____, 2008.

RICHLAND COUNTY COUNCIL

BY: _____
Joseph McEachern, Chair

ATTEST THIS THE ____ DAY

OF _____, 2008

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: February 5, 2008
Second Reading: February 19, 2008
Public Hearing: March 4, 2008 (tentative)
Third Reading: March 4, 2008 (tentative)

STATE OF SOUTH CAROLINA
COUNTY COUNCIL FOR RICHLAND COUNTY
ORDINANCE NO. __-08HR

AN ORDINANCE AMENDING THE FISCAL YEAR 2007-2008 GENERAL FUND ANNUAL BUDGET TO INCREASE VOTER REGISTRATION'S BUDGET BY TWENTY THOUSAND DOLLARS (\$20,000). THIS INCLUDES FUNDING FOR PART-TIME EMPLOYMENT DUE TO THE INCREASED DEMAND OF ELECTIONS.

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 twenty thousand dollars (\$20,000) be appropriated to the FY 2007-2008 Voter Registration Budget. Therefore, the Fiscal Year 2007-2008 General Fund Annual Budget is hereby amended as follows:

REVENUE

Revenue appropriated July 1, 2007 as amended:	\$ 126,976,973
Appropriation of General Fund undesignated fund balance	<u>20,000</u>
Total General Fund Revenue as Amended:	\$ 126,996,973

EXPENDITURES

Expenditures appropriated July 1, 2007 as amended:	\$ 126,879,394
Increase to Voter Registration Budget:	<u>20,000</u>
Total General Fund Expenditures as Amended:	\$ 126,996,973

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 _____, 2008.

RICHLAND COUNTY COUNCIL

BY: _____
Joseph McEachern, Chair

ATTEST THIS THE ____ DAY

OF _____, 2008

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: February 5, 2008
Second Reading: February 19, 2008
Public Hearing: March 4, 2008 (tentative)
Third Reading: March 4, 2008 (tentative)

STATE OF SOUTH CAROLINA
COUNTY COUNCIL FOR RICHLAND COUNTY
ORDINANCE NO. ___-08HR

AN ORDINANCE AMENDING THE RICHLAND COUNTY CODE OF ORDINANCES, CHAPTER 2, ADMINISTRATION; ARTICLE V, COUNTY DEPARTMENTS; DIVISION 4, PLANNING AND DEVELOPMENT SERVICES; AND TO ADD A NEW DIVISION ENTITLED "4.A. BUILDING CODES AND INSPECTIONS"; SO THAT A NEW COUNTY DEPARTMENT WILL BE CREATED.

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 2, Administration; Article V, County Departments; Division 4, Planning and Development Services; is hereby amended to read as follows:

DIVISION 4. PLANNING AND DEVELOPMENT SERVICES

Sec. 2-216. Creation; director.

There is hereby created the Planning and Development Services Department, and the position of Planning Director who shall be responsible to the county administrator to direct and coordinate the operations and activities of the department. The county administrator shall appoint the director and his/her term of office shall be at the pleasure of the county administrator.

Sec. 2-217. Qualifications of director; selection; compensation.

The Planning Director shall be a graduate of an accredited college or university, preferably with a degree in planning, engineering, architecture, or related field; ~~or in lieu thereof,~~ and shall have had at least five (5) years of responsible, practical experience in urban planning and/or in a municipal or county regulatory agency. The director shall possess education, training, and experience related to planning and/or code enforcement that is satisfactory to the county administrator.

Sec. 2-218. Responsibilities; powers; duties.

The Planning Director shall direct and supervise all functions of the department, including the permitting and enforcement provisions of the county's zoning and land development, ~~and building code~~ regulations. The director shall adhere to the county's comprehensive plan and shall work closely with the county officials responsible for planning and code enforcement activities. The director shall be responsible for establishing liaisons and/or working relationships with all private and public agencies engaged in economic and/or industrial development. The director shall recommend amendments to the comprehensive plan and to the county's zoning and land

development, ~~and building code~~ regulations, and shall present such recommendations to the Planning Commission and/or the County Council.

Sec. 2-219. Staff; personnel.

The staff and personnel assigned to the Planning Director shall be subject to the county personnel system and their compensation determined accordingly.

Sec. 2-220 – 2-221. Reserved.

SECTION II. The Richland County Code of Ordinances, Chapter 2, Administration; Article V, County Departments; is hereby amended to create a new division to read as follows:

DIVISION 4A. BUILDING CODES AND INSPECTIONS

Sec. 2-222. Creation; director.

There is hereby created the Building Codes and Inspections Department, and the position of Building Codes and Inspections Director who shall be responsible to the county administrator to direct and coordinate the operations and activities of the department. The county administrator shall appoint the director and his/her term of office shall be at the pleasure of the county administrator.

Sec. 2-223. Qualifications of director; selection; compensation.

The Building Codes and Inspections Director shall be a graduate of an accredited college or university, preferably with a degree in engineering, architecture, construction or related field; and shall have had at least five (5) years of responsible, practical experience in construction, inspections, administration and/or in a municipal or county regulatory agency. The director shall possess education, training, and experience related to inspections and construction for commercial and residential property and/or code enforcement that is satisfactory to the county administrator. In addition, the director shall hold South Carolina registration as a Certified Building Official.

Sec. 2-224. Responsibilities; powers; duties.

The Building Codes and Inspections Director shall direct and supervise all functions of the department, including the permitting and enforcement provisions of the county's building code regulations. The director shall adhere to the county's adopted codes and ordinances and shall work closely with the county officials responsible for planning and code enforcement activities. The director shall be responsible for establishing liaisons and/or working relationships with all private and public agencies engaged in economic and/or industrial development. The director shall recommend amendments to the building code regulations, and shall present such recommendations to the County Council.

Sec. 2-225. Staff; personnel.

The staff and personnel assigned to the Building Codes and Inspections Director shall be subject to the county personnel system and their compensation determined accordingly.

Sec. 2-226. Reserved.

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

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

SECTION V. Effective Date. This ordinance shall be effective from and after _____, 2008.

RICHLAND COUNTY COUNCIL

BY: _____
Joseph McEachern, Chair

ATTEST THIS THE ____ DAY

OF _____, 2008

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: February 5, 2008
Second Reading: February 19, 2008
Public Hearing: March 4, 2008 (tentative)
Third Reading: March 4, 2008 (tentative)

STATE OF SOUTH CAROLINA
COUNTY COUNCIL FOR RICHLAND COUNTY
ORDINANCE NO. ___ -08HR

AN ORDINANCE CALLING FOR A REFERENDUM AND BALLOT QUESTION TO AUTHORIZE THE SOUTH CAROLINA DEPARTMENT OF REVENUE TO ISSUE TEMPORARY PERMITS FOR OFF-PREMISES SALES OF BEER AND WINE WITHOUT REGARD TO THE DAYS OR HOURS OF SALES.

WHEREAS, the South Carolina General Department of Revenue is authorized to issue temporary permits not to exceed twenty-four (24) hours for the possession, sale, and consumption of alcoholic liquors by the drink on premises within the unincorporated areas of Richland County; and

WHEREAS, South Carolina Code Ann. §61-6-2010 provides methods to call for a referendum to place the question of authorizing the South Carolina Department of Revenue to issue temporary permits for the sale of beer and wine at permitted off-premises locations without regard to the days or hours of sales on the ballot for a vote by qualified electors voting in the general election; and

WHEREAS, the next general election for Richland County is to be held on Tuesday, November 4, 2008; and

WHEREAS, Richland County Council desires to call for the referendum by ordinance as provided for by South Carolina Code Ann. §61-6-2010;

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 as follows:

SECTION I. The Richland County Council does hereby call for a referendum as provided for in South Carolina Code Ann. §61-6-2010 and directs that the following question be placed on the ballot on the November 4, 2008 general election to be voted on by all qualified voters:

“Shall the South Carolina Department of Revenue be authorized to issue temporary permits in the unincorporated areas of Richland County for a period not to exceed twenty-four hours to allow the sale of beer and wine at permitted off-premises locations without regard to the days or hours of sales?”

SECTION II. The Richland County Council does hereby request that the Richland County Election Commission hold the referendum and place the above-requested question on the next general election ballot for the County of Richland on Tuesday, November 4, 2008, and that such Commission conduct the referendum in the manner provided for by law for such general election.

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

SECTION IV. Effective Date. This ordinance shall be enforced from and after _____, 2008.

RICHLAND COUNTY COUNCIL

BY: _____
Joseph McEachern, Chair

ATTEST this the ____ day of _____, 2008.

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: February 5, 2008
Public Hearing: February 19, 2008
Second Reading: March 4, 2008 (tentative)
Third Reading: March 4, 2008 (tentative)

Comparison of Digital Billboard Proposals

	Special Exception Proposal	Savannah Proposal	Industry Proposal
Installing Digital Billboards	Conversions and New	Conversions Only	Conversions Only
Conversion Policy	New digital billboard replaces 2 existing billboards	New digital billboard replaces 3 existing billboards	New digital billboard replaces 1 existing billboard
Additional Limitations	1 digital billboard per County Council District	1 display per side, 2 displays per structure	
Display limitations	No animated, moving, rolling or scrolling message, no video display	No moving or changing message, no sound.	No animated, moving, rolling or scrolling message, no video display
Safety mechanism		If sign malfunctions, design (message) freezes	

	Special Exception Proposal	Savannah Proposal	Industry Proposal
Zoning areas permitted	Commercial, Manufacturing and/or Industrial	Commercial, Manufacturing and/or Industrial	Commercial, Manufacturing and/or Industrial
Street types permitted	Arterial roads only. If located along a County owned road, 25 feet from the road	Arterial streets, 4 lanes or wider	Arterial roads only
Distance from residential zone	Not addressed	75 feet for conversions 200 feet for new signs	Not addressed
Areas prohibited	Not addressed	Historic Districts	Not addressed
Minimum length of message	8 (eight) seconds	10 (ten) seconds	6 (six) seconds
Interval between message changes	1 (one) second	Not addressed	1 (one) second

	Special Exception Proposal	Savannah Proposal	Industry Proposal
Maximum Illumination	Daylight - 7,500 nits Evening - 500 nits	Evening - 1,000	Daylight - 7,500 nits Evening - 500 nits
Replacement policy	Not addressed	Not addressed	Damage or destruction by act of God; expense does not exceed 50% of replacement cost
Spacing between digital billboards	2 miles (10,560 feet) between signs	5,000 feet distance in all directions	Same side of road - 1,000 feet Opposite side of road - 1,000 ft.

STATE OF SOUTH CAROLINA
COUNTY COUNCIL FOR RICHLAND COUNTY
ORDINANCE NO. ___-08HR

AN ORDINANCE AMENDING THE RICHLAND COUNTY CODE OF ORDINANCES, CHAPTER 26, LAND DEVELOPMENT; ARTICLE V, ZONING DISTRICTS AND DISTRICT STANDARDS; SECTION 26-141, TABLE OF PERMITTED USES WITH SPECIAL REQUIREMENTS, AND SPECIAL EXCEPTIONS; “MANUFACTURING, MINING, AND INDUSTRIAL USES” OF TABLE 26-V-2.; AND ARTICLE VI, SUPPLEMENTAL USE STANDARDS; SECTION 26-152, SPECIAL EXCEPTIONS; SO AS TO PERMIT A LIMITED NUMBER OF DIGITAL BILLBOARDS IN THE GC, M-1, LI, HI ZONING DISTRICTS AS SPECIAL EXCEPTIONS.

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

SECTION I. The Richland County Code of Ordinances; Chapter 26, Land Development; Article V, Zoning Districts and District Standards; Section 26-141, Table of Permitted Uses, Permitted Uses with Special Requirements, and Special Exceptions; “Manufacturing, Mining, and Industrial Uses” of Table 26-V-2.; is hereby amended to read as follows:

(ORDINANCE CONTINUES ON NEXT PAGE)

	TROS	RU	RR	RS-E	RS-LD	RS-MD	RS-HD	MH	RM-MD	RM-HD	OI	NC	RC	GC	M-1	LI	HI
															P	P	P
																	P
Laminating)																	P
nd Laminating)															P	P	P
Manufacturing																	SR
																	P
														P	P	P	P
Mills																	P
																	P
and Packaging																	P
														P	P	P	P
														<u>SE</u>	<u>SE</u>	<u>SE</u>	<u>SE</u>
and Toilet															P	P	
															P	P	
															P	SE	
															P	SE	
ip Mills															P	P	

SECTION II. The Richland County Code of Ordinances; Chapter 26, Land Development; Article VI, Supplemental Use Standards; Section 26-152, Special Exceptions; Subsection (c), Special Exceptions Listed by Zoning District; is hereby amended to read as follows:

- (1) Athletic Fields - (RU, RR, RS-E, RS-LD, RS-MD, RS-HD, MH, RM-MD, RM-HD)
- (2) Bars and Other Drinking Places - (OI, NC)
- (3) Borrow Pits - (RU, RR, M-1, LI)
- (4) Buildings, High-Rise, Six (6) or More Stories - (RM-HD, GC)
- (5) Continued Care Retirement Communities - (RU, RR)
- (6) Correctional Institutions – (RU, LI, HI)
- (7) Country Clubs with Golf Courses - (RR, RS-E, RS-LD, RS-MD, RS-HD, MH, RM-MD, RM-HD)
- (8) Day Care, Adult, Home Occupation (6 or Less) – (RU, RR, RS-E, RS-LD, RS-HD, MH, RM-MD, RM-HD)
- (9) Day Care, Child, Family Day Care, Home Occupation (5 or less) - (RU, RR, RS-E, RS-LD, RS-MD, RS-HD, MH, RM-MD, RM-HD)
- (10) Day Care, Child, Group Day Care, Home Occupation (6 to 12) – (RU, RR, RS-E, RS-LD, RS-MD, RS-HD, MH, RM-MD, RM-HD)
- (11) Dormitories - (OI, GC)
- (12) Dwellings, Single Family, Zero Lot Line, Common – (RS-MD, RS-HD)
- (13) Dwellings, Manufactured Homes on Individual Lots – (M-1)
- (14) Fabricated Metal Products - (LI)
- (15) Glass and Glass Products – (LI)
- (16) Group Homes (10 or more) – (RM-HD, OI, NC, RC, GC)
- (17) Landfills, Sanitary and Inert Dump Sites - (RU, HI)
- (18) Machinery – (LI)

- (19) Manufacturing, Not Otherwise Listed – (LI)
- (20) Nursing and Convalescent Homes – (RU, RR)
- (21) Orphanages - (RU, RR, RM-MD, RM-HD)
- (22) Places of Worship – (RS-E, RS-LD, RS-MD, RS-HD, MH)
- (23) Race Tracks and Drag Strips – (HI)
- (24) Radio, Television, and Telecommunications and other Transmitting Towers – (RU, OI, NC, RC, GC, LI, HI)
- (25) Rooming and Boarding Houses – (RM-HD, OI, NC, RC)
- (26) Scrap and Recyclable Materials – (M-1, LI, HI)
- (27) Shooting Ranges, Outdoor - (RU, HI)
- (28) Signs, Digital - (GC, M-1, LI, HI)
- ~~(2829)~~ Special Congregate Facilities - (OI, GC)
- ~~(2930)~~ Swimming and Tennis Clubs - (RU, RR, RS-E, RS-LD, RS-MD, RS-HD, MH, RM-MD, RM-HD, OI, NC, RC, LI)
- ~~(3031)~~ Tattoo Facilities – (GC)
- ~~(3132)~~ Textile Product Mills – (LI)
- ~~(3233)~~ Theaters, Motion Picture, Drive-Ins - (RC, GC, LI)
- ~~(3334)~~ Theaters, Motion Picture, Other Than Drive-Ins - (NC)
- ~~(3435)~~ Transportation Equipment - (LI)
- ~~(3536)~~ Waste Collection, Hazardous - (HI)
- ~~(3637)~~ Waste Treatment and Disposal, Hazardous – (HI)
- ~~(3738)~~ Zoos and Botanical Gardens – (RU, OI, RC)

SECTION III. The Richland County Code of Ordinances; Chapter 26, Land Development; Article VI, Supplemental Use Standards; Section 26-152, Special Exceptions; Subsection (d), Standards; is hereby amended to read as follows:

(d) *Standards.*

(1) *Athletic fields.*

- a. Use districts: Rural; Rural Residential; Residential, Single-Family, Estate; Residential, Single-Family, Low Density; Residential, Single-Family, Medium Density; Residential, Single-Family, High Density; Manufactured Home Park; Residential, Multi-Family, Medium Density; Residential, Multi-Family, High Density.
- b. Parking lots for athletic fields shall have primary access to collector or thoroughfare roads.
- c. Lights shall be positioned so as not to shine onto adjacent properties.
- d. Loud speaker systems shall not be operated before 8:00 a.m. or after 10:00 p.m.

(2) *Bars and other drinking places.*

- a. Use districts: Office Institutional; Neighborhood Commercial.
- b. Lots used for bars or drinking places shall be located no closer than four hundred (400) feet from any other lot used as a bar or 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. A minimum six (6) foot high opaque fence or wall shall be erected adjacent to the property line of any abutting residences.
- d. Parking areas related to the establishment shall be located no closer than thirty (30) feet to the property lines of any abutting residences.

(3) *Borrow pits.*

- a. Use districts: Rural; Rural Residential; M-1 and LI Light Industrial.
- b. Proposals for borrow pits will only be permitted where:
 1. There are overriding environmental or other planning benefits compared to obtaining materials from alternative sources;

2. Alternative materials of the required specification are unavailable in sufficient quantities;
 3. They are contiguous with or close to the projects they are intended to serve;
 4. They are time-limited to the life of the project and material is to be used only for the specified project;
 5. Proposals include appropriate reclamation measures that make full use of surplus spoil from the project;
 6. The site can be restored to its original levels or an alternative acceptable landform only utilizing materials from the construction project;
 7. Any impacts on the environment or local communities can be controlled to acceptable levels; and
 8. The project area is less than ten (10) acres.
- c. All borrow pits subject to this subsection shall comply with the following requirements:
1. The average slope of any cut bank measured from a point located ten (10) feet from the boundary of any abutting property to the bottom of the cut bank in the pit shall not exceed a horizontal to vertical ratio of 2:1. The owner of the borrow pit is responsible for maintaining this condition;
 2. The top of the cut bank of the borrow pit shall, at no time, be closer than ten (10) feet from the property boundary of any abutting landowner;
 3. The depth of the borrow pit is limited to a maximum of twelve feet below the average seasonal high water table or three feet above a confining or semi-confining unit, whichever is shallower;
 4. No excavation shall occur within two hundred (200) feet of a wetland or other surface water;
 5. Best management practices shall be used to control erosion and sediment transport during and after the excavation activities;

6. The borrow pit slopes shall be stabilized with native vegetation within six months following completion of the excavation;
7. Upon completion of the excavation area, side slopes shall be no steeper than 4 (horizontal):1 (vertical) out to a depth of two feet below the average water elevation;
8. No on-site grading or sorting of materials shall occur; and
9. The active excavation, processing, and transportation of fill material shall only occur between 8:00 a.m. and 8:00 p.m.

(4) *Buildings, high-rise, six (6) or more stories.*

- a. Use districts: Residential, Multi-Family, High-Density; Office and Institutional; General Commercial.
- b. The minimum lot size to establish a high-rise building shall be one (1) acre.
- c. The minimum lot width to establish a high-rise building shall be one hundred and fifty (150) feet.
- d. A high-rise structure shall be set back a minimum of twenty-five (25) feet from all property lines.
- e. In the RM-HD District, the maximum lot coverage for a high-rise building shall be thirty-five percent (35%). In the GC and OI Districts, the maximum lot coverage for a high-rise building shall be forty-five percent (45%).
- f. Increase of allowable lot coverage:
 1. Additional lot coverage may be allowed on a foot for foot basis equal to the number of square feet provided on the structure above the first level in the form of landscaped roof gardens, solariums, recreational spaces, and the like made available generally to tenants. In no case shall such an increase in coverage exceed an amount equal to ten percent (10%) of the total lot area upon which the high-rise structure is located.
 2. Parking lots or structures to accommodate required parking may be erected to cover not more than thirty percent (30%) of the total lot area in addition to the coverage listed in subsections e. and f.1. above.

- g. No portion of any high-rise building shall project through imaginary planes leaning inward over the lot from the exterior lot lines of the parcel at angles representing two (2) feet in height for each one (1) foot of horizontal distance from such lot line.
- h. Parking and loading facilities shall be provided as required by Section 26-173 of this chapter. No parking lots shall be permitted within any required setback.
- i. High-rise buildings over fifteen (15) stories in height are only permitted on lots located at the intersection of major thoroughfares or interstate highway interchanges.
- j. In the Office and Institutional District the maximum height for a high rise shall be seventy-five (75) feet.

(5) *Continued care retirement communities.*

- a. Use districts: Rural; Rural Residential.
- b. The minimum lot size to establish a continued care retirement community shall be one (1) acre.
- c. No parking space or drive aisle shall be located closer than twenty (20) feet to any other residence not a part of the community.
- d. The front setback shall be the same as permitted in the respective district, but shall not be less than the lesser setback of any existing homes on adjacent lots. The side and rear setbacks shall be as set forth for the district.
- e. All facilities shall be solely for the use of the residents and their guests.

(6) *Correctional institutions.*

- a. Use districts: Rural; LI Light Industrial; Heavy Industrial.
- b. Off-street parking requirements shall be as listed in Section 26-173 of this chapter.

(7) *Country clubs with golf courses.*

- a. Use districts: Rural Residential; Residential, Single-Family, Estate; Residential, Single-Family, Low Density; Residential, Single-Family, Medium Density; Residential, Single-Family, High Density; Manufactured Home Park; Residential, Multi-Family, Medium Density; Residential, Multi-Family, High Density.

- b. There shall be a minimum fifty (50) foot setback between clubhouses, swimming pools, lighted tennis courts, or athletic fields and adjacent residentially zoned or used properties.

(8) *Day care, adult, home occupation (six 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. 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.

(9) *Day Care, Child, Family Day Care, Home Occupation (5 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. A child group family day care home occupation must be operated in an occupied residence.
- c. Any outdoor play area shall be fenced or otherwise enclosed on all sides and shall not include driveways, parking areas, or land otherwise unsuited for children's play space.
- d. Client pick-up and drop-off shall not obstruct traffic flow on adjacent public roads.
- e. Parking shall not be located in the front yard.
- f. All other state and federal regulations shall be met.

(10) *Day Care, Child, Group Day Care, Home Occupation (6 to 12).*

- 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. 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.

(11) *Dormitories.*

- a. Use districts: Office and Institutional; General Commercial.
- b. The property on which the use is located shall be within a one-half (½) mile radius of property developed as the primary campus of the representing college or university.

(12) *Dwellings, single-family, zero lot line, common.*

- a. Use districts: Residential, Single-Family, Medium Density; Residential, Single-Family, High Density.
- b. The lot proposed for zero lot line development must be under the same ownership at the time of initial construction or the owner of adjacent properties must record an agreement or deed restriction in writing to the development of zero setback. The maintenance and drainage easement required in e. below must be provided as part of this agreement and deed restriction.
- c. One (1) dwelling unit shall be placed on one interior side property line with a zero (0) setback and the dwelling unit setback on the other interior side property line shall be a minimum of twelve (12) feet. Patios, pools, garden features, and other similar elements shall be permitted within the twelve (12) foot setback area, provided,

however, no structure shall be placed within easements required by e. below.

- d. The wall of a dwelling located on the lot line shall have no windows, doors, air conditioning units, or any other types of openings. An atrium or court shall be permitted on the zero lot line side when such court or atrium is enclosed by two (2) walls of the dwelling unit and a solid wall of at least six (6) feet in height is provided on the zero lot line extending to the front and/or rear of the dwelling unit. Said wall shall be constructed of the same materials as exterior walls of the unit.
- e. A perpetual five (5) foot maintenance easement shall be provided on the lot adjacent to the zero lot line property which shall be kept clear of structures. This easement shall be shown on the plat and incorporated into each deed transferring title to the property. Roof overhangs and footings may penetrate the easement on the adjacent lot a maximum of twenty-four (24) inches, but the roof shall be so designed that water runoff from the dwelling placed on the lot line is controlled by gutters or other approved methods.

(13) *Dwellings, Manufactured Homes on Individual Lots.*

- a. Use districts: M-1 Light Industrial.
- b. Manufactured homes must meet the standards set by the Federal Manufactured Housing Construction and Safety Standards Act of 1974 (which became effective June 15, 1976), as revised and in effect on the date the application is made for a land development permit.
- c. The tongue, axles, transporting lights, and removable towing apparatus must be removed subsequent to final placement.
- d. Manufactured home skirting or a continuous, permanent masonry foundation, unpierced except for openings required by the building code for ventilation, utilities and access, shall be installed under the manufactured home.

(14) *Fabricated metal products.*

- a. Use districts: LI Light Industrial.
- b. Any building used for the manufacture of fabricated metal products shall be no greater than thirty thousand (30,000) square feet in gross floor area.

- c. Operations standards set forth in Section 26-178 of this chapter shall be examined in detail during the special exception review process.
- (15) *Glass and glass products.*
 - a. Use districts: LI Light Industrial.
 - b. Any building used for the manufacture of glass and glass products shall be no greater than thirty thousand (30,000) square feet in gross floor area.
 - c. Operations standards set forth in Section 26-178 of this chapter shall be examined in detail during the special exception review process.
- (16) *Group homes (10 or more).*
 - a. Use districts: Residential, Multi-Family, High Density; Office and Institutional; Neighborhood Commercial; Rural Commercial; General Commercial.
 - b. Parking shall not be located in the required front yard, except in the General Commercial District.
- (17) *Landfill, sanitary and inert dump sites.*
 - a. Use districts: Rural; Heavy Industrial.
 - b. All required local, state, and federal permits must be obtained.
 - c. Ingress and egress to the site must be from a thoroughfare or collector road.
- (18) *Machinery.*
 - a. Use districts: LI Light Industrial.
 - b. Any building used for the manufacture of machinery shall be no greater than thirty thousand (30,000) square feet in gross floor area.
 - c. Operations standards set forth in Section 26-178 of this chapter shall be examined in detail during the special exception review process.

(19) *Manufacturing, not otherwise listed.*

- a. Use districts: LI Light Industrial.
- b. Any building used for manufacturing processes fitting in this classification shall be no greater than thirty thousand (30,000) square feet in gross floor area.
- c. Operations standards set forth in Section 26-178 of this chapter shall be examined in detail during the special exception review process.

(20) *Nursing and convalescent homes.*

- a. Use districts: Rural; Rural Residential.
- b. Minimum lot size to establish a nursing and/or a convalescent home shall be one (1) acre.
- c. The front setback shall be the same as permitted in the applicable zoning district. Side and rear setbacks shall be twenty-five (25) feet from property lines.
- d. No parking space or drive shall be located closer than twenty (20) feet from any road line or property line. No parking shall be permitted in the front yard.

(21) *Orphanages.*

- a. Use districts: Rural; Rural Residential; Residential, Multi-Family, Medium Density; Residential, Multi-Family, High Density.
- b. Minimum lot size to establish an orphanage shall be one (1) acre.
- c. The front setback shall be the same as permitted in the applicable zoning district. Side and rear setbacks shall be twenty-five (25) feet from property lines.
- d. No parking space or drive shall be located closer than twenty (20) feet from any road line or property line. No parking shall be permitted in the front yard.

(22) *Places of worship.*

- a. Use districts: Residential, Single-Family, Estate; Residential, Single-Family, Low Density; Residential, Single-Family, Medium Density; Residential, Single-Family, High Density; Manufactured Home Park.
- b. Facilities for a place of worship located on a site of three (3) acres or more shall have primary access to the facility from a collector of thoroughfare road.
- c. No parking space or drive shall be located closer than twenty (20) feet to a residence not associated with the place of worship. No parking area may be located in the front setback.
- d. The front setback shall be the same as permitted in the respective district, but shall not be less than the lesser setback of any existing homes on adjacent lots. The side and rear setbacks shall be thirty (30) feet.

(23) *Racetracks and drag strips.*

- a. Use districts: Heavy Industrial.
- b. All racetracks and drag strips shall be fully secured by fencing.
- c. All outside edges of any racing surface or principal building that is part of the operation of a racetrack or drag strip shall be at least one thousand five hundred (1,500) feet from any part of the property line. No development, including (but not limited to) parking areas, accessory buildings, or drives, may be located in the buffer, except for permissible entryways and exits.
- d. No racing event may be conducted during the hours of 11:00 p.m. and 9:00 a.m. Racing events may be conducted for a maximum of three consecutive days, a maximum of five (5) days in a calendar week, and a maximum of six (6) hours per day.
- e. A traffic plan, noise mitigation plan, fire protection plan, and lighting plan shall be provided and reviewed as part of the special exception process. Adequate outdoor lighting shall be provided, however, all outdoor lighting fixtures shall be installed and operated in such a manner as to protect the roads and neighboring properties from direct glare or hazardous interference of any kind.

- (24) *Radio, television and telecommunications and other transmitting towers.*
- a. Use districts: Rural; Office and Institutional; Neighborhood Commercial; Rural Commercial; General Commercial; LI Light Industrial; Heavy 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 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.

(25) *Rooming and boarding houses.*

- a. Use districts: Residential, Multi-Family, High Density; Office Institutional; Neighborhood Commercial; Rural Commercial.
- b. The owner or the manager of the boarding house shall reside on the premises.
- c. Not over fifty percent (50%) of the heated floor area of the rooming or boarding house shall be used for sleeping quarters.
- d. Parking shall be provided as required in Section 26-173 of this chapter. Parking shall be located on the same lot on which the boardinghouse is located, at the rear of the lot and screened from the adjacent properties with vegetation.

(26) *Scrap and recyclable materials.*

- a. Use district: M-1 and LI Light Industrial; Heavy Industrial.
- b. Stocks and supplies shall be either stored inside enclosed structures or screened by solid walls, opaque fences, dense evergreen shrubbery or the like so that they are not visible from any public road or from the ground level of adjacent property used for residential or office purposes.
- c. Any required front or secondary front yard shall not be used for storage.
- d. The side yard setback for storage areas and buildings adjacent to residential or office uses shall be at least twenty-five (25) feet.

- e. The wholesale business shall be conducted in such a manner as to prevent tracking and spillage of debris onto adjacent properties or roads.

(27) *Shooting ranges, outdoor.*

- a. Use districts: Rural; Heavy Industrial.
- b. Adequate provision shall be made for the safety of surrounding property owners.
- c. Setback requirements shall be at least 200 yards from adjacent property lines.
- d. Hours of operation shall be limited to 9:00 a.m. to 10:00 p.m.

(28) Signs, Off-Premise Digital. - (GC, M-1, LI, HI)

- a. Use districts: General Commercial, M-1 Light Industrial, LI Light Industrial, Heavy Industrial.
- b. There shall be a limit of one (1) off-premise digital sign per Richland County Council District.
- c. Evidence must be presented to show that the applicant had already removed an existing legal nonconforming off-premise sign since July 1, 2005.
- d. The proposed off-premise digital sign must replace an existing legal nonconforming off-premise sign (for a total of two (2) signs removed).
- e. An off-premise digital sign must be located at least two (2) miles from any other off-premise digital sign.
- f. The copy of an off-premise digital sign shall remain fixed for a period of at least eight (8) seconds between changes. The interval between copy changes shall be no longer than one (1) second
- g. An off-premise digital sign shall not include animated, continuous, moving, rolling, or scrolling messages or video displays.
- h. Off-premise digital signs shall have an automatic dimmer and a photo sensor to adjust the illumination intensity or brilliance of the sign so that it shall not cause glare or impair the vision of

motorists, and shall not interfere with any driver's operation of a motor vehicle. In addition, a digital sign shall not exceed a maximum illumination of seven thousand five hundred (7,500) nits (candelas per square meter) during daylight hours and a maximum illumination of five hundred (500) nits between dusk and dawn as measured from the sign's face at maximum brightness. Digital signs shall not be permitted within three hundred (300) feet of any residential district towards which the sign is oriented

- i. Off-premise digital signs shall only be allowed on arterial streets, as defined in Section 26-22. If the sign is proposed along a county owned road, the digital sign shall be located at least twenty-five (25) feet away from such road.
- j. An applicant must enter into an MOU with the County that provides for the County's periodic use of the digital sign for public service announcements and emergency alerts. The MOU shall also specify the number of minutes available for such announcements and alerts, and when these messages will be displayed.

~~(2829)~~ *Special congregate facilities.*

- a. Use districts: Office and Institutional; General Commercial.
- b. The facility shall be operated and contained within the building of and operated by a governmental agency or a nonprofit organization.
- c. The facility operator(s) shall provide continuous on-site supervision by an employee(s) and/or a volunteer(s) during the hours of operations.
- d. No such facility shall be located within one quarter (1/4) mile of an existing congregate facility. The Board of Zoning Appeals may, however, in reviewing a special exception application, permit the clustering of special congregate facilities if it is determined that the location of such uses will not be injurious to the neighborhood or otherwise detrimental to the public welfare.

~~(2930)~~ *Swim and tennis clubs.*

- a. Use districts: Rural; Rural Residential; Residential, Single-Family, Estate; Residential, Single-Family, Low Density; Residential, Single-Family, Medium Density; Residential, Single-Family, High Density; Manufactured Home Park; Residential, Multi-Family, Medium Density; Residential, Multi-Family, High Density; Office

and Institutional; Neighborhood Commercial; Rural Commercial, L-I Light Industrial.

- b. There shall be a minimum fifty (50) foot setback between clubhouses, swimming pools, lighted tennis courts, or athletic fields and adjacent residentially zoned or used property.
- c. Lights shall be positioned so as not to shine onto adjacent properties.
- d. Swimming pools shall be protected by a fence or equal enclosure, a minimum of four (4) feet in height and equipped with a self-closing gate provided with hardware for permanent locking.

~~(3031)~~ *Tattoo 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.

~~(3132)~~ *Textile product mills.*

- a. Use districts: LI Light Industrial.
- b. Any building used for the manufacture of textile products shall be no greater than thirty thousand (30,000) square feet in gross floor area.
- c. Operations standards set forth in Section 26-178 of this chapter shall be examined in detail during the special exception review process.

~~(3233)~~ *Theaters, motion picture, drive-ins.*

- a. Use districts: Rural Commercial; General Commercial; LI Light Industrial.
- b. Drive-in theaters shall be located a minimum of one hundred (100) feet from any property zoned or utilized for residential purposes.
- c. Access shall be provided from thoroughfare or collector roads.

~~(3334)~~ *Theaters, motion picture, other than drive-ins.*

- a. Use districts: Neighborhood Commercial.
- b. Buildings shall have a maximum seating capacity of three hundred (300) seats.

~~(3435)~~ *Transportation equipment.*

- a. Use districts: LI Light Industrial.
- b. Any building used for the manufacture of transportation equipment shall be no greater than thirty thousand (30,000) square feet in gross floor area.
- c. Operations standards set forth in Section 26-178 of this chapter shall be examined in detail during the special exception review process.

~~(3536)~~ *Waste collection, hazardous.*

- a. Use districts: Heavy Industrial.
- b. Compliance with state and federal regulations is required.
- c. Access shall be provided only onto thoroughfare and collector roads.
- d. Operations shall be located no closer than one hundred (100) feet to any adjacent property line.

~~(3637)~~ *Waste treatment and disposal, hazardous.*

- a. Use districts: Heavy Industrial.
- b. Compliance with state and federal regulations is required.
- c. Access shall be provided only onto thoroughfare and collector roads.
- d. Operations shall be located no closer than one hundred (100) feet to any adjacent property line.

~~(3738)~~ *Zoos and Botanical Gardens.*

- a. Use districts: Rural District; Office and Institutional; Rural Commercial.

- b. There shall be a minimum one hundred (100) foot setback between all activities associated with the use and any adjacent residential property.
- c. All zoos and botanical gardens shall have primary access to collector or thoroughfare roads.

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

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

SECTION VI. Effective Date. This ordinance shall be enforced from and after _____, 2008.

RICHLAND COUNTY COUNCIL

BY: _____
Joseph McEachern, Chair

ATTEST THIS THE ____ DAY

OF _____, 2008

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: February 19, 2008
Public Hearing: March 4, 2008 (tentative)
Second Reading:
Third Reading:

STATE OF SOUTH CAROLINA
COUNTY COUNCIL FOR RICHLAND COUNTY
ORDINANCE NO. ___-08HR

AN ORDINANCE AMENDING THE RICHLAND COUNTY CODE OF ORDINANCES; CHAPTER 26, LAND DEVELOPMENT; ARTICLE VII, GENERAL DEVELOPMENT, SITE, AND PERFORMANCE STANDARDS; SECTION 26-180, SIGNS; SO AS TO CREATE A NEW SECTION THAT WOULD ALLOW DIGITAL DISPLAY DEVICES.

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

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

- (p) *Changeable copy signs.* A sign that can be changed at intervals by electronic or mechanical process, or a sign using light emitting diodes (LED) shall only be permitted with the following restrictions.
- (1) The message must not change displays over a period of not less than ten (10) seconds, with all moving parts or illumination moving or changing simultaneously; and the sign cannot display any illumination that moves, appears to move or changes in intensity during the static display period. No auditory message or mechanical sounds may be emitted from the sign. Further, any such sign shall contain a default design that will freeze the sign in one position if a malfunction occurs.
 - (2) Such sign shall only be allowed within the GC, M-1, LI and HI zoning districts.
 - (3) Each outdoor advertising structure shall have no more than one (1) digital display per direction with a maximum of two (2) signs per structure. Further, no cut outs shall be permitted. Images shall be confined to the digital sign face.
 - (4) All digital signs shall be modulated so that from dusk to dawn, the brightness shall not be more than 1,000 NITS (candles per square meter).
 - (5) New locations for signs under this subsection (as opposed to conversions of existing signs) shall not be permitted within two hundred (200) feet of a residential zone. Conversion of existing signs to a sign permitted under this subsection shall not be permitted within seventy-five (75) feet of a residential zone. No two such signs shall be closer than five thousand (5,000) feet distance apart measured in all directions regardless of the zoning jurisdiction in which the sign is located.

- (6) Such signs shall be permitted only along four-lane or more arterial roadways as defined in Section 26-22.
- (7) Such signs shall not be permitted inside the boundaries of any Historic District as defined by the National Historic Register.
- (8) Evidence must be presented to show that the applicant had already removed three (3) existing legal nonconforming off-premise signs since July 1, 2005.

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 _____, 2008.

RICHLAND COUNTY COUNCIL

BY: _____
Joseph McEachern, Chair

ATTEST THIS THE ____ DAY
OF _____, 2008

Michielle R. Cannon-Finch
Clerk of Council

First Reading: February 19, 2008
Public Hearing: March 4, 2008 (tentative)
Second Reading:
Third Reading:

STATE OF SOUTH CAROLINA
COUNTY COUNCIL FOR RICHLAND COUNTY
ORDINANCE NO. ___-08HR

AN ORDINANCE AMENDING THE RICHLAND COUNTY CODE OF ORDINANCES; CHAPTER 26, LAND DEVELOPMENT; ARTICLE VII, GENERAL DEVELOPMENT, SITE, AND PERFORMANCE STANDARDS; SECTION 26-180, SIGNS; SO AS TO CREATE A NEW SECTION THAT WOULD ALLOW DIGITAL DISPLAY DEVICES.

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

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

- (p) *Changeable copy signs.* A legal nonconforming off-premise sign in a Commercial, Manufacturing, and/or Industrial district may be replaced in whole or in part by surface area changeable static images controlled by electronic communications (hereinafter digital), as provided by this subsection.
 - (1) A permit to replace legal nonconforming off-premise sign display surface area with digital surface area shall first be obtained as provided in Section 26-180(a)(2).
 - (2) A digital sign, as provided by this subsection, shall not be considered flashing or blinking for the purposes of this subsection when the copy shall remain fixed for a period of at least six (6) seconds between changes. The interval between copy changes shall be no longer than one (1) second.
 - (3) Digital signs shall not include animated, continuous, moving, rolling, or scrolling messages or video displays.
 - (4) Digital signs shall have an automatic dimmer and a photo sensor to adjust the illumination intensity or brilliance of the sign so that it shall not cause glare or impair the vision of motorists, and shall not interfere with any driver's operation of a motor vehicle. In addition, a digital sign shall not exceed a maximum illumination of seven thousand five hundred (7,500) nits (candelas per square meter) during daylight hours and a maximum illumination of five hundred (500) nits between dusk and dawn as measured from the sign's face at maximum brightness. Digital signs shall not be permitted within three hundred (300) feet of any residential district towards which the sign is oriented.
 - (5) The digital sign permissibility allowed pursuant to this subsection does not include the replacement of, or some other substantial alteration to, the sign support structure, except that existing metal sign support structures may be

replaced with new metal sign support structures pursuant to a permit to erect a digital sign.

- (6) A digital sign may be reestablished after damage or destruction by an act of God, where the estimated expense of reconstruction does not exceed fifty (50%) percent of the appraised replacement cost of the sign structure, exclusive of the value of any digital display device.
- (7) There shall be one thousand (1,000) feet spacing between digital signs on the same side of the road; there shall also be one thousand (1,000) feet spacing between digital signs on the opposite side of the road if the digital signs are facing the same direction.
- (8) Digital signs shall only be allowed on arterial streets, as defined in Section 26-22.

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 _____, 2008.

RICHLAND COUNTY COUNCIL

BY: _____
Joseph McEachern, Chair

ATTEST THIS THE ____ DAY

OF _____, 2008

Michielle R. Cannon-Finch
Clerk of Council

First Reading: February 19, 2008
Public Hearing: March 4, 2008 (tentative)
Second Reading:
Third Reading:

STATE OF SOUTH CAROLINA
COUNTY COUNCIL OF RICHLAND COUNTY
ORDINANCE NO. ___-08HR

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 # 03300-07-06 FROM OI (OFFICE AND INSTITUTIONAL DISTRICT) TO A PDD (PLANNED DEVELOPMENT 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 property described as TMS # 03300-07-06 from OI (Office and Institutional District) zoning to a PDD (Planned Development District) zoning, as described herein.

Section II. PDD Site Development Requirements. The following site development requirements shall apply to the subject parcels:

- a) The applicant shall comply with the Master Plan (dated February 15, 2007, revised December 10, 2007) prepared for and by Ideal Construction Company, Inc., which was submitted to, and is on file in, the Richland County Planning & Development Services Department (hereinafter referred to as "PDS"), and is incorporated herein by reference, except as otherwise amended herein; and
- b) The site development shall be limited to:
 1. One (1) 10,000 square foot single-story building; and
 2. Twenty percent (20%) maximum impervious surface; and
 3. Forty-three thousand five hundred sixty (43,560) square foot maximum outdoor storage area;
 4. Fifty (50) foot minimum buffers for neighboring agricultural lands; and
 5. Forty-five (45) foot maximum height for any structure; and
- c) The applicant shall provide a fifty (50) foot screening buffer around the entire property, inclusive of the outparcels, so as to shield all visibility from any road, rail line, or property; and
- d) The permitted uses on the property shall be "Construction, Building, General Contracting (with Outside Storage), and Office professional", as depicted in the Master Plan referenced above; and
- e) Unless otherwise provided herein, all development shall conform to all current relevant land development regulations; and
- f) Proposed changes to the Master Plan shall be subject to the requirements of Section 26-59(j)(1) of the Richland County Land Development Code; and
- g) Access to the subject site shall be limited to three (3) curb cuts on Farming Creek Road; and

- h) The applicant shall place the intersection under a STOP sign control; and
- i) The applicant shall contribute towards the future installation of a traffic light at the intersection of Farming Creek Road and Broad River Road, which shall be held in escrow and to be utilized at the time the South Carolina Department of Transportation determines that a light is warranted; and
- j) The applicant shall provide sidewalks along the frontage of the site; and
- k) All development on this site shall exceed the minimum standards of Chapter 26 of the Richland County Code of Ordinances for landscape/tree protection standards due to the impact on neighboring properties; and
- l) All development shall meet the minimum standards of Chapter 26 of the Richland County Code of Ordinances for parking, sidewalks and pedestrian amenities, signs, recreation/open space design, and operational standards that promotes connectivity, and there shall be pedestrian access from all areas to recreation and commercial sections, which shall include sidewalks along external roadways; and
- m) The applicant shall work closely with the Richland County Public Works Department to ensure that the development exceeds minimum storm water standards due to the sensitivity of this agricultural area (which requires maximum protections); and
- n) If applicable, prior to approval of the preliminary subdivision plans, the applicant shall submit to the PDSD written evidence of:
 - a. The U.S. Army Corps of Engineers' approval of the wetlands delineation and/or encroachment permit, and
 - b. FEMA's approval of the 100 year flood elevation statement; and
- o) Richland County shall not be responsible for the enforcement of any deed restrictions imposed by the applicant, the developer, or their successors in interest; and
- p) All site development requirements described above shall apply to the applicant, the developer, and/or their successors in interest; and

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

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

Section V. This ordinance shall be effective from and after _____, 2008.

RICHLAND COUNTY COUNCIL

By: _____
Joseph McEachern, Chair

Attest this _____ day of _____, 2008.

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 26, 2008
First Reading: February 26, 2008
Second Reading: March 4, 2008 (tentative)
Third Reading:

STATE OF SOUTH CAROLINA
COUNTY COUNCIL OF RICHLAND COUNTY
ORDINANCE NO. ____-08HR

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 A PORTION OF TMS # 15200-01-09 AND A PORTION OF TMS # 15200-01-13 FROM NC (NEIGHBORHOOD DISTRICT) TO RU (RURAL DISTRICT); AND PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE.

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

Section I. The Zoning Map of unincorporated Richland County is hereby amended to change the real properties described as a portion of TMS # 15200-01-09 and a portion of TMS # 15200-01-13 from NC (Neighborhood Commercial District) zoning to RU (Rural 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 _____, 2008.

RICHLAND COUNTY COUNCIL

By: _____
Joseph McEachern, Chair

Attest this _____ day of
_____, 2008.

Michielle R. Cannon-Finch
Clerk of Council

Public Hearing: February 26, 2008
First Reading: February 26, 2008
Second Reading: March 4, 2008 (tentative)
Third Reading:

STATE OF SOUTH CAROLINA
COUNTY COUNCIL FOR RICHLAND COUNTY
ORDINANCE NO. ___-08HR

AN ORDINANCE AMENDING THE RICHLAND COUNTY CODE OF ORDINANCES; CHAPTER 26, LAND DEVELOPMENT; ARTICLE V, ZONING DISTRICTS AND DISTRICT STANDARDS; SECTION 26-83, ESTABLISHMENT OF ZONING DISTRICTS; SO AS TO ESTABLISH THE CATEGORY OF "NEIGHBORHOOD MASTER PLAN OVERLAY DISTRICTS" AND WITHIN SUCH CATEGORY, A MORE SPECIFIC DISTRICT ENTITLED, "CRD CORRIDOR REDEVELOPMENT OVERLAY DISTRICT".

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

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

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

Sign, Monument. Any monolithic sign in which the bottom of the sign is flush with the ground.

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; Subsection (a), General; is hereby amended to read as follows:

(a) *General.* Within the unincorporated areas of Richland County there are ~~three (3)~~ four (4) types of zoning districts: general use districts, planned development districts, ~~and~~ overlay districts, and neighborhood master plan overlay districts. The regulations of this chapter shall apply uniformly to each class or kind of structure or land located within any of the enumerated district classifications. Within the districts as established by this chapter, the requirements as set forth in these sections shall be complied with in addition to any other general or specific requirements of this chapter.

SECTION III. 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 provide for a new subsection as follows:

(e) *Neighborhood Master Plan overlay districts.* Neighborhood Master Plan overlay districts are zoning districts intended to promote the revitalization of existing blighted commercial and residential areas, while encouraging reinvestment in and reuse of areas in the manner consistent with the specific master planning area and Comprehensive Plan for Richland County. Revitalization initiates housing and economic opportunities, which promotes socially vibrant centers of community life through the coordinated efforts of public, private, and community organizations. For the purpose of this chapter, the following neighborhood Master Plan overlay districts are established in the zoning jurisdiction of Richland County, South Carolina:

CRD Corridor Redevelopment Overlay District

SECTION IV. 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. 26-107. CRD Corridor Redevelopment Overlay District

(a) *Purpose.* The CRD Overlay District is intended to promote the revitalization of existing underutilized, vacant, or abandoned commercial strips while encouraging reinvestment in and reuse of areas in a manner consistent with the *Comprehensive Plan for Richland County*. Revitalization initiates housing and economic opportunities, which promotes socially vibrant centers of community life through the coordinated efforts of public, private and community organizations.

(b) *Applicability/Establishment.*

- (1) The CRD Overlay District may be approved and designated by County Council for any area within the county that has already had a Master Plan approved and adopted by the County Council; provided, however, the standards of such district shall remain optional, as described in subparagraph (2), below.
- (2) Once a CRD Overlay District is applied to a designated area of the county, the development standards of the underlying district shall remain in place until such time as a property owner applies to the Planning and Development Services Department to have the standards of the CRD Overlay District apply to his/her property. Only one set of standards shall apply to any one parcel of land, and a property owner is not allowed to simultaneously use the development standards of both districts.
- (3) Development in a CRD Overlay District shall consist of higher density mixed-use building types that accommodate retail, offices, and residential uses.

Allowed uses include those uses allowed in the underlying zoning districts. Additional permitted uses and exceptions are listed in subsection (c), below. Development within identified CRD zones shall conform to the form-based standards found in subsection (d), below. The CRD Overlay District has detailed provisions for uses, building types, density, height, street design, design of public spaces, the mix of uses, building design, parking, and other aspects of the human environment.

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

(1) The following uses are NOT permitted in the CRD District:

- a. Car and light truck washes.
- b. Construction, building, general contractors, with outside storage.
- c. Go-cart, motorcycle, and similar small vehicle tracks.
- d. Manufacturing uses.
- e. Freestanding outdoor advertising signs.
- f. Pawn shops.
- g. Pay day lending, car title, or check cashing establishments.
- h. Rental centers.
- i. Repair and maintenance services, automobile.
- j. Sexually oriented businesses.
- k. Truck washes, medium and heavy.
- l. Truck stops.
- m. Warehouses, self-storage.

(2) The following uses ARE permitted, with special requirements:

- a. Automobile rental or leasing. No vehicles for sale or rent may be displayed in any front yard, nor shall such displays be permitted to encroach on any required landscaping areas or buffer yards. All vehicle display/parking areas shall conform to dimensional and landscaping and other design standards set forth for parking areas.

- b. Bars and Other Drinking Places. In addition to the standards in Section 26-151, “bars and other drinking places”, as a principal use, shall be subject to the standards of the CRD Overlay District and be at least 400 feet from any residential use in a residential zoning district outside of the CRD District.
- c. Motor Cycle Dealers. Motorcycles may be displayed in a showroom only. No motorcycles for sale or rent may be displayed in outside of a showroom building.
- d. Motor Vehicle Sales. Vehicles may be displayed in a showroom only. No vehicles for sale or rent may be displayed in outside of a showroom building.
- e. Drive-thru Windows. Drive-thru windows for retail and office uses, where permitted, must be located to the rear of the building.

(3) Residential uses permitted in the CRD Overlay District:

- a. The following residential uses, which may not be permitted in some existing base zoning districts, shall be permitted by-right in the CRD Overlay District as part of mixed-use projects, subject to the standards of this district:
 - 1. Accessory dwellings.
 - 2. Dwellings, single-family, detached.
 - 3. Dwellings, single-family, zero lot line, common.
 - 4. Dwellings, single-family, zero lot line, parallel.
 - 5. Dwellings, two-family.
 - 6. Dwellings, multi-family.
- b. Residential uses shall not comprise more than seventy-five (75%) percent of the square footage of a development project in the CRD Overlay District.

(d) Development Standards.

(1) Form-Based Standards:

CRD Overlay District Form-based Standards	
Building Types Allowed	Civic/Institutional House Townhouse Apartment/Loft Mixed-Use Commercial
Permitted Uses	As permitted in underlying zoning district, except as indicated in preceding sections
Max. Density (Units/Acre)	As determined by dimensional standards
Min. Height	2 stories for Mixed-Use buildings
Max. Height	Width of fronting roadway (face-of-curb to face-of-curb) ¹
Open Space Dedication	Yes ²
On-Street Parking	Allowed where permitted by SCDOT; shall be marked
Lighting	Pedestrian-Scaled; 12-16 ft
Curb	Standard
Drainage	Closed and LID ³
Street Trees	40 ft average spacing in planting strip or tree wells ⁴
Sidewalk	5-16 feet both sides ⁵



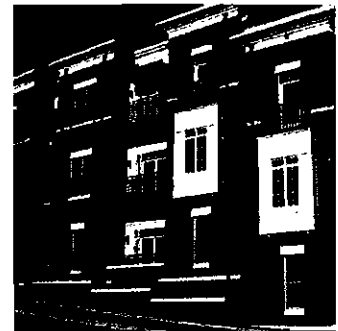
Civic/Institutional Building



House



Townhouse



Apartment/Loft



Mixed Use Building



Commercial Building

¹ The building height may increase one (1) story above a base height of three (3) stories for every 100 feet in distance from the property line of the nearest site zoned for single-family uses (RS-LD, RS-MD, RS-HD, or similar) that contain existing, single-family dwellings. The maximum height shall be as indicated above. One additional story of height above the maximum is permitted per subsection (d)(4)(a)4[b] for parking behind primary buildings.

² Dedication is required for residential development only

³ Low Impact Development techniques

⁴ Tree wells are required where ground floor retail abuts the sidewalk or right-of-way and on-street parking is provided on the fronting street.

⁵ Sidewalk Width: 6 ft min. for multi-family residential or attached residential uses along thoroughfares or collector streets; 12 ft min. (including area for tree wells) for retail, restaurants, or mixed-uses along streets with on-street parking, ground floor retail, and buildings built to the sidewalk; 16 ft min. (including area for trees wells) for outdoor seating areas along streets with on-street parking, ground floor retail, and buildings built to the sidewalk.

(2) Building Types:

The building types outlined in this Section will provide the predominant form for new CRD development. While it is expected that some new building types will be introduced in this district, these variations should be based upon the types listed in this section. Innovative planning or design ideas for development where the proposed building types are different than those allowed in the CRD Overlay District may be approved subject to review by the Planning Commission.

a. Civic & Institutional Buildings	
1. Building Type Defined	The Civic & Institutional Building type includes public buildings such as libraries, governmental offices, post offices, and schools; semi-public buildings such as museums and hospitals; and private buildings such as churches, and long-term care facilities, and non-profit or charitable offices.
2. General Standards	[a]. Buildings should be of sufficient design to create visual anchors for the community. [b]. Building(s) incidental to the principal structure shall be a minimum of 20 ft behind the front facade of the structure, and if more than one, shall be arranged to create secondary gathering spaces within the lot.
3. Façade Standards	Not applicable
4. Roof	Flat roofs are allowed, but principal buildings adjacent to residential structures are required to have pitched roofs or similar architectural features to ensure compatibility.
5. Dimensional Standards	
[a]. Lot Width ¹ (Minimum)	50 ft
[b]. Front Setback ² (Minimum)	10 ft
[c]. Front Setback ² (Maximum)	n/a

[d]. Front Yard Encroachment ³	10 ft
[e]. Side Setback (Minimum)	10 ft between buildings
[f]. Rear Setback (Minimum)	30 ft
[g]. Rear Setback from Alley ⁴ (Minimum)	n/a
[h]. Accessory Structure Side/Rear Setback (Minimum)	5 ft

¹ For lots less than 60 feet wide and multi-family uses, alley/rear access to all off-street parking areas is required. For lots greater than 60 feet wide, access to off-street parking is permitted from the fronting street or alley.

² Minimum setbacks along major arterials shall be 20 feet.

³ Balconies, stoops, stairs, chimneys, open porches, bay windows, and raised doorways are permitted to encroach into the front setback.

⁴ For lots that provide access to off-street parking from an alley

	b. Detached House	c. Townhouse	d. Apartment/Loft Building
1. Building Type Defined	The House has four yards (Front/Sides/Rear) though variations include setting the building on one of the side property lines to create a larger side yard on the opposite side (i.e. Charleston Single). The House is flexible in use, accommodating single family uses, multi-family uses up to four units, home occupations, professional offices, and limited retail uses. There are two House types with Alley or with Driveway based on how the lot is accessed with an automobile. In general, within a	The Townhouse typically has 1 yard (Rear) though variations include a small front setback to provide some landscaping. The townhouse is a building with two or more residential units that are located side-by-side. When an entrance is provided at-grade, the townhouse may be used as a live-work unit. The use permitted within the building is determined by the approved site plan.	The Apartment/Loft Building typically has 1 yard (Rear) though variations include a small front setback to provide landscaping. A multiple-unit building with units vertically arranged (generally) and with parking located below or behind the building. Units may be for rental or for sale in condominium ownership or may be designed as continuing care facilities. The ground floor may be available for commercial uses. The uses permitted within the building are determined by the approved site

	block, building types should be uniform in their use of driveways or alleys.		plan.
2. Ground Level Treatment	<p>[a]. Raised Entries: To provide privacy, all residential entrances within 15 of the sidewalk shall be raised from the finished grade (at the building line) a minimum of 1½ feet.</p> <p>[b]. Porches: Useable porches and stoops should form a predominate motif of the building design and be located on the front and/or side of the building. Useable front porches are at least six (6) feet deep and twelve (12) feet in width.</p> <p>[c]. Crawlspace: The crawlspace of buildings shall be enclosed.</p>		
3. Façade	Not applicable	<p>[a]. Detailed Design: All building elevations visible from the street shall provide doors, porches, balconies, and/or windows. A minimum of 60% of front elevations, and a minimum of 30% of side and rear building elevations, as applicable, shall meet this standard. “Percent of elevation” is measured as the horizontal plane (lineal feet) containing doors, porches, balconies, terraces and/or windows. This standard applies to each full and partial building story.</p>	
4. Roof and Eaves	<p>[a]. Main roofs on detached house and townhouse buildings shall have a pitch between 8:12 and 12:12. Monopitch (shed) roofs are allowed only if they are attached to the wall of the main building. No monopitch roof shall have a pitch less than 4:12. A pitched roof shall be profiled by eaves a minimum of 6 inches from the building face or with a gutter.</p> <p>[b]. Overhanging eaves may expose rafters. Flush eaves shall be finished by profiled molding or gutters.</p> <p>[c]. All rooftop equipment shall be screened from view.</p> <p>[d]. Apartment/Loft buildings may have roof pitches less than 3:12 and flat roofs, however such roofs will require a parapet wall.</p>		

	b. Detached House	c. Townhouse	d. Apartment/Loft Building
5. Garage	[a]. Garage doors are not permitted on the front elevation	[a]. Garage doors are not permitted on the front elevation.	

	<p>elevation of any detached house on a lot less than 50 feet wide.</p> <p>[b]. Garages with front loading bays shall be recessed from the front facade of the house by a minimum of five (5) feet and visually designed to form a secondary building volume. Garage doors shall be a minimum of twenty (20) feet from the back of sidewalk.</p> <p>[c]. At no time shall the width of an attached garage exceed 40% of the total building facade.</p>		
6. Materials	<p>[a]. Building Walls: Residential building walls shall be primarily clad in wood clapboard, cementitious fiber board, wood shingle, wood drop siding, primed board, wood board and batten, brick, stone, stucco, vinyl, or synthetic materials similar and/or superior in appearance and durability.</p> <p>[b]. Roof Materials: Residential roofs shall be clad in wood shingles, standing seam metal, terne, slate, dimensional asphalt shingles or synthetic materials similar and/or superior in appearance and durability.</p>		
7. Dimensional Standards			
[a]. Lot Width ¹ (Minimum)	30 ft	n/a	n/a
[b]. Front Setback ² (Minimum)	10 ft	0 ft	0 ft

[c]. Front Setback ² (Maximum)	n/a	25 ft	25 ft
[d]. Front Yard Encroachment ³	5 ft	5 ft ⁵	8 ft ⁵
[e]. Side Setback (Minimum)	20% of lot width ⁶	10 ft between buildings	10 ft between buildings
[f]. Rear Setback (Minimum)	5 ft	5 ft	5 ft
[g]. Rear Setback from Alley ⁴ (Minimum)	15 ft from centerline	15 ft from centerline	15 ft from centerline

¹ For lots less than 50 feet wide and multi-family uses, alley/rear access to all off-street parking areas is required. For lots greater than 50 feet wide, access to off-street parking is permitted from the fronting street or alley.

² Unless setbacks for specific streets are established by an approved Redevelopment Plan.

³ Balconies, stoops, stairs, chimneys, open porches, bay windows, and raised doorways are permitted to encroach into the front setback.

⁴ For lots that provide access to off-street parking from an alley

⁵ Upper story balconies may encroach into the right-of-way (over sidewalk only) with permission from the County and/or SCDOT.

⁶ In new developments, the entire setback may be allocated to one side with a minimum of 6 feet of total building separation, providing the setback condition is consistent with the block.

	e. Mixed-Use Building	f. Commercial Building
1. Building Type Defined	A multi-story small scale structure which can accommodate a variety of uses. A group of mixed-use buildings can be combined to form a mixed-use neighborhood center. Individual mixed-use buildings can be used to provide some commercial service, such as a neighborhood store, in close proximity to homes. The Mixed-Use Building typically has 1 yard (Rear) though variations include a small front plaza or courtyard to provide public space for outdoor seating as well as a building with complete lot coverage where an alternative to on-site surface parking is provided.	A single or multi-story medium to large structure which generally accommodates automobile-oriented uses that are found along major thoroughfares. A group of commercial buildings can be combined to form a community center. This building type provides convenient automobile access from the fronting thoroughfare, while minimizing the negative impacts of parking lots on an active pedestrian realm. The Commercial Building typically has 1 yard (Rear) though variations include: (1) a small front plaza or courtyard to provide public space for outdoor seating; or (2) a building with complete lot coverage where parking is handled in a manner other than on-site surface parking.
2. Minimum Height	2 Stories	Not Applicable
3. Ground Level Treatment	<p>[a]. Street Walls: The first floors of all mixed-use and commercial buildings shall be designed to encourage and complement pedestrian-style interest and activity by incorporating the following elements:</p> <p>[b]. Canopies/Awnings: A building canopy, awning, or similar weather protection may be provided and should project a minimum of 3-5 feet from the façade.</p> <p>[c]. Blank Walls: Expanses of blank walls may not exceed 20 feet in length. (A "blank wall" is a facade that does not contain transparent windows or doors.)</p> <p>[d]. Ventilation grates or emergency exit doors located at the first floor level in the building facade, which are oriented to any public street, shall be decorative.</p>	
4. Fenestration	[a]. Windows and Doors: The first floor of all buildings fronting directly on a street shall include transparent windows and doors	

	<p>arranged so that the uses inside are visible from and/or accessible to the street on at least 60% of the length of the first floor building elevation along the first floor street frontage.</p> <p>[b]. Building Entrances: A primary entrance facade shall be oriented toward the street, be designed for the pedestrian, and be distinguishable from the rest of the building. Such entrances shall provide a sense of entry and add variety to the streetscape. Additional entrances may be oriented toward side or rear parking lots. Service entrances for shipping and receiving shall be oriented away from the public street.</p>
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	e. Mixed-Use Building	f. Commercial Building
5. Materials	Building Walls: Commercial building walls shall be brick, stone, cementitious fiber board, or wood clapboard. Regular or decorative concrete block and EIFS-type stucco may be used on building walls not visible from a public street or as an accent material only. All accessory buildings shall be clad in materials similar in appearance to the principal structure.	
6. Dimensional Standards		
[a]. Lot Width ¹ (Minimum)	32 ft	32 ft
[b]. Front Setback ² (Minimum)	0 ft	0 ft (10 ft from major arterials)
[c]. Front Setback ² (Maximum)	10 ft	20 ft (minor arterial/collector) 50 ft (major arterial)
[d]. Front Yard Encroachment ³	8 ft ⁵	8 ft ⁵
[e]. Side Setback (Minimum)	0 ft within development, otherwise 5 ft	0 ft within development, otherwise 5 ft
[f]. Rear Setback (Minimum)	0 ft	0 ft
[g]. Rear Setback from Alley ⁴ (Minimum)	0 ft	0 ft

¹ For lots less than 50 feet wide and multi-family uses, alley/rear access to all off-street parking areas is required. For lots greater than 50 feet wide, access to off-street parking is permitted from the fronting street or alley.

² Unless setbacks for specific streets are established by an approved Redevelopment Plan.

³ Balconies, stoops, stairs, chimneys, open porches, bay windows, and raised doorways are permitted to encroach into the front setback.

⁴ For lots that provide access to off-street parking from an alley

⁵ Upper story balconies may encroach into the right-of-way (over sidewalk only) with permission from the County and SCDOT.

(3) Landscaping, Bufferyard, and Screening Standards:

- a. Bufferyards: Where a proposed use in a CRD Overlay District abuts a lower impact residential use in a residential zoning district outside of the CRD District, landscaping and bufferyards shall be provided in accordance with Section 26-176 of this chapter. However, in order to provide a continuous pedestrian transition for residential neighborhoods and commercial areas within CRD developments, institutional, office/commercial, or recreational land use categories shall not be separated from residential land use categories by berms or buffers.
- b. Solid Waste Storage Areas: All trash containment devices – including compactors, dumpsters, commercial roll-out bins, and areas for storing cardboard – shall be located and designed so as not to be visible from the view of nearby streets and properties and shall be placed in the side or rear yards only, away from pedestrian circulation routes.
 1. In all cases, trash containment devices shall be enclosed to prevent windblown litter. The enclosure shall be at least as high as the highest point of the container.
 2. The enclosure shall be made of a material that is opaque at the time of installation and compatible with and/or similar to the design and materials of the principal building. Landscaping that will reach at least 6 feet in height at maturity shall be provided around the enclosure where it abuts a single family residential use or zoning district.
- c. Mechanical and Utility Equipment: Mechanical and utility equipment shall be screened from view from nearby streets and properties in the same manner as trash containment areas. If the equipment is not visible off-site, then it need not be screened. The type of screening used shall be determined based on the proposed location of the equipment, existing site conditions, and the type and amount of existing and proposed vegetation on the site.
 1. Ground Mounted: Ground mounted equipment shall be located in the rear or side yard and screened.
 2. Roof Mounted: Such equipment located on the roof of the building shall be made invisible from nearby streets and properties through the use of setbacks from the edge of the roof or through the use of a screen exceeding the height of the equipment and using building materials and design which are compatible with those used for the exterior of the building.

(4) Parking/Loading Standards: Except as otherwise provided in this section, parking and loading facilities shall be provided as required by Section 26-173 and Section 26-174 of this chapter. However, due to the intended pedestrian nature of the CRD Overlay District area, minimum parking requirements are reduced, parking maximums established, on-street parking encouraged, and bicycle parking required.

a. Off-Street parking:

1. Parking Ratios for Motor Vehicle Parking:

Use Type	Auto Parking Spaces ¹	
	Minimum Required	Maximum Permitted
Residential	1 per unit	2 per unit
Lodging	1 per room or suite	
Office/Service Uses	1 per 1000 sq ft	3 per 1000 sq ft
Retail Uses	1 per 1000 sq ft	3 per 1000 sq ft
Restaurants	1 per 4 seats	1 per 2 seats
Entertainment/ Recreation Uses	1 per 1000 sq ft	6 per 1000 sq ft
Theaters	1 per 4 seats	
Civic/Institutional (Schools)	1 per 1000 sq ft	
Civic/Institutional (Non-Assembly Uses, e.g. Hospital, Public Safety Station)	1 per 1000 sq ft	
Civic/Institutional Uses (Assembly Uses Only, e.g., Religious Institutions)	1 per 8 seats (or 1 per 12 ft for benches or pews)	

¹ All square footage is in gross square feet.

2. Small retail and service/business uses: Uses involving a gross floor area of less than twenty-five hundred (2,500) square feet shall not require on-site parking, provided that the required parking is available within a six hundred (600) foot radius of the activity.

3. Shared Parking: Shared parking is encouraged for all uses and shall meet the requirements of Section 26-173(e)(2).

4. Location:

[a] No off-street parking shall be located within any front yard except parking for disabled or drop off spaces.

[b] For non-residential buildings, no more than 33% of the lot width may be allocated to parking on the side of the building. Commercial and Mixed-Use buildings that provide 100% of the parking to the rear of the building shall be permitted one additional story of height above the maximum building height permitted.

[c] All off-street parking spaces for townhouse and multi-family buildings shall be in the rear yard only and access to any garages shall be from the rear.

[d] Parking areas in the side yards shall be located a minimum of 10 feet behind the frontage line of the building.



Where primary parking abuts sidewalks or roads, screening, a minimum of four (4) feet in height, shall be erected on the frontage line.

[e] Where primary parking abuts sidewalks or roads within the CRD District, screening, a minimum of four (4) feet in height, shall be erected on the frontage line, where primary parking lots are located. This screening requirement may be met by the use of walls or densely planted vegetation, providing for visual obstruction of the parking area from the abutting road(s).

[f] Primary parking lots (over 24 spaces) and parking garages shall not:

- [1] Abut street intersections;
- [2] Be located adjacent to squares or parks; or
- [3] Occupy lots which terminate a street vista.

5. Paving Material: Surface parking spaces provided in excess of the minimum required shall be paved with porous paving blocks or other engineered, permeable paving material.

6. Connections: Adjacent parking lots shall have vehicular connections and/or shall have vehicular connections from an alley.

7. Transit Stop Provision: Developments that provide a covered transit stop with seating and approved by the Central Midlands Regional Transit Authority (CMRTA) along an existing or planned transit route shall be allowed to reduce their required off-street parking by ten (10) spaces.

b. On-Street parking: On-street parking is encouraged on all streets in CRD Districts. On-street parking shall count toward any minimum parking requirements. The provision of on-street parking on thoroughfare or collector

streets within the CRD Overlay District will require the coordination with SCDOT and appropriate County agencies and may require modification of the existing curblin at the expense of the property owner or developer.

- c. **Bicycle Parking:** Bicycle parking for all non-residential uses and for residential uses of more than four (4) units per building is required. Bicycle parking shall be provided based on the use of the building and the number of motor vehicle parking spaces. Where fewer than 2 bicycle spaces are required, at least two spaces or one rack must be provided.

Use Type	Required Bicycle Parking Spaces per 100 Auto Spaces	Maximum Number of Bicycle Spaces
Multi-family Residential (4 or more units/building only) Office/Business Services Retail Trade (except Lodging) Institutional/Civic (Non-Assembly Uses)	5	20
Lodging Wholesale/Manufacturing/Industrial Institutional/Civic (Assembly Uses Only)	2	20
Institutional/Civic (Schools)	10	No max.

1. **Required Racks:** “Inverted U” type racks or other racks that support the bicycle at two points on the bicycle frame are required. A single inverted U rack shall count as two bicycle parking spaces. Long term bicycle parking, which protects the entire bicycle and its components from theft, vandalism, and weather (such as bike lockers, locked rooms) may be provided for use by employees, residents, and students and may count toward fulfillment of the bicycle parking requirements.



Photo by City of Charlotte

Example of an “Inverted U” bicycle rack. This rack will hold two bikes.

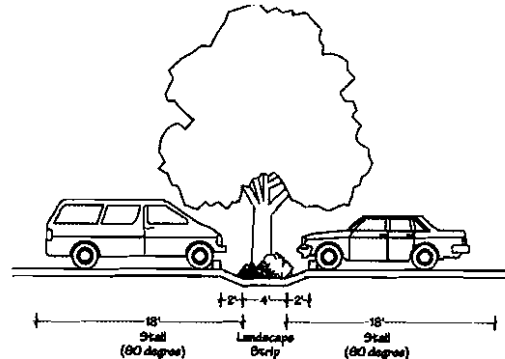
2. **Bicycle Rack Siting and Dimensions:**
 - [a] Racks shall be secured to the ground on a hard surface such as concrete, asphalt, or unit pavers.
 - [b] Each bicycle parking space shall provide six (6) feet by two (2) feet in area per bicycle plus the area needed for access.

- [c] Bicycle racks shall be located no closer than five (5) feet from any wall or three (3) feet from face of curb to provide adequate space for access and maneuvering.
 - [d] At least four (4) feet between parallel racks shall be provided for access.
 - [e] Bicycle racks installed on sidewalks shall provide for a clear, unobstructed width of at least five (5) feet for pedestrians and shall be installed parallel to the curb.
 - [f] Racks should be placed along a major building approach line and clearly visible from the approach and no more than 50 feet from building entrances or no further than the closest motor vehicle parking space, whichever is less. Rack placement should allow for visual monitoring by persons within the building and/or persons entering the building.
 - [g] If required bicycle parking is not visible from the street or main building entrance, a sign shall be posted at the main entrance indicating the location of the parking.
 - [h] Uses with several major, actively used entrances shall locate a portion of the required bicycle parking at each entrance.
- d. Loading: Loading areas shall be to the rear of the principal building and may adjoin alleys or parking areas.
 - e. Parking Area Landscaping: Parking lots shall be landscaped in accordance with the standards in Section 26-176(g), Vehicular Surface Area Landscaping, except as specified below.
 - 1. Vehicle Surface Area Interior Landscaping: Vehicle parking areas are to be planted with one (1) large shade tree for every five (5) parking spaces.
 - 2. Bioretention: Required Vehicle Surface Area Interior Landscaping (Section 26-176(g)(3)) may be substituted with one or more consolidated bioretention areas with minimum side dimensions measuring at least 38 X 12 feet each. Bioretention areas shall be designed and landscaped to trap and mitigate runoff from paved surfaces consistent with the description and intent of EPA Storm Water Technology Fact Sheet - Bioretention (EPA 832-F-99-012, September 1999), or equivalent. Bioretention areas may be sited anywhere in the parking lot that is convenient to capture stormwater and manage parking lot traffic and facilitate pedestrian use, including adjacent to and connecting with vegetated areas on the perimeter

of a parking lot. Bioretention areas shall be considered part of the minimum required open space.

3. A portion of a parking space may be landscaped instead of paved, as follows:

[a] The landscaped area may include up to 2 feet of the front of the parking space as measured from a line parallel to the direction of the bumper of a vehicle using the space, as shown at right;



[b] Landscaping must be ground cover plants; and

[c] The landscaping may count towards any parking lot interior landscaping requirements and toward any overall site landscaping requirements. However, the landscaped area does not count toward perimeter landscaping requirements.

Required parking landscaped areas may include up to 2 feet of the front of a parking space as measured from a line parallel to the direction of the bumper of a vehicle using the space, as shown.

4. Garbage Receptacles: For every 100 parking spaces, one garbage receptacle shall be provided and centrally located in parking areas.

f. Parking Structures:

1. Liner Buildings Required: The ground-level of a parking structure shall be wrapped by retail, office or some other active use along at least the primary façade. All levels of a structured parking facility shall be designed and screened in such a way as to minimize visibility of parked cars from surrounding streets.
2. High-Quality Materials: Parking structure facades shall be treated with high quality materials and given vertical articulation and emphasis compatible to the principal structure. The façade should be designed to visually screen cars. In no instance will rails or cabling alone be sufficient to meet this screening requirement.
3. Clear Entries: Pedestrian entries shall be clearly visible. The vertical circulation should not be located in the center of the structure or so that it is difficult or circuitous to locate.
4. Vents and Utility Openings: In addition to the above requirements, in the event that any openings for ventilation, service, or emergency access are

located at the first floor level in the building façade, then they shall be an integral part of the overall building design. These openings as well as pedestrian and vehicular entrances shall be designed to minimize visibility of parked cars. The remainder of the street level frontage shall be either commercial space or an architecturally articulated façade designed to minimize the visibility of parked cars.

- g. Circulation Drives: Along major thoroughfares, a circulation drive may be permitted around the front of the building but may not encroach into the front setback or any required landscape area. If provided, this drive shall be designed to be the minimal width required for one-way circulation (not to exceed 12 feet in width) and shall be constructed using alternative paving treatments such as pavers or stamped concrete.

(5) Sidewalk and pedestrian amenities:

- a. Sidewalks: Sidewalks shall be constructed along both sides of all streets in CRD overlay districts.

- 1. Sidewalks on local streets shall be a minimum of 5 feet in width.

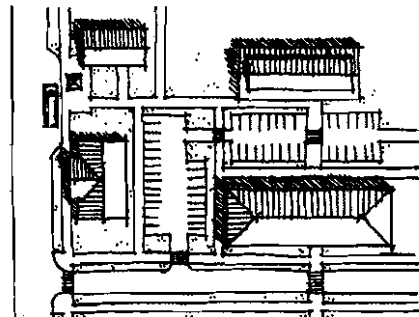
- 2. Sidewalks on collectors or arterials shall be a minimum of 6 feet in width. Sidewalks should be a minimum of 8 feet in front of retail uses within 10 feet of the right-of-way. Sidewalks located in a mixed-use area with sidewalk-fronting, ground-floor retail and on-street parking may extend from the back of curb to the buildings and/or plaza areas and shall be a minimum of 12 feet wide. When outdoor, café-seating is expected, the sidewalk shall be a minimum of 16 feet wide.



Typical sidewalks in mixed-use commercial areas should be 12-16 feet wide to encourage outdoor seating while providing adequate passing clearance

- b. Pedestrian Network:

- 1. Developers shall provide a complete network of pedestrian paths that interconnect building entrances, parking, transit stops, public sidewalks and crosswalks, adjacent properties, adjoining off-street paths, and other key destinations on or adjacent to the site. If no immediate benefit can be derived from pedestrian links between adjoining properties, a future at-grade link shall be provided for through a



Provide a complete network of pathways and sidewalks to buildings and through parking areas

construction easement to the adjoining property.

2. Pedestrian pathways shall be provided from buildings to the sidewalk and through parking areas to ensure safe, direct, and convenient pedestrian access to building entrances and off-street parking.

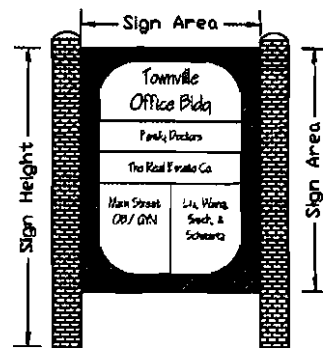
(6) Signs: Sign standards shall be governed by Section 26-180 of this Chapter with the following exceptions:

- a. Existing signs not conforming to the standards above shall be governed by the provisions of sub-section 26-180(o), Non-conforming Signs. Furthermore, all existing non-conforming signs must be removed in order to utilize the CRD Overlay provisions.

- b. No permanent detached pole signs shall be permitted in the CRD District.

- c. Ground mounted or monument signs are allowed as follows:

1. Not to exceed 5 feet in height and forty (40) square feet in area per side.
2. Up to an additional fifteen (15) square feet of sign area is permitted for a monument sign that has a rock or brick base and a routed or sandblasted sign that is made out of wood.



3. Located behind the right-of-way and out of any sight distance triangle prescribed by SCDOT and Richland County Public Works.

- d. No outdoor advertising signs will be permitted.

- e. Signs are allowed to project nine (9) feet into the required setback or one-half the width of the required setback, whichever is less. A minimum overhead clearance of eight (8) feet from the sidewalk must be maintained.

(7) Recreation/Open Space Standards: All CRD developments that include residential units shall be required to dedicate open space. The amount of useable open space required for dedication shall be determined using the Open Space Dedication Matrix below. Unless otherwise specified below, the requirements of Section 26-184 of this chapter shall apply.

- a. Open Space Dedication Requirements: This matrix has been developed with regard to the availability of accessible open space in close proximity to the proposed development. Credits are granted to developments within a ¼ mile (5 minute) walk (along sidewalks or other pedestrian access) to existing,

publicly dedicated open space (parks, greenways, etc.). Developments that are adjacent to existing publicly dedicated open space are granted a fifty (50%) percent reduction in required dedication.

		Required Open Space
REQUIRED OPEN SPACE PER RESIDENTIAL UNIT	Base open space required	200 sq ft per residential unit
	Within ¼ mile of public park	100 sq ft per residential unit
	Adjacent to public park	None required
Mixed-Use Development		2% of Lot or Development

b. Payment in Lieu of Dedication of Open Space:

1. The County Council may, at its discretion, accept either an equitable amount of land in another location within ½ mile of the development site or a fee paid to the County in lieu of dedication. A combination of recreational open space dedication and payments-in-lieu of dedication may be permitted. The following formula shall be used to determine the fee:

$$\frac{\text{Post Development Appraised Value of Entire Development} \times \text{Required Recreational Open Space Dedication}}{100} = \text{Payment in Lieu Dedication Fee}$$

2. The Post Development Appraised Value of the entire development shall be established by an appraiser who is a member of the American Institute of Real Estate Appraisers.
3. Payments-in-lieu-of-dedication shall be approved as part of the development plan. Any disagreement in the amount of required payment shall be resolved by conducting a professional appraisal of the fair market value of the property. The professional appraiser shall be mutually agreed upon by the developer and County. An appraiser shall be appointed by the County should an agreement not be reached. All payments made in lieu of dedication shall be made at the time of preliminary plat approval. Failure to submit the required fee along with such applications will delay approval of such submissions until payment is rendered. All funds received for payment in lieu of dedication shall be deposited in a special fund or line item to be used only for the acquisition, development, or redevelopment of public recreation space within the CRD Overlay District or other approved location.

4. Reasons for payments-in-lieu-of-dedication may include, but are not limited to, proximity to existing public parks and/or existing topographic or geographic conditions.

b. Open Space Improvement Standards:

1. Inaccessible Land: No more than 25% of open space may be provided in “inaccessible land”, including: any land where no zoning or building permits may be issued (such as dedicated easements and rights-of-way – except those existing only to protect underground utilities such as water or sewer lines – wetlands, bodies of water, etc., as determined by County Planning staff); and, any land with a post-development slope greater than 3:1, which would severely limit its usefulness as open space.
2. Natural Areas: Significant stands of trees, streambed areas, and other valuable topographic features shall be preserved within the required open space areas where practical. Areas noted on the adopted Redevelopment Plan as open space should be preserved and dedicated where practical and feasible and may be left unimproved in accordance with the plan (e.g., greenways).
3. Location: The design and location of public open space on a site is perhaps the most important determinant in a successful pedestrian environment. To ensure that public open space is well-used, it is essential to locate and design it carefully.

[a] Public open space should be fronted by streets and buildings to encourage their use and patrol their safety.

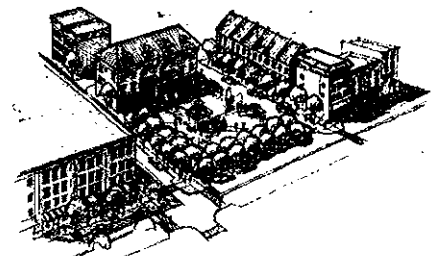
[b] The space should be located where it is visible and easily accessible from homes and public areas (building entrances, streets, sidewalks). No residential unit shall be more than one thousand (1,000) feet from any dedicated open space.



Public open space may be raised from the street grade and/or have on-street parking along its perimeter to help define its edges

[c] Take views and sun exposure into account in design and location.

[d] The space should be well-buffered from moving cars so that users can enjoy and relax in the space.



An “outdoor room” is created by surrounding an open plaza or greenspace with buildings

- [e] The space may be visible from streets or internal drives but should not be wholly exposed to them.
 - [f] Partially enclose the space with building walls, freestanding walls, landscaping, raised planters, or on-street parking to help buffer it and create comfortable "outdoor rooms".
4. **Public Seating:** Publicly accessible places to sit in the public realm are important not only as basic amenities, but also in encouraging casual social interaction. Seating can be both formal and informal, including both park benches on the tops of garden walls or monumental stairs at the entrance to public buildings. Planter walls should be set at a maximum height of 2½ feet to allow for their use as seating. Moveable chairs and sidewalk cafes are strongly encouraged in public open spaces in the CRD Overlay District.
5. **Minimum Amenities:** The following requirements apply to squares, plazas and other urban open spaces in the CRD Overlay District:

[a] One (1) tree (3 inch caliper minimum measured 6" above the ground at installation) to be planted in at least 350 square feet of soil for every 1,000 square feet of provided open space.

[b] A minimum of twenty-five (25) linear feet of seating should be provided for every 1,000 square feet of open space. Seating should be more than 12 inches and less than 30 inches in height and not less than 16 inches in depth. Seating more than 28 inches in depth and accessible from two sides should count double. Moveable chairs are encouraged and each count as 2 ½ linear feet of suggested seating.

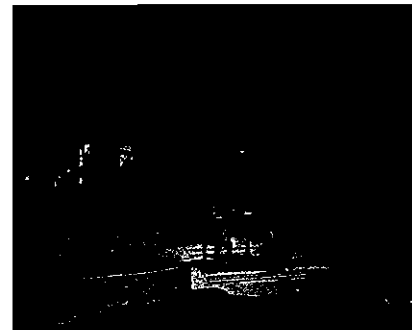


Photo by Colefjord & Stone

Provide amenities such as landscaping and seating in open space to encourage its use.

- [c] At least half of the open space should be at street level.
- [d] Playground equipment, statues, and fountains, if provided, should be located toward the interior of squares and parks.
- [e] One (1) water tap for each five thousand (5,000) square feet of each landscaped open space.
- [f] One (1) garbage receptacle for each five thousand (5,000) square feet of each physically separated open space.

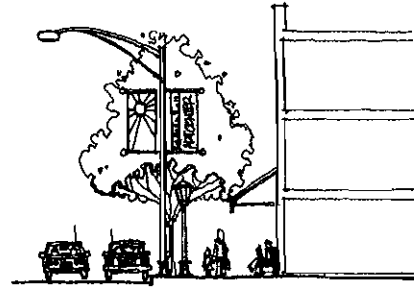
(8) Building Design and Operation Standards:

a. Lots and Buildings:

1. Lot Frontage: All lots shall front a street, square or common open space. (Exception: Buildings which are interior to a site that has buildings that otherwise meet the frontage requirement).
2. Corner Lots: Buildings located at street intersections must place the main building, or part of the building, at the corner.
3. Setbacks: A building may be set back to create an “outdoor room” or patio/café seating.
4. Adjacent Lots: For similarly used properties, the grade of adjacent lots should match where the properties meet. If there is a significant grade difference, development should create an attractive transition using creative grading and landscaping or a decorative retaining wall, incorporating vehicular and pedestrian cross-access. Avoid using a blank or unscreened concrete retaining wall or rock covered slope.
5. Termination of Vistas: Important street vistas (such as along gateways and primary pedestrian streets) should terminate in a focal point, such as a building or other architectural or landscape feature.
6. General Building Design Standards:
 - [a] Entryway: The main entrance of all principal structures shall open to a road, square, or common open space of at least twenty (20) square feet in area.
 - [b] Architectural Style: The building design standards of this Chapter intentionally do not mandate a particular style and permit a wide variety of architectural expressions. However, when a design exhibits a known architectural style (i.e., Colonial, Victorian, Classical Revival) the details shall be consistent with that style unless the local architectural vernacular of Richland County provides an alternate precedent for a detail or element.

- (9) Streets: Streets in the CRD Overlay District should permit the comfortable use of the street by motorists, cyclists, and pedestrians. Pavement widths, design speeds, and the number of vehicle lanes should be minimized without compromising safety. The specific design of any given street must consider the buildings which front on the street and the relationship of the street to the area’s street network.

- a. Connectivity: Streets shall interconnect within a development and with adjoining development. Street stubs should be provided with development adjacent to open land to provide for future connections.
- b. Streetscape Design: All new development or expansions to existing development shall be required to build or upgrade their street frontage in accordance with the following standards or standards established in an adopted Redevelopment Plan:



A typical mixed-use streetscape in a commercial area with on-street parking, lighting, street trees, seating, and sidewalks.

- 1. On-Street Parking: All on-street parking should be parallel. Angle parking is permitted in front of high traffic retail locations and where the posted speed is 25 mph or less.
- 2. Access Management: Developments should minimize or eliminate curb cuts (driveways) along arterials. In general, curb cuts should be spaced no closer than 600 feet apart.
 - [a] Where possible, vehicular access should be shared with the adjacent properties and/or alleys should be utilized for access. Developments that share access may reduce their required Vehicle Surface Area Interior Landscaping requirements by twenty-five (25%) percent.
 - [b] Where a development is sited at a corner location, primary access shall be from the secondary street.
 - [c] All lots, parcels, or any other division of land adjacent to an arterial roadway may be allowed driveways or street connections in accordance with the following table:

Parcel Frontage (feet)	Number of Driveways Allowed
< 600	1
601-1200	2
>1201	3

- 3. Curb-Return Radii: Curb radii shall be designed to reduce pedestrian crossing times along all streets requiring sidewalks. In general, curb radii should not exceed twenty (20) feet.
- 4. Curbs and Drainage: Standard curbing is required along all streets with on-street parking. All drainage grates, if provided, must be safe for bicyclists (grating must be perpendicular or diagonal to the street centerline).

5. Street Trees/Planting Strips: Street trees shall be planted between the street and the sidewalk for all new development. Trees shall be planted in planting strips or in tree wells with tree grates located between the curb and the sidewalk. Street trees shall substitute for required Street Protective Yard requirements (Section 26-176(e)), except where buildings are set back more than forty (40) feet from the right-of-way, in which case street trees and Street Protective Yards shall be required.
 - [a] Shade trees shall be installed at a minimum average distance of forty (40) feet on-center. Where overhead utilities exist prior to development, ornamental trees shall be substituted.
 - [b] Planting strips shall have minimum width of six (6) feet where ornamental trees are to be used and eight (8) feet where shade trees are required.
 - [c] Trees shall be planted in tree wells with tree grates in areas of mixed-use development where street frontages contain ground floor retail uses and on-street parking.
 - [d] A consistent variety and species of street trees shall be maintained by street, but adjacent streets shall use different species for variety and as a precaution against blight.
6. Outdoor Seating: Where uses such as outdoor seating for cafés and restaurants use the public sidewalk, there shall be a minimum of four (4) feet of clearance for adequate passing distance by pedestrians.
7. Street Lighting: Street furnishings in residential and retail areas shall include decorative, pedestrian-scale street lights no taller than twelve (12) to eighteen (18) feet.
8. Roadway Design: The road standards for the CRD Overlay District may be different from those set forth in Sec. 26-181 of this chapter, but must be approved by the county engineer during the CRD Overlay District review process. Reduced roadway widths are encouraged for traffic calming and due to a pedestrian-oriented approach to travel in a CRD Overlay District.
9. Alleys: Alleys are encouraged at the rear of building lots within the CRD District, except when topography or physical features makes such alleyways impractical. Dead end alleys are prohibited.
10. Street furnishings: Street furnishings shall be included in the CRD District streetscapes. Such furnishings shall include, but not be limited to:

pedestrian scale decorative street lights, benches, trash cans, and bicycle parking racks.

11. Traffic Management Plan: A traffic management plan, conducted by a registered engineer, must accompany a submission for all CRD Overlay District developments with an estimated trip generation of 3,000 vehicles per day or greater during an average weekday based on a five day national average as defined in the ITE Trip Generation Manual. The plan shall analyze the multi-modal transportation impacts of the proposed development and include proposals for handling all impacts noted. (Typically, the following developments meet or exceed the 3,000 vehicles per day threshold: 300 residential units; 55,000 square feet of retail; 250,000 square feet of office space; 350 room hotel.)

12. Utilities: To the extent possible, utilities (and associated pedestals, cabinets, junction boxes, and transformers), including electric, cable, telephone, and natural gas service, shall be located within alley right-of-ways, or behind buildings. Domestic water service and sanitary sewer must be located in such a way to cause the least impact to the streetscape planting strip and required street trees. Unless otherwise approved by the Planning Commission and the County Council, all utilities shall be placed underground.

(e) Site Plan. The CRD site plan shall include all aspects of the spatial relationships proposed for the development, including:

(1) Layout and dimensions of lots, setbacks, roadways, alleys, open spaces and all information required to define the relationships within the streetscapes;

(2) Street Sections; and

(3) Building elevations.

(f) Consistency with the Comprehensive Plan. The proposed Redevelopment Plan Area must be consistent with and compliment the *Richland County Comprehensive Plan*, the land use plan, and the capital improvement plan for the planning area in which it is located. In addition, it is recommended that the Redevelopment Plan be more clearly defined in the Comprehensive Plan update.

SECTION V. The Richland County Code of Ordinances; Chapter 26, Land Development; Article V, Zoning Districts and District Standards; Sections 26-107 – 26-130, Reserved; is hereby amended to read as follows:

Secs. 26-108 – 26-130. Reserved.

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

SECTION VIII. Effective Date. This ordinance shall be enforced from and after _____, 2008.

RICHLAND COUNTY COUNCIL

BY: _____
Joseph McEachern, Chair

ATTEST THIS THE ____ DAY

OF _____, 2008

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 26, 2008
First Reading: February 26, 2008
Second Reading: March 4, 2008 (tentative)
Third Reading:

As presented at the Zoning Public Hearing on 2-26-08

STATE OF SOUTH CAROLINA
COUNTY COUNCIL FOR RICHLAND COUNTY
ORDINANCE NO. ___-08HR

AN ORDINANCE AMENDING THE RICHLAND COUNTY CODE OF ORDINANCES; CHAPTER 26, LAND DEVELOPMENT; ARTICLE VI, SUPPLEMENTAL USE STANDARDS; SECTION 26-151, PERMITTED USES WITH SPECIAL REQUIREMENTS; SUBSECTION (C), STANDARDS; PARAGRAPH (66), SEXUALLY ORIENTED BUSINESSES; SO AS TO AMEND REQUIREMENTS PERTAINING TO SEXUALLY ORIENTED BUSINESSES.

WHEREAS, sexually oriented businesses require special supervision from the public safety agencies of the County in order to protect and preserve the health, safety, and welfare of patrons of such businesses as well as citizens of the County; and

WHEREAS, upon review of numerous studies, case law, analyses, and observations, the County concludes that sexually oriented businesses, as a category of business, are associated with a wide variety of negative secondary effects, including but not limited to, personal and property crimes, public safety risks, prostitution, potential spread of disease, lewdness, public indecency, illicit sexual activity, illicit drug use and drug trafficking, undesirable and criminal behavior associated with alcohol consumption, adverse impacts on surrounding properties, litter, and sexual assault and exploitation; and

WHEREAS, the Richland County Council has a substantial government interest in minimizing and controlling these adverse effects and thereby protecting the health, safety and welfare of the citizenry; protect the citizens from crime; preserve the quality of life; preserve the property values and character of surrounding neighborhoods and deter the spread of urban blight; and

WHEREAS, the County's interest in regulating sexually oriented businesses extends to future secondary effects that could occur in the County related to current sexually oriented businesses as well as sexually oriented businesses that may locate in the County in the future; and

WHEREAS, the County recognizes its constitutional duty to interpret, construe, and amend its laws and ordinances to comply with constitutional requirements as they are announced; and

WHEREAS, it is not the intent of this ordinance to suppress any speech activities protected by the United States Constitution or the South Carolina Constitution, but to enact an ordinance to further the content-neutral governmental interests of the County, to wit, the controlling of secondary effects of sexually oriented businesses.

WHEREAS, the secondary effects information discussed herein is in addition to secondary effects information compiled and considered by the Richland County Council

As presented at the Zoning Public Hearing on 2-26-08

when it adopted Ordinance 1609-87 HR, which became the original Sexually Oriented Business Ordinance, and subsequent amendments thereto; and

WHEREAS, the Richland County Council finds that documents and public comments in that original legislative record for Ordinance 1609-87HR, as well as the secondary effects information identified in this ordinance provide legislative support for the original Sexually Oriented Business Ordinance.

Pursuant to the authority 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 Richland County Code of Ordinances, Chapter 26, Land Development; Article II, Rules of Construction/Definitions; Section 26-22, Definitions; is hereby amended by the deletion of the definition of "Sexually oriented business" and the substitution of the following language:

Sexually oriented business. An adult arcade, adult bookstore, adult video store, adult cabaret, adult motel, adult motion picture theater, adult theater, ~~escort agency, nude model studio,~~ or sexual encounter center. As used in this chapter, the following definitions shall apply to such businesses:

- (a) *Adult arcade.* Any place where the public is permitted or invited wherein coin-operated or slug-operated or electronically, electrically, or mechanically controlled still or motion picture machines, projectors, or other image-producing devices are maintained to show images to five (5) or fewer persons per machine at any one time, and where the images so displayed are distinguished or characterized by the depicting or describing of specified sexual activities or specified anatomical areas.
- (b) *Adult bookstore or adult video store.* A commercial establishment which, as one of its principal business purposes, offers for sale or rental (for any form of consideration) any one (1) or more of the following:
 - (1) Books, magazines, periodicals, or other printed matter, or photographs, films, motion pictures, videocassettes ~~or video reproductions,~~ compact discs, digital video discs, video reproductions, slides, or other visual representations, which depict or describe specified sexual activities or specified anatomical areas; or
 - (2) Instruments, devices, or paraphernalia that are designed for use in connection with specified sexual activities. A commercial establishment may have other principal business purposes that do not involve the offering for sale or rental of material depicting or describing specified sexual activities or specified anatomical areas and still be categorized as an adult bookstore or adult video store.

As presented at the Zoning Public Hearing on 2-26-08

Such other business purposes will not serve to exempt such commercial establishment from being categorized as an adult bookstore or adult video store so long as one of its principal business ~~purposes~~ activities is the offering for sale or rental for consideration the specified materials which depict or describe specified sexual activities or specified anatomical areas.

(3) Principal business activities means the commercial establishment has a substantial portion of its displayed merchandise which consists of said items; or has a substantial portion of the wholesale value of its displayed merchandise which consists of said items; has a substantial portion of the retail value of its displayed merchandise which consists of said items; or derives a substantial portion of its revenues from the sale or rental, for any form of consideration, of said items; or maintains a substantial section of its interior business space for the sale or rental of said items.

(c) *Adult cabaret.* A nightclub, bar, restaurant, or similar commercial establishment, ~~that regularly features:~~ regardless of whether alcoholic beverages are served, which regularly features persons who appear semi-nude.

~~(1) Persons who appear in a state of nudity; or~~

~~(2) Live performances that are characterized by the exposure of specified anatomical areas or by specified sexual activities; or~~

~~(3) Films, motion pictures, videocassettes, slides, or other photographic reproductions that are characterized by the depiction or description of specified sexual activities or specified anatomical areas.~~

(d) *Adult motel.* A hotel, motel, or similar commercial establishment that:

(1) Offers accommodations to the public for any form of consideration; provides patrons with closed-circuit television transmissions, films, motion pictures, videocassettes, slides, or other photographic reproductions that are characterized by the depiction or description of specified sexual activities or specified anatomical areas; and has a sign visible from the public right-of-way which advertises the availability of this adult type of photographic reproductions; or

(2) Offers a sleeping room for rent for a period of time that is less than ten (10) hours; or

(3) Allows a tenant or occupant of a sleeping room to sub-rent the room for a period of time that is less than ten (10) hours.

As presented at the Zoning Public Hearing on 2-26-08

- (e) *Adult motion picture theater.* A commercial establishment where, for any form of consideration, films, motion pictures, videocassettes, slides, compact discs, digital video discs, video reproductions, or similar photographic reproductions are regularly shown that are characterized by the depiction or description of specified sexual activities or specified anatomical areas.
- ~~(f) *Adult theater.* A theater, concert hall, auditorium, or similar commercial establishment that regularly features persons who appear in a state of nudity or live performances that are characterized by the exposure of specified anatomical areas or by specified sexual activities.~~
- (gf) *Escort.* A person who, for consideration, agrees or offers to act as a companion, guide, or date for another person, or who agrees or offers to privately model lingerie or to privately perform a striptease for another person.
- (hg) *Escort agency.* A person or business association who furnishes, offers to furnish, or advertises to furnish escorts as one of its primary business purposes for a fee, tip, or other consideration.
- (ih) *Establishment of a sexually oriented business.* Any of the following:
 - (1) The opening or commencement of any sexually oriented business as a new business;
 - (2) The conversion of an existing business, whether or not a sexually oriented business, to any sexually oriented business;
 - (3) The additions of any sexually oriented business to any other existing sexually oriented business; or
 - (4) The relocation of any sexually oriented business.
- (ji) *Nude model studio.* Any place where a person who appears in a state of nudity or displays specified anatomical areas is provided to be observed, sketched, drawn, painted, sculptured, photographed, or similarly depicted by other persons who pay money or any form of consideration. This definition shall not include a modeling class operated by a proprietary school licensed by the State of South Carolina, or by a college, junior college, or university in a structure that has no sign visible from the exterior of the structure and no other advertising that indicates a nude person is available for viewing and where, in order to participate in a class, a student must enroll at least three (3) days in advance of the class.

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In these situations, no more than one (1) nude model may be present at any one time.

- (kj) *Nude or a state of nudity.* ~~The appearance of a person's genitals, pubic area, vulva, anus, anal cleft or cleavage of the buttocks, including the portion of the buttocks within four (4) inches on either side of a vertical line extending upward from the anus, or any simulation thereof; or any portion of a female breast below a horizontal line across the top of the areola at its highest point, or any simulation thereof. This definition shall include the entire lower portion of the female breast. The showing of the human male or female genitals, pubic area, vulva, anus, anal cleft or cleavage with less than a fully opaque covering, or the showing of the female breast with less than a fully opaque covering of any part of the nipple and areola.~~
- (l) ~~Permittee and/or licensee.~~ A person in whose name a permit and/or license to operate a sexually oriented business has been issued, as well as the individual listed as an applicant on the application for a permit and/or license.
- (mk) *Semi-nude.* ~~A state of dress in which clothing covers no more than the genitals, pubic region, and areolae of the female breast, as well as portions of the body covered by supporting straps or devices. The showing of the female breast below a horizontal line across the top of the areola and extending across the width of the breast at that point, or the showing of a majority of the male or female buttocks. This definition shall include the lower portion of the female breast, but shall not include any portion of the cleavage of the human female breasts exhibited by a dress, blouse, shirt, leotard, or similar wearing apparel provided the areola is not exposed in whole or in part.~~
- (nl) *Sexual encounter center.* A business or commercial enterprise that, as one of its primary principal business purposes, offers for any form of consideration:
- (1) Physical contact in the form of wrestling or tumbling between persons of the opposite sex; or
 - (2) Activities between male and female persons and/or persons of the same sex when one or more of the persons is in a state of nudity or semi-nude.
- (om) *Specified anatomical areas.* ~~The male genitals in a state of sexual arousal and/or the vulva or more intimate parts of the female genitals. The human genitals, pubic region, buttocks, and female breast below a point~~

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immediately above the top of the areola; and human male genitals in a discernibly turgid state, even if completely and opaquely covered.

(pn) *Specified sexual activities.* Any of the following:

- ~~(1) The fondling or other erotic touching of human genitals, pubic region, buttocks, anus, or female breasts; intercourse, oral copulation, masturbation or sodomy; or~~
- ~~(2) Sex acts, normal or perverted, actual or simulated, including intercourse, oral copulation, and/or sodomy;~~
- ~~(3) Masturbation, actual or simulated; or~~
- (24) Excretory functions as part of or in connection with any of the activities set forth in subsection (1) through (3) of this definition above.

(eo) *Substantial enlargement of a sexually oriented business.* The increase in floor areas occupied by the business by more than twenty-five percent (25%), as the floor areas exist on August 1, 1987.

(fp) *Transfer of ownership or control of a sexually oriented business.* Any of the following:

- (1) The sale, lease, or sublease of the business; or
- (2) The transfer of securities which constitute a controlling interest in the business whether by sale, exchange or similar means; or
- (3) The establishment of a trust, gift, or other similar legal device that transfers the ownership or control of the business, except for transfer by bequest or other operation of law upon the death of the person possessing the ownership or control.

SECTION II. The Richland County Code of Ordinances; Chapter 26, Land Development; Article VI, Supplemental Use Standards; Section 26-151, Permitted Uses with Special Requirements; Subsection (c), Standards; Paragraph (66), Sexually Oriented Businesses, is hereby amended by the deletion of the language contained therein and the substitution of the following language:

(66) *Sexually oriented businesses.*

a. Use districts: General Commercial.

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b. Purpose and Findings:

1. ~~It is~~ The purpose of this subsection is to regulate sexually oriented businesses in order to promote the health, safety, ~~morals,~~ and general welfare of the citizens of Richland County. ~~Furthermore, the purpose of these regulations is~~ and to establish reasonable and uniform regulations to prevent the ~~continued deleterious location and concentration~~ secondary effects 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 or reasonable access to any communicative materials, ~~including sexually oriented materials~~ or expression. Similarly, it is ~~not~~ neither the intent nor effect of these regulations to restrict or deny access by adults to sexually oriented materials or expression protected by the First Amendment of the United States Constitution, or to deny access by the distributors and exhibitors of sexually oriented entertainment to their intended market. Neither is it the intent nor effect of this subsection to condone or legitimize the distribution or exhibition of obscenity ~~obscene material~~.
2. Based on evidence of the adverse secondary effects of sexually oriented businesses presented in hearings and reports made available to the Richland County Council, and on the findings, interpretations, and narrowing constructions incorporated in the cases of *City of Littleton v. Z.J. Gifts D-4, LLC*, 124 S. Ct. 2219 (2003); *City of Los Angeles v. Alameda Books, Inc.*, 535 U.S. 425 (2002); *Pap's A.M. v. City of Erie*, 529 U.S. 277 (2000); *City of Renton v. Playtime Theatres, Inc.*, 475 U.S. 41 (1986); *Young v. American Mini Theatres*, 427 U.S. 50 (1976); *Barnes v. Glen Theatre, Inc.*, 501 U.S. 560 (1991); *Chesapeake B & M, Inc. v. Harford County*, 58 F.3d 1005 (4th Cir. 1995); *Centaur v. Richland County*, 392 S.E.2d 165 (S.C. 1990); and other cases; and on reports of secondary effects occurring in and around sexually oriented businesses, including, but not limited to, Phoenix, Arizona (1979); Minneapolis, Minnesota (1980); Houston, Texas (1987); Indianapolis, Indiana (1984); Amarillo, Texas (1977); Garden Grove, California (1991); Los Angeles, California (1977); Whittier, California (1978); Austin, Texas (1986); Seattle, Washington (1989); Oklahoma City, Oklahoma (1986); Dallas, Texas (1997); Newport News, Virginia (1996); New York Times Square Study (1994); Phoenix, Arizona (1995-1998); Centralia, Washington 2004; Greensboro, North Carolina (2003); and also from the reports of "Sexually Oriented Businesses: An Insider's View," by David Sherman, presented to the Michigan House Committee on Ethics and Constitutional Law, January 12, 2000; and the Report of the Attorney General's Working Group on the Regulation of Sexually Oriented

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Businesses, (June 6, 1989, State of Minnesota), the Richland County Council finds:

- (a) Sexually oriented businesses, as a category of commercial uses, are associated with a wide variety of adverse secondary effects including, but not limited to, personal and property crimes, public safety risks, prostitution, potential spread of disease, lewdness, public indecency, illicit sexual activity, illicit drug use and drug trafficking, undesirable and criminal behavior associated with alcohol consumption, negative impacts on surrounding properties, litter, and sexual assault and exploitation.
 - (b) Each of the foregoing negative secondary effects constitutes a harm which the County has a substantial government interest in preventing and/or abating in the future. This substantial government interest in preventing secondary effects, which is the County's rationale for this ordinance, exists independent of any comparative analysis between sexually oriented and non-sexually oriented businesses. Additionally, the County's interest in regulating sexually oriented businesses extends to future secondary effects that could occur in the County related to current sexually oriented businesses in the future as well as sexually oriented businesses that may locate in the County in the future. The County finds that the cases and secondary effects documentation relied on in this ordinance are reasonably believed to be relevant to said secondary effects.
- 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.

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~~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~~

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~~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 any 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:~~

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- ~~(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.~~

ld. *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 A sexually oriented business~~

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shall not be located within one thousand (1,000) feet of any place of worship, a public or private elementary or secondary school, a child daycare center or a pre-school, a boundary of any residential zoned district, a public park or recreation center, any residential units within a PDD zoned district 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 operates or permits the operation, establishment, substantial enlargement, or transfer of ownership or control of a~~ A sexually oriented business shall not be located within one thousand (1,000) feet of another sexually oriented business.
4. ~~A person commits a misdemeanor if he or she operates or permits~~ The operation, establishment, or maintenance of more than one (1) sexually oriented business is prohibited in the same building, structure, or portion thereof, or the increase of floor areas of any sexually oriented business in any building, structure, or portion thereof containing another sexually oriented business.
5. For the purpose of this ~~Section 26-151(e)(66)~~ subparagraph d. 2., above, 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~~ subparagraph d. 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~~

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~~location is the conforming use and the later established business(es) is nonconforming.~~

- ~~8. 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 "subrent" mean the act of permitting a room to be occupied for any form of consideration.~~

~~em. 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, compact discs, digital video discs, or other video, electronic, or digital 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 Δ diagram of the premises showing a plan thereof specifying the location of one or more~~

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manager's stations and the location of all overhead lighting fixtures and designating any portion of the premises in which patrons will not be permitted must be provided to the Zoning Administrator. A manager's station may not exceed thirty-two (32) square feet of floor area. ~~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 diagram 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~~ subparagraph 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 subparagraph (e) above remains unobstructed by any doors, walls, merchandise,

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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 diagram submitted filed pursuant to subsection subparagraph (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.~~

f. Regulations pertaining to adult cabarets. It shall be a violation of this chapter for an employee, independent contractor, or person under a similar arrangement with any owner, operator, manager, agent, shareholder of an adult cabaret, while located within an adult cabaret, to appear in a state of nudity or to fail to comply with the definition of semi-nude.

eg. *Exemptions.* It is a defense to prosecution under subsections subparagraph (66)e. and (66)l. (66)d., above (Location of Sexually Oriented Businesses), 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:

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- (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.

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

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

SECTION V. Effective Date. All sections of this ordinance shall be effective on and after _____, 2008.

RICHLAND COUNTY COUNCIL

BY: _____
Joseph McEachern, Chair

ATTEST THIS THE ____ DAY
OF _____, 2008

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: February 5, 2008
Public Hearing: February 26, 2008
Second Reading: March 4, 2008 (tentative)
Third Reading:

Ordinance as Recommended by the Planning Commission at its Meeting Held
February 27, 2008

STATE OF SOUTH CAROLINA
COUNTY COUNCIL FOR RICHLAND COUNTY
ORDINANCE NO. ___-08HR

**AN ORDINANCE AMENDING THE RICHLAND COUNTY CODE OF ORDINANCES;
CHAPTER 26, LAND DEVELOPMENT; ARTICLE VI, SUPPLEMENTAL USE
STANDARDS; SECTION 26-151, PERMITTED USES WITH SPECIAL
REQUIREMENTS; SUBSECTION (C), STANDARDS; PARAGRAPH (66), SEXUALLY
ORIENTED BUSINESSES; SO AS TO AMEND REQUIREMENTS PERTAINING TO
SEXUALLY ORIENTED BUSINESSES.**

WHEREAS, sexually oriented businesses require special supervision from the public safety agencies of the County in order to protect and preserve the health, safety, and welfare of patrons of such businesses as well as citizens of the County; and

WHEREAS, upon review of numerous studies, case law, analyses, and observations, the County concludes that sexually oriented businesses, as a category of business, are associated with a wide variety of negative secondary effects, including but not limited to, personal and property crimes, public safety risks, prostitution, potential spread of disease, lewdness, public indecency, illicit sexual activity, illicit drug use and drug trafficking, adverse impacts on surrounding properties, litter, and sexual assault and exploitation; and

WHEREAS, the Richland County Council has a substantial government interest in minimizing and controlling these adverse effects and thereby protecting the health, safety and welfare of the citizenry; protect the citizens from crime; preserve the quality of life; preserve the property values and character of surrounding neighborhoods and deter the spread of urban blight; and

WHEREAS, the County's interest in regulating sexually oriented businesses extends to future secondary effects that could occur in the County related to current sexually oriented businesses as well as sexually oriented businesses that may locate in the County in the future; and

WHEREAS, the County recognizes its constitutional duty to interpret, construe, and amend its laws and ordinances to comply with constitutional requirements as they are announced; and

WHEREAS, it is not the intent of this ordinance to suppress any speech activities protected by the United States Constitution or the South Carolina Constitution, but to enact an ordinance to further the content-neutral governmental interests of the County, to wit, the controlling of secondary effects of sexually oriented businesses.

WHEREAS, the secondary effects information discussed herein is in addition to secondary effects information compiled and considered by the Richland County Council when it

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adopted Ordinance 1609-87 HR, which became the original Sexually Oriented Business Ordinance, and subsequent amendments thereto; and

WHEREAS, the Richland County Council finds that documents and public comments in that original legislative record for Ordinance 1609-87HR, as well as the secondary effects information identified in this ordinance, provide legislative support for the original Sexually Oriented Business Ordinance.

Pursuant to the authority 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 Richland County Code of Ordinances, Chapter 26, Land Development; Article II, Rules of Construction/Definitions; Section 26-22, Definitions; is hereby amended by the deletion of the definition of "Sexually Oriented Business" and the substitution of the following language:

Sexually Oriented Business. An adult arcade, adult bookstore, adult video store, adult cabaret, adult motel, adult motion picture theater, ~~escort agency~~, sexual device shop, or sexual encounter center. As used in this chapter, the following definitions shall apply to such businesses:

- (a) *Adult Arcade.* Any place where the public is permitted or invited wherein coin-operated or slug-operated or electronically, electrically, or mechanically controlled still or motion picture machines, projectors, or other image-producing devices are maintained to show images to five (5) or fewer persons per machine at any one time, and where the images so displayed are characterized by the depicting or describing of specified sexual activities or specified anatomical areas.
- (b) *Adult Bookstore or Adult Video Store.* A commercial establishment which, as one of its principal business purposes, offers for sale or rental (for any form of consideration) ~~any one (1) or more of the following:~~ adult media.
 - ~~(1) Books, magazines, periodicals, or other printed matter, or photographs, films, motion pictures, video cassettes or video reproductions, slides, or other visual representations, which depict or describe specified sexual activities or specified anatomical areas; or~~
 - ~~(2) Instruments, devices, or paraphernalia that are designed for use in connection with specified sexual activities. A commercial establishment may have other principal business purposes that do not involve the offering for sale or rental of material depicting or describing specified sexual activities or specified anatomical areas and still be categorized as an adult bookstore or adult video store. Such other business purposes will not serve to exempt such commercial establishment from being categorized as an~~

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~~adult bookstore or adult video store so long as one of its principal business purposes is the offering for sale or rental for consideration the specified materials which depict or describe specified sexual activities or specified anatomical areas.~~

- (1) As used in this definition, "principal business purpose or purposes" means the commercial establishment has a substantial portion of its displayed merchandise which consists of said items; or has a substantial portion of the wholesale value of its displayed merchandise which consists of said items; has a substantial portion of the retail value of its displayed merchandise which consists of said items; or derives a substantial portion of its revenues from the sale or rental, for any form of consideration, of said items; or maintains a substantial section of its interior business space for the sale or rental of said items.
 - (2) As used in this definition, "substantial" means forty percent (40%) or more.
- (c) *Adult Cabaret.* A nightclub, bar, restaurant, or similar commercial establishment, which regularly features, regardless of whether alcoholic beverages are served:
- (1) Persons who appear in a state of nudity or semi-nudity; or
 - (2) Live performances that are characterized by their emphasis on exposure of specified anatomical areas or by specified sexual activities;~~or~~
 - (3) ~~Films, motion pictures, videocassettes, slides, or other photographic reproductions that are characterized by the depiction or description of specified sexual activities or specified anatomical areas.~~
- (3) This definition shall not include the act of a human female breast-feeding a child in a public place; nor shall it apply to infants or toddlers.
- (d) *Adult Media.* Books, magazines, periodicals, or other printed matter, or photographs, films, motion pictures, videocassettes or compact discs, digital video discs, video reproductions, slides, or other visual representations, which are characterized by their emphasis upon the display of specified sexual activities or specified anatomical areas.
- (e) *Adult Motel.* A hotel, motel, or similar commercial establishment that:
- (1) Offers accommodations to the public for any form of consideration; provides patrons with closed-circuit television transmissions, films, motion pictures, videocassettes, slides, compact discs, digital video discs, video reproductions or similar photographic reproductions that are characterized by the depiction or description of specified sexual activities or specified anatomical areas; and

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advertises the availability of such material by means of a sign visible from the public right-of-way, or by means of any on or off-premises advertising, including, but not limited to, newspapers, magazines, pamphlets or leaflets, radio or television; or

- (2) Offers a sleeping room for rent for a period of time that is less than ten (10) hours; or
 - (3) Allows a tenant or occupant of a sleeping room to sub-rent the room for a period of time that is less than ten (10) hours.
- (f) *Adult Motion Picture Theater.* A commercial establishment ~~that where~~, for any form of consideration, exhibits or shows films, motion pictures, videocassettes, slides, compact discs, digital video discs, video reproductions, or similar photographic reproductions that are characterized by their emphasis upon the display of specified sexual activities or specified anatomical areas ~~are regularly shown to more than five (5) persons.~~
- ~~(g) *Characterized By.* To describe the essential character or quality of an item, activity, or thing. As applied in this ordinance, no business shall be classified as a sexually oriented business by virtue of showing, selling or renting materials rated NC-17 or R by the Motion Picture Association of America.~~
- ~~(h) *Child Care Facility.* A facility as defined in S.C. Code Ann. § 20-7-2700(b).~~
- ~~(gf) *Escort.* A person who, for consideration, agrees or offers to act as a companion, guide, or date for another person, or who agrees or offers to privately model lingerie or to privately perform a striptease for another person.~~
- ~~(hg) *Escort agency.* A person or business association who furnishes, offers to furnish, or advertises to furnish escorts as one of its primary business purposes for a fee, tip, or other consideration.~~
- (i) *Establish or Establishment of a Sexually Oriented Business.* Any of the following:
- (1) The opening or commencement of any sexually oriented business as a new business;
 - (2) The conversion of an existing business, whether or not a sexually oriented business, to any sexually oriented business;
 - (3) The addition of another type(s) of sexually oriented business to any other existing sexually oriented business, such as the addition of an adult video store to an existing sexual device shop; or

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- (4) The relocation of any sexually oriented business.
- ~~(j) Nude Model Studio. Any place where a person who appears in a state of nudity or displays specified anatomical areas is provided to be observed, sketched, drawn, painted, sculptured, photographed, or similarly depicted by other persons who pay money or any form of consideration. This definition shall not include a modeling class operated by a proprietary school licensed by the State of South Carolina, or by a college, junior college, or university in a structure that has no sign visible from the exterior of the structure and no other advertising that indicates a nude person is available for viewing and where, in order to participate in a class, a student must enroll at least three (3) days in advance of the class. In these situations, no more than one (1) nude model may be present at any one time.~~
- (j) *Nude or a State of Nudity.* The appearance of a person's genitals, pubic area, vulva, anus, anal cleft or cleavage of the buttocks, including the portion of the buttocks within four (4) inches on either side of a vertical line extending upward from the anus, or any simulation thereof; or any portion of a female breast below a horizontal line across the top of the areola at its highest point, or any simulation thereof. This definition shall include the entire lower portion of the female breast. The showing of the human male or female genitals, pubic area, vulva, anus, anal cleft or cleavage with less than a fully opaque covering; or the showing of the female breast with less than a fully opaque covering of any part of the nipple and areola.
- ~~(l) Permittee and/or licensee. A person in whose name a permit and/or license to operate a sexually oriented business has been issued, as well as the individual listed as an applicant on the application for a permit and/or license.~~
- ~~(k) Person. An individual, proprietorship, partnership, corporation, association, or other legal entity.~~
- ~~(l) Premises. The real property upon which the sexually oriented business is located, and all appurtenances thereto and buildings thereon, including, but not limited to, the sexually oriented business structure, the grounds, private walkways, and parking areas under the ownership, control, or supervision of the sexually oriented business.~~
- (m) Regularly. The consistent and repeated doing of the act so described.
- (n) *Semi-nude.* A state of dress in which clothing covers no more than the genitals, pubic region, and areola of the female breast, as well as portions of the body covered by supporting straps or devices. The showing of the female breast below a horizontal line across the top of the areola and extending across the width of the breast at that point; or the showing of a majority of the male or female buttocks.

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This definition shall include the lower portion of the female breast, but shall not include any portion of the cleavage of the human female breasts exhibited by a dress, blouse, shirt, leotard, or similar wearing apparel provided the areola is not exposed in whole or in part.

- (o) Sex Shop. A commercial establishment that offers for sale:
- 1) Any two of the following categories: 1) adult media, 2) lingerie; or 3) sexual devices; and combination thereof constitutes more than ten percent (10%) of its stock in trade or occupies more than ten percent (10%) of its interior business space.
 - 2) More than five percent (5%) of its stock in trade consists of sexual devices; or
 - 3) More than five percent (5%) of its interior business space is used for the display of sexual devices.
 - 4) Nothing in this definition shall be construed to include any pharmacy, drug store, medical clinic, or any establishment primarily dedicated to providing medical or healthcare products or services.
- (p) Sexual Device. Any three (3) dimensional object designed and marketed for stimulation of the male or female human genital organ or anus, or for sadomasochistic use or abuse of oneself or others, and shall include devices such as dildos, vibrators, penis pumps, and physical representations of the human genital organs. Nothing in this definition shall be construed to include devices primarily intended for protection against sexually transmitted diseases or preventing pregnancy.
- (nq) Sexual Encounter Center. A business or commercial enterprise that regularly offers, for any form of consideration, physical contact in the form of wrestling or tumbling between persons when one or more of the persons is semi-nude or nude.
- 1) Physical contact in the form of wrestling or tumbling between persons of the opposite sex; or
 - 2) Activities between male and female persons and/or persons of the same sex when one or more of the persons is in a state of nudity or semi-nude.
- (or) Specified Anatomical Areas. The male genitals in a state of sexual arousal and/or the vulva or more intimate parts of the female genitals. The human genitals, pubic region, buttocks; the female breast below a point immediately above the top of the areola; or human male genitals in a discernibly turgid state, even if completely and opaquely covered.
- (ps) Specified Sexual Activities. Any of the following:
- (1) The fondling or other erotic touching of human genitals, pubic region, buttocks, anus, or female breasts;

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- (2) ~~Sex acts, normal or perverted, Actual or simulated including intercourse, oral copulation, and/or sodomy; intercourse, oral copulation, masturbation or sodomy; or~~
- (3) ~~Masturbation, actual or simulated; or~~
- (34) Excretory functions as part of or in connection with any of the activities set forth in subsection (1) through (23) of this definition above.

(t) Viewing Room. A room, booth, or other enclosed or partially enclosed area where a patron or patrons of a sexually oriented business would ordinarily be positioned while watching adult media or live entertainment.

SECTION II. The Richland County Code of Ordinances; Chapter 26, Land Development; Article VI, Supplemental Use Standards; Section 26-151, Permitted Uses with Special Requirements; Subsection (c), Standards; Paragraph (66), Sexually Oriented Businesses, is hereby amended by the deletion of the language contained therein and the substitution of the following language:

(66) *Sexually oriented businesses.*

a. *Use districts:* ~~General Commercial, Heavy Industrial~~

b. *Purpose and Findings:*

1. ~~It is the~~ purpose of this subsection is to regulate sexually oriented businesses in order to promote the health, safety, morals, and general welfare of the citizens of Richland County, ~~Furthermore, the purpose of these regulations is~~ and to establish reasonable and uniform regulations to prevent or reduce to any extent the ~~continued deleterious location and concentration~~ secondary effects 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 or reasonable access to any communicative materials, ~~including sexually oriented materials or expression~~. Similarly, it is ~~not~~ neither the intent nor effect of these regulations to restrict or deny access by adults to sexually oriented materials or expression protected by the First Amendment of the United States Constitution, or to deny access by the distributors and exhibitors of sexually oriented entertainment to their intended market. Neither is it the intent nor effect of this subsection to condone or legitimize the distribution or exhibition of obscenity ~~obscene material~~.
2. Based on evidence of the adverse secondary effects of sexually oriented businesses presented in hearings and reports made available to the Richland County Council, and on the findings, interpretations, and narrowing

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constructions incorporated in the cases of *City of Littleton v. Z.J. Gifts D-4, LLC*, 124 S. Ct. 2219 (2003); *City of Los Angeles v. Alameda Books, Inc.*, 535 U.S. 425 (2002); *Pap's A.M. v. City of Erie*, 529 U.S. 277 (2000); *City of Renton v. Playtime Theatres, Inc.*, 475 U.S. 41 (1986); *Young v. American Mini Theatres*, 427 U.S. 50 (1976); *Barnes v. Glen Theatre, Inc.*, 501 U.S. 560 (1991); *California v. LaRue*, 409 U.S. 109 (1972); *Chesapeake B & M, Inc. v. Harford County*, 58 F.3d 1005 (4th Cir. 1995); *Giovani Carandola, Ltd. v. Fox*, 470 F.3d 1074 (4th Cir. 2006); *Centaur v. Richland County*, 392 S.E.2d 165 (S.C. 1990); and other cases; and on reports of secondary effects occurring in and around sexually oriented businesses, including, but not limited to, Phoenix, Arizona (1979); Minneapolis, Minnesota (1980); Houston, Texas (1987); Indianapolis, Indiana (1984); Amarillo, Texas (1977); Garden Grove, California (1991); Los Angeles, California (1977); Whittier, California (1978); Austin, Texas (1986); Seattle, Washington (1989); Oklahoma City, Oklahoma (1986); El Paso, Texas (1986); New York City, New York (1994); Dallas, Texas (1997); Newport News, Virginia (1996); New York Times Square Study (1994); Phoenix, Arizona (1995-1998); Greensboro, North Carolina (2003); Toledo, Ohio (2002); Centralia, Washington (2004); and also from the reports of "Sexually Oriented Businesses: An Insider's View," by David Sherman, presented to the Michigan House Committee on Ethics and Constitutional Law, January 12, 2000; "Survey of Appraisers Fort Worth & Dallas, Effects of Land Uses on Surrounding Property Values, by Duncan Associates, September 2004; and the Report of the Attorney General's Working Group on the Regulation of Sexually Oriented Businesses, (June 6, 1989, State of Minnesota), the Richland County Council finds:

- (a) Sexually oriented businesses, as a category of commercial uses, are associated with a wide variety of adverse secondary effects including, but not limited to, personal and property crimes, public safety risks, prostitution, potential spread of disease, lewdness, public indecency, illicit sexual activity, illicit drug use and drug trafficking, negative impacts on surrounding properties, litter, and sexual assault and exploitation.
- (b) Each of the foregoing negative secondary effects constitutes a harm which the County has a substantial government interest in preventing and/or abating in the future. This substantial government interest in preventing secondary effects, which is the County's rationale for this ordinance, exists independent of any comparative analysis between sexually oriented and non-sexually oriented businesses. Additionally, the County's interest in regulating sexually oriented businesses extends to future secondary effects that could occur in the County related to current sexually oriented businesses in the future as well as sexually oriented businesses that may locate in the County in the future. The County Council finds that the cases

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and secondary effects documentation relied on in this ordinance are reasonably believed to be relevant to said secondary effects.

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;~~
6. Sexual Device Shop;
7. Escort agencies; and
- ~~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~~

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~~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.~~

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- ~~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;~~

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- ~~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 any 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~~

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~~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.~~

kd. *Location of Sexually Oriented Businesses:*

1. No sexually oriented business may be established without first complying with the provisions herein.
- ~~2. 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 General Commercial District a Heavy Industrial District.~~
2. A person commits a misdemeanor if he or she operates or causes to be operated a sexually oriented business A sexually oriented business shall not be located within one thousand (1,000) feet of any place of worship, a public or private elementary or secondary school, a child ~~daycare~~ care facility or a pre-school kindergarten, a boundary of any residential district, a multi-family residential use, a Planned Development District with a residential component; or 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 operates or permits the operation, establishment, substantial enlargement, or transfer of ownership or control of a A sexually oriented business shall not be located within one thousand (1,000) feet of another sexually oriented business.
4. A person commits a misdemeanor if he or she operates or permits ~~t~~The operation, establishment, or maintenance of more than one (1) sexually oriented business is prohibited in the same building, structure, or portion thereof, or the increase of floor areas of any sexually oriented business in any building, structure, or portion thereof containing another sexually oriented business.
5. For the purpose of this Section ~~26-151(e)(66)~~ subparagraph d. 2., above, 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 part of the premises where a sexually oriented business is conducted~~ the nearest property line of the premises where a sexually oriented business is conducted, to the nearest property line of the premises of a place of worship,

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or public or private elementary or secondary school, a public park, a parcel zoned as a Planned Development District with a residential component, a multi-family residential use, or a residential zoning district, or a residential lot. Presence of a city or other political subdivision boundary shall be irrelevant for purposes of calculating and applying the distance requirements of this section.

6. For the purpose of subsection subparagraph d. 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~~ nearest property line of the premises where a sexually oriented business is conducted to the nearest property line of another premises where a sexually oriented business is conducted.
 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.~~
 8. A sexually oriented business lawfully operating as a conforming use is not rendered a nonconforming use by the subsequent location, ~~subsequent to the grant or renewal of the sexually oriented business permit and/or license,~~ of a place of worship, a public or private elementary or secondary school, a child care facility or kindergarten, public park, a boundary of any residential district, a multi-family residential use, or a Planned Development District with a residential component ~~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.~~

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- ~~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 "subrent" mean the act of permitting a room to be occupied for any form of consideration.~~

em. Regulations pertaining to exhibition of sexually explicit films or videos Sexually Oriented Businesses that offer Viewing Room(s).

~~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, adult media, or live entertainment characterized by emphasis on exposure or display of specified sexual activities or specified anatomical areas, shall comply with the following requirements:~~

- ~~(a₁) Upon application for a sexually oriented permit and/or license, the application shall be accompanied by a Δ diagram of the premises showing a plan thereof specifying the location of one or more manager's stations and the location of all overhead lighting fixtures and designating any portion of the premises in which patrons will not be permitted must be provided to the Zoning Administrator. A manager's station may not exceed thirty-two (32) square feet of floor area. ~~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.~~~~
- ~~(b₂) The application diagram shall be sworn to be true and correct by the applicant.~~
- ~~(e₃) No alteration in the configuration or location of a manager's station may be made without the prior approval of the zoning administrator.~~

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- (d4) 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.
- (e5) 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 subparagraph must be by direct line of sight from the manager's station.
- (f6) 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 subparagraph (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 diagram submitted filed pursuant to subsection subparagraph (a) above.
- (g7) No viewing room may be occupied by more than one (1) patron or customer at any time.
- (h8) 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.
- (i9) It shall be the duty of the owner(s) and operator(s), and it shall also be the duty of any agents and employees present in the premises, to ensure that the illuminations described above, is maintained at all times that any patron is present in the premises.
- (10) No owner or operator shall allow openings of any kind to exist between viewing rooms.

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(11) The operator or owner shall, during each business day, regularly inspect the walls between the viewing booths to determine if any openings or holes exist.

(12) The owner or operator shall cause all floor coverings in viewing booths to be nonporous, easily cleanable surfaces with no rugs or carpets.

(13) The owner or operator shall cause all wall surfaces and ceiling surfaces in viewing booths to be constructed of, or permanently covered by, nonporous, easily cleanable material.

~~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.~~

f. Regulations pertaining to adult cabarets and sexual encounter centers. It shall be a violation of this chapter for an employee, independent contractor, or person under a similar arrangement with any owner, operator, manager, agent, shareholder of an adult cabaret or sexual encounter center, while located within an adult cabaret or sexual encounter center, to appear in a state of nudity or to fail to comply with the definition of semi-nude.

~~eg. Exemptions. It is a defense to prosecution under subsection (a) through (j) of subsection 1 above that a person appearing in a state of nudity did so in a modeling class operated: The following activities or businesses are exempt from the requirements of section 26-151(c)(66):~~

~~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 A business or organization in which a person serves as a model for a drawing, painting, sketching, sculpture or other similar art studio class operated:~~

~~(a). By a university or college or other institution of higher education; or~~

~~(b). By a non-profit arts organization, such as a museum, gallery, artist association or arts cooperative.~~

~~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:~~

Ordinance as Recommended by the Planning Commission at its Meeting Held
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- ~~(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 no more than one (1) nude model is present at any one (1) class; and~~
- ~~(c) Where students participating in the class must enroll at least three (3) days in advance of the class.~~

2. A professional or community theater, or a theater affiliated with an institution of higher education, that produces works of dramatic arts in which actors or actresses occasionally appear on stage in a state of semi-nudity, nudity, or in any state of undress as part of his or her dramatic role.

(h) Administrative Decision-making Process; Appeals.

- (1) Under no circumstances shall staff review and decision-making of an application of a sexually oriented business for a permitted use with special requirements, including determination of completeness, extend beyond fifteen (15) days from the date of receipt of an application. In the event that a County official is required to take an act or do a thing pursuant to section 26-55 of the Richland County Code of Ordinances and any other section referenced therein, and fails to take such an act or do such a thing within the time prescribed, such failure shall not prevent the exercise of constitutional rights of an applicant. If the County fails to inform an applicant, by any reasonable means, of a decision by the County by the close of business on the fifteenth (15) day from receipt of application, the application shall be deemed granted and the applicant allowed to commence or continue operation the day after the deadline for action has passed.
- (2) Under no circumstances shall an appeal of an administrative decision pursuant to section 26-58 of the Richland County Code of Ordinances concerning an application by a sexually oriented business for a permitted use with special requirements exceed a time period of seventy-five (75) days from the date of receipt of an appeal to the Board of Zoning Appeals. In the event that a County official, including the Board of Zoning Appeals, is required to take an act or do a thing pursuant to section 26-58 of the Richland County Code of Ordinances and any other section referenced therein, and fails to take such an act or do such a thing within the time prescribed, such failure shall not prevent the exercise of constitutional rights of an applicant. If the County fails to inform an applicant, by any reasonable means, of a decision by the Board of Zoning Appeals by the close of business on the sixtieth (60) day from receipt of an appeal, the application shall be deemed granted and the applicant allowed to commence or continue operation the day after the deadline for action has passed.

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

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

SECTION V. Effective Date. All sections of this ordinance shall be effective on and after _____, 2008.

RICHLAND COUNTY COUNCIL

BY: _____
Joseph McEachern, Chair

ATTEST THIS THE _____ DAY

OF _____, 2008

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: February 5, 2008
Public Hearing: February 26, 2008
Second Reading: March 4, 2008 (tentative)
Third Reading:

NOTE: Double underline in black: addition by County staff/counsel
Strike-out in black: deletion by County staff/counsel
Single underline in red: addition by Planning Commission
Strike-out in red: deletion by Planning Commission

**STATE OF SOUTH CAROLINA
COUNTY COUNCIL FOR RICHLAND COUNTY
ORDINANCE NO. ___-08HR**

AN ORDINANCE AMENDING THE RICHLAND COUNTY CODE OF ORDINANCES; CHAPTER 16, LICENSES AND MISCELLANEOUS BUSINESS REGULATIONS; ARTICLE 1, IN GENERAL, SO AS TO AMEND REQUIREMENTS PERTAINING TO SEXUALLY ORIENTED BUSINESSES, AND MAKE CLARIFICATIONS PERTAINING TO ALL BUSINESSES.

WHEREAS, sexually oriented businesses require special supervision from the public safety agencies of the County in order to protect and preserve the health, safety, and welfare of patrons of such businesses as well as citizens of the County; and

WHEREAS, upon review of numerous studies, case law, analyses, and observations, the County concludes that sexually oriented businesses, as a category of business, are associated with a wide variety of negative secondary effects, including but not limited to, personal and property crimes, tax evasion, public safety risks, prostitution, potential spread of disease, lewdness, public indecency, illicit sexual activity, illicit drug use and drug trafficking, adverse impacts on surrounding properties, litter, and sexual assault and exploitation; and

WHEREAS, the Richland County Council has a substantial government interest in minimizing and controlling these adverse effects and thereby protecting the health, safety and welfare of the citizenry; protect the citizens from crime; preserve the quality of life; preserve the property values and character of surrounding neighborhoods and deter the spread of urban blight; and

WHEREAS, the County's interest in regulating sexually oriented businesses extends to future secondary effects that could occur in the County related to current sexually oriented businesses as well as sexually oriented businesses that may locate in the County in the future; and

WHEREAS, the County recognizes its constitutional duty to interpret, construe, and amend its laws and ordinances to comply with constitutional requirements as they are announced; and

WHEREAS, it is not the intent of this ordinance to suppress any speech activities protected by the United States Constitution or the South Carolina Constitution, but to enact an ordinance to further the content-neutral governmental interests of the County, to wit, the controlling of secondary effects of sexually oriented businesses.

NOW, THEREFORE, pursuant to the authority 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 1. The Richland County Code of Ordinances; Chapter 16, Licenses and Miscellaneous Business Regulations; Article I, In General; Section 16-1, License Required; is hereby amended to read as follows:

Section 16-1. License Required.

- (1) — Every person engaged or intending to engage in any calling, business, occupation or profession, whether or not it is listed in the rate classification index portion of ~~this chapter~~ the Business License Fee Schedule, in whole or in part, within the unincorporated areas of the county is required to submit a completed application for a business license accompanied by the appropriate fees for the privilege of doing business in the county and to obtain a business license as herein provided, except those as noted in Section 16-7.

- (2) — ~~Any business holding a state occupational license or registering with the Secretary of State’s Office listing an address in unincorporated Richland County creates a presumption of business conduct and thus requires the business to have a business license. Other State agencies, professional organizations, or County departments who have a record for the business listing an address in unincorporated Richland County also create a presumption of business conduct and requires the business to have a business license.~~

SECTION II. The Richland County Code of Ordinances; Chapter 16, Licenses and Miscellaneous Business Regulations; Article I, In General; Section 16-2, Definitions; is hereby amended to read as follows:

Section 16-2. Definitions.

The following words, terms, and phrases, when used in this article shall have the meaning ascribed herein, except where the context clearly indicates or requires a different meaning:

- (1) “*Business*” means a calling, occupation, profession or activity engaged in with the object of gain, benefit or advantage, either directly or indirectly. A charitable organization shall be deemed a business unless the entire proceeds of its operation are devoted to charitable purposes.

- (2) “*Charitable organization*” means a person:
 - (a) determined by the Internal Revenue Service to be a tax exempt organization pursuant to Section 501(c)(3) of the Internal Revenue Code; or

 - (b) that is or holds itself out to be established for any benevolent, social welfare, scientific, educational, environmental, philanthropic, humane, patriotic, public health, civic, or other eleemosynary purpose, or for the benefit of law

enforcement personnel, firefighters, or other persons who protect the public safety; or

(c) that employs a charitable appeal as the basis of solicitation or an appeal that suggests that there is a charitable purpose to a solicitation, or that solicits or obtains contributions solicited from the public for a charitable purpose.

- (3) “*Charitable purpose*” means a purpose described in Section 501(c)(3) of the Internal Revenue Code or a benevolent, social welfare, scientific, educational, environmental, philanthropic, humane, patriotic, public health, civic, or other eleemosynary objective, including an objective of an organization of law enforcement personnel, firefighters, or other persons who protect the public safety if a stated purpose of the solicitations includes a benefit to a person outside the actual service membership of the organization.
- (4) “*Classification*” means a division of businesses by major groups subject to the same license rate as determined by a calculated index of ability to pay based on national averages, benefits, equalization of tax burden, relationships of services, or other basis deemed appropriate by County Council.
- (5) “*Construction Manager*” means any self-employed individual, firm, partnership, corporation, or group which supervises or coordinates construction of any building, highway, sewer, grading, improvement, re-improvement, structure, or part thereof. Notwithstanding payment by fixed price, commission, fee, or wage, said “construction manager” shall be classified in the category of “construction contractors” for purposes of this article and shall pay a license fee based upon the total cost of the undertaking supervised or coordinated, except as otherwise exempted.
- (6) “*Contractor*” means any self-employed individual (not reporting income taxes on the IRS Form W2), firm, partnership, corporation, or group performing a service or providing a product subsequent to a contract signed by that party and another party.
- (7) “*County*” means the County of Richland.
- (8) “*Drinking Place*” means any business which obtains the majority, not necessarily at least 50.1%, of its gross income from the sale or provision of alcohol.
- (89) “*Gross income*” means the total revenue of a business, received or accrued, for one (1) calendar or fiscal year, collected or to be collected by a business within the county, excepting therefrom business done wholly outside of the county on which a license fee is paid to some other county or a municipality and fully reported to Richland County.

Gross income for brokers or agents means gross commissions received or

retained, unless otherwise specified. Gross income for business license fee purposes shall not include taxes collected for a governmental entity (such as sales taxes), escrow funds, or funds that are the property of a third party. The value of bartered goods or trade-in merchandise shall be included in gross income. The gross income for business license purposes may be verified by inspection of returns and reports filed with the Internal Revenue Service, the South Carolina Department of Revenue, the South Carolina Department of Insurance, or other government agency.

- (910) “*Gross receipts*” means the value proceeding or accruing from the sale of tangible personal property, including merchandise and commodities of any kind and character and all receipts, by the reason of any business engaged in, including interest, dividends, discounts, rentals of real estate or royalties, without any deduction on account of the cost of the property sold, the cost of the materials used, labor or service cost, interest paid, or any other expenses whatsoever, and without any deductions on account of losses.
- (11) “Insurance company” refers to a businesses which meets the definition established in South Carolina Code of Laws, § 38-1-20, Definitions: an insurer defined as “any corporation, ... or aggregation of individuals engaging or proposing or attempting to engage as principals in any kind of insurance [defined as a “contract whereby one undertakes to indemnify another or pay a specified amount upon determinable contingencies”] or surety business, including the exchanging of reciprocal or interinsurance contracts between individuals, partnerships, and corporations”, and does not meet the criteria for a health maintenance organization as covered by South Carolina Code of Laws, § 38-33-140(D).
- (1012) “*License official*” means a county employee who is designated to administer this article, and/or his/her designee(s).
- (1113) “*Person*” means any individual, firm, partnership, LLP, LLC, cooperative, nonprofit membership, corporation, joint venture, professional association, estate, trust, business trust, receiver, syndicate, holding company, or other group or combination acting as a unit, in the singular or plural, and the agent or employee having charge or control of a business in the absence of the principals.
- (14) “Sexually Oriented Business” means a sexually oriented business as defined within Section 26-22 of the Richland County Code of Ordinances.

SECTION III. The Richland County Code of Ordinances; Chapter 16, Licenses and Miscellaneous Business Regulations; Article I, In General; Section 16-3, Purpose and Duration; is hereby amended to read as follows:

Section 16-3. General Purpose and Duration.

(1) The requirement of a business license levied by this article is for the purpose of assuring that a business conducted within unincorporated Richland County complies with all applicable State and County regulations and requirements in order to protect the health, safety and welfare of the citizens of the County providing such regulation as may be required by the businesses subject thereto and for the purpose of raising revenue for the general fund through a privilege tax. Each license that is issued shall be valid for one calendar year, beginning on January 1 and expiring on December 31. This time period shall be considered a license year. The provisions of this article and the rates set out in this article shall remain in effect from year to year as amended by the County Council. Additionally, the requirement of a business license fee levied by this article serves to establish an excise tax for the privilege of doing business within unincorporated Richland County.

(2) Each license that is issued shall be valid for one calendar year, beginning on January 1 and expiring on December 31. This time period shall be considered a license year. The provisions of this article and the rates set out in this article shall remain in effect from year to year as amended by the County Council.

SECTION IV. The Richland County Code of Ordinances; Chapter 16, Licenses and Miscellaneous Business Regulations; Article I, In General; Section 16-6, Registration Required; is hereby amended to read as follows:

Section 16-6. Registration Required.

- (1) The owner, agent, or legal representative of every business subject to this article, whether listed in the classification index or not, shall register the business and make application for a business license on or before the due date of each year. A new business shall be required to have a business license prior to operation within any unincorporated area of the county.
- (2) Application shall be on a form provided by the License Official, which shall contain the Social Security Number and/or the Federal Employer's Identification Number, the South Carolina Retail License Number (if applicable), the business name as reported on the South Carolina income tax return, the business name as it appears to the public at the physical location, and all information about the applicant and the business deemed reasonably necessary ~~appropriate~~ to carry out the purpose of this article by the License Official. Applicants may be required to submit copies of portions of state and federal income tax returns reflecting gross income figures.
- (3) The applicant shall certify ~~under oath~~ that the information given in the application is true, that the gross income is accurately reported, or estimated for a new business, without any unauthorized deductions, that all funds due to the County have been paid, and that all other licenses and permits required by the County or State to do business in the County have been obtained.

(4) ~~No business license shall be issued until the applicant satisfies all indebtedness to the County, has obtained all other licenses and/or permits required by the County or State to do business in the County, have been obtained, first submits documents necessary to establish compliance with Richland County Zoning Ordinance, Building Code, Electrical Code, Mechanical Code, Plumbing Code, Roofing Code and other regulatory Codes as adopted by the County Council and paid in full any associated license and permit fees or business-related fees and taxes, including any late fees or penalties.~~

~~(5) As a prerequisite to submittal of a business license application, the premises and real property to be used as a business must be in compliance with all applicable state and local health, fire, zoning and building codes or regulations. The applicant must submit to the License Official any documentation in the possession of the applicant or that can be reasonably obtained by the applicant that shows that the premises is currently in compliance with the Richland County Zoning Ordinance, Building Code, Electrical Code, Mechanical Code, Plumbing Code, Roofing Code and other applicable regulatory Codes as adopted by the County Council.~~

~~The License Official may provide a form on which compliance shall be certified by the officials administering the aforementioned codes or regulations. In the event that such a compliance form is used, the applicable aforementioned officials shall determine compliance with their respective codes or regulations and inform the License Official of their determination within thirty (30) calendar days from the earliest date of receipt of the compliance form by any one of the health, fire, zoning and building officials.~~

~~If the License Official does not receive a particular determination of compliance from an official administering the aforementioned codes and regulations on or before this thirty-day time period, that compliance determination not received by the License Official shall be deemed approved. All other compliance determinations received before the thirty-day period expires shall be unaffected by any other compliance determination that fails to meet the thirty-day time period.~~

(56) Insurance agents and brokers shall report the name of each insurance company for which a policy was issued and the total premiums collected for each company for each type of insurance coverage on a form approved by the License Official. An insurance agent not employed by an insurance company or employed by more than one insurance company shall be licensed as a broker.

(67) Fireworks Sales: Any establishment desiring to sell fireworks must first acquire the Annual State Board of Pyrotechnic Safety License and must meet all regulations pursuant to the provisions of Regulation 19-405, S.C. Code of Laws for 1976. Prior approval of the Richland County Sheriff's Department is required

as governed by regulations of the State Fire Marshal pursuant to the 1976 Code, Chapter 9 of Title 23, and Chapter 43 of Title 39, governing the transportation and use of pyrotechnics.

- (78) Miscellaneous Sales (Antique Malls, Flea Markets or Leased Space Sales): Any person leasing space for the sale of merchandise from an established business shall be required to have a business license, whether or not the sales are made through a central cash register. Furthermore, it shall be the responsibility of the ~~lesor~~ lessor of the spaces to advise the business license office of persons leasing space.

SECTION V. The Richland County Code of Ordinances; Chapter 16, Licenses and Miscellaneous Business Regulations; Article I, In General; Section 16-7, Deductions, Exemptions, Charitable Organizations, and Determination of Classification; Subsection (2); is hereby amended to read as follows:

- (2) (a) No person shall be exempt from the requirements of this article by reason of the lack of an established place of business within the County, unless exempted by State or Federal law. ~~No person shall be exempt from this article by reason of the payment of any other tax or fee, unless exempted by State law, and no person shall be relieved of the liability for the payment of any other tax or fee by reason of the application of this article.~~ The following businesses, occupations or professions are exempt from the requirements of this article:
1. Teachers;
 2. Ministers, pastors, preachers, rabbis and other leaders of religious faiths;
 3. Telephone, telegraph, gas and electric and other utilities or providers regulated by the South Carolina Public Service Commission;
 4. Insurance companies; and
 5. An entity which is exempt from license tax under any state law other than South Carolina Code of Laws, § 4-9-30(12), or a subsidiary or affiliate of any such exempt entity.
- (b) ~~No person shall be exempt from this article by reason of the payment of any other tax or fee, unless exempted by State law, and no person shall be relieved of the liability for the payment of any other tax or fee by reason of the application of this article.~~

SECTION VI. The Richland County Code of Ordinances; Chapter 16, Licenses and Miscellaneous Business Regulations; Article I, In General; Section 16-15, Denial of License; Subsection (1); is hereby amended to read as follows:

- (1) The License Official ~~may~~ shall deny a license to an applicant ~~when~~ if:

- (a) the application is incomplete;
- (b) the application contains a misrepresentation, false or misleading statement, evasion or suppression of a material fact;
- (c) the applicant has given a bad check or tendered illegal consideration for any license fee;
- (d) within five years from the date of application, the applicant has been convicted of or pled guilty or nolo contendere any crime(s) or offense(s) under a law or article regulating or relating to business, a crime involving moral turpitude, or an unlawful sale of merchandise or prohibited goods; South Carolina Code of Laws, Title 16, Crimes and Offenses, Chapter 13, Forgery, Larceny, Embezzlement, False Pretenses and Cheats; Chapter 14, the Financial Transaction Card Crime Act; or South Carolina Code of Laws, § 39-15-1190, Sale of Goods or Services with a Counterfeit Mark; or the same crime or offense in another jurisdiction;
- ~~(e) the applicant has been convicted of engaging in an unlawful activity or nuisance related to the business;~~
- (e) the premises and parcel of real property to be used for the business activity for which a license is sought is not in compliance with applicable state and/or local health, fire, zoning, and building codes and regulations.
- (f) the business activity for which a license is sought ~~by a business~~ is unlawful ~~or constitutes a public nuisance per se; or~~
- ~~(g) the business, regardless of ownership, has proven to be a public nuisance; or~~
- (g) the business constitutes a public nuisance as determined by a court of law.
- ~~(h) the business owner has proven to be a public nuisance.~~

A decision of the License Official shall be subject to appeal to the Business Service Center Appeals Board as herein provided. Denial shall be written with reasons stated.

SECTION VII. The Richland County Code of Ordinances; Chapter 16, Licenses and Miscellaneous Business Regulations; Article I, In General; Section 16-16, Sexually Oriented Businesses, Drinking Places, or other similar establishments; is hereby amended to read as follows:

Section 16-16. Sexually Oriented Businesses, Drinking Places, or other similar establishments.

- ~~(1) No license to operate a sexually oriented business, drinking place, or other similar establishment shall be issued to, or in the name of, a corporation, association, or a trade name as such. Any application for a corporation, association, or trade name shall be made by the officers for its use, and such officers shall identify in the application the name by which the business will be operated. In addition, such officers in making an application shall be held to assume all responsibility there under as individuals, and shall be subject to all the provisions and penalties set forth herein or in any other article of the Richland County Code of Ordinances.~~
- ~~(2) No person shall be eligible for such license if he/she or the person who will have actual control and management of the business proposed to be operated:
 - ~~(a) is a minor;~~
 - ~~(b) is not of good repute, as evidenced by a background check or by conducting a reference check with law enforcement agencies; or~~
 - ~~(c) has had a license revoked or denied under the provisions of this article within a three-year period immediately preceding the filing of the application.~~~~
- ~~(3) Applicants for businesses herein described, in addition to the license application(s) required under Section 16-1 of this article, shall complete a sworn, notarized statement on a form prepared by the License Official for the purpose of establishing his/her qualifications to operate a business identified in this section. The owner(s) of the premises whereon such business is proposed to be located shall signify their consent to the application by signing and notarizing the form in an appropriate place provided therein or on a separate form established for this purpose.~~
- ~~(4) Owners of sexually oriented businesses and/or drinking establishments are responsible for ensuring all their contractors have current, valid business licenses and maintain a list of their current contractors' names, business license numbers, and a copy of a photo ID for each contractor on file.~~
- (1) No license to operate a drinking place shall be issued to, or in the name of, a corporation, association, or a trade name as such. Any application for a corporation, association, or trade name shall be made by the officers for its use, and such officers shall identify in the application the name by which the business will be operated. In addition, such officers in making an application shall be held to assume all responsibility there under as individuals, and shall be subject to all the provisions and penalties set forth herein or in any other article of the Richland County Code of Ordinances.
- (2) In addition to the reasons for denial of a license set forth in Section 16-15 of this article, the License Official shall deny a business license to an applicant for a

Drinking Place if the applicant or an agent of such applicant who has or will have actual authority to control and manage the business proposed to be operated:

- (a) is a minor;
- (b) has had an alcohol liquor license issued in the name of the applicant or other officer pursuant to South Carolina Code of Laws, § 61-6-10 et seq. suspended, revoked, or not renewed within a two-year period immediately preceding the filing of the application; or
- (c) has had a license revoked or denied under the provisions of this article within a three-year period immediately preceding the filing of the application.

SECTION VII. The Richland County Code of Ordinances; Chapter 16, Licenses and Miscellaneous Business Regulations; Article I, In General; Section 16-17, Suspension or Revocation of License; is hereby amended to read as follows:

Section 16-17. Sexually Oriented Businesses.

- (1) The purpose of this section is to regulate sexually oriented businesses in order to promote the health, safety, and general welfare of the citizens of Richland County, and to establish reasonable and uniform regulations to prevent or reduce to any extent the deleterious secondary effects of sexually oriented businesses within the County. The provisions of this section have neither the purpose nor effect of imposing a limitation or restriction on the content of or reasonable access to any communicative materials or expression. Similarly, it is neither the intent nor effect of this ordinance to restrict or deny access by adults to sexually oriented materials or expression protected by the First amendment of the United States Constitution, or to deny access by the distributors and exhibitors of sexually oriented entertainment to their intended market. Neither is it the intent nor effect of this ordinance to condone or legitimize the distribution or exhibition of obscenity.
- (2) Based on evidence of the adverse secondary effects of sexually oriented businesses presented in hearings and reports made available to the Richland County Council, and on the findings, interpretations, and narrowing constructions incorporated in the cases of *City of Littleton v. Z.J. Gifts D-4, LLC*, 124 S. Ct. 2219 (2003); *City of Los Angeles v. Alameda Books, Inc.*, 535 U.S. 425 (2002); *Pap's A.M. v. City of Erie*, 529 U.S. 277 (2000); *City of Renton v. Playtime Theatres, Inc.*, 475 U.S. 41 (1986); *Young v. American Mini Theatres*, 427 U.S. 50 (1976); *Barnes v. Glen Theatre, Inc.*, 501 U.S. 560 (1991); *California v. LaRue*, 409 U.S. 109 (1972); *Chesapeake B & M, Inc. v. Harford County*, 58 F.3d 1005 (4th Cir. 1995); *Giovani Carandola, Ltd. v. Fox*, 470 F.3d 1074 (4th Cir. 2006); *Centaur v. Richland County*, 392 S.E.2d 165 (S.C. 1990); *U.S. v. Pendergrass*, Petition to Enter a Plea of Guilty and Plea Agreement on the Charge of Tax Evasion (3:06-00147, M.D. Tenn. 2007); and other cases; and on reports of secondary effects occurring in and around sexually oriented businesses,

including, but not limited to, Phoenix, Arizona (1979); Minneapolis, Minnesota (1980); Houston, Texas (1987); Indianapolis, Indiana (1984); Amarillo, Texas (1977); Garden Grove, California (1991); Los Angeles, California (1977); Whittier, California (1978); Austin, Texas (1986); Seattle, Washington (1989); Oklahoma City, Oklahoma (1986); El Paso, Texas (1986); New York City, New York (1994); Dallas, Texas (1997); Newport News, Virginia (1996); New York Times Square Study (1994); Phoenix, Arizona (1995-1998); Greensboro, North Carolina (2003); Toledo, Ohio (2002); Centralia, Washington 2004; Greensboro, North Carolina (2003); and also from the reports of “Sexually Oriented Businesses: An Insider’s View,” by David Sherman, presented to the Michigan House Committee on Ethics and Constitutional Law, January 12, 2000; “Survey of Appraisers Fort Worth & Dallas, Effects of Land Uses on Surrounding Property Values,” by Duncan Associates, September 2004; and the Report of the Attorney General’s Working Group on the Regulation of Sexually Oriented Businesses, (June 6, 1989, State of Minnesota), the Richland County Council finds:

- (a) Sexually oriented businesses, as a category of commercial uses, are associated with a wide variety of adverse secondary effects including, but not limited to, personal and property crimes, tax evasion, public safety risks, prostitution, potential spread of disease, lewdness, public indecency, illicit sexual activity, illicit drug use and drug trafficking, , negative impacts on surrounding properties, litter, and sexual assault and exploitation.
- (b) Each of the foregoing negative secondary effects constitutes a harm which the County has a substantial government interest in preventing and/or abating in the future. This substantial government interest in preventing secondary effects, which is the County’s rationale for this ordinance, exists independent of any comparative analysis between sexually oriented and non-sexually oriented businesses. Additionally, the County’s interest in regulating sexually oriented businesses extends to future secondary effects that could occur in the County related to current sexually oriented businesses in the future as well as sexually oriented businesses that may locate in the County in the future. The County finds that the cases and secondary effects documentation relied on in this ordinance are reasonably believed to be relevant to said secondary effects.
- (3) No license to operate a sexually oriented business shall be issued to, or in the name of, a corporation, association, or a trade name as such. Any application for a corporation, association, or trade name shall be made by the officers for its use, and such officers shall identify in the application the name by which the business will be operated. In addition, such officers in making an application shall be held to assume all responsibility there under as individuals, and shall be subject to all the provisions and penalties set forth herein or in any other article of the Richland County Code of Ordinances.

- (5) During the time in which an application for a pre-existing Sexually Oriented Business is pending, the applicant may continue its business activity and shall not be subject to citations for violations of any provision of this article, nor any enforcement proceedings pursuant to this article or Section 1-8 of this Code of Ordinances.
- (6) The License Official shall approve or deny an application for a license for a Sexually Oriented Business within thirty days (30) calendar days from the date of receipt of the application. If the License Official fails to either approve or deny the application within thirty calendar days, then the application shall be deemed approved and business activity may begin or continue immediately, notwithstanding the fact that no license has been issued.
- (7) In addition to the reasons for denial of a license set forth in Section 16-15 of this article, the License Official shall deny a business license to an applicant for a Sexually Oriented Business if the applicant or an agent of such applicant who has or will have actual authority to control and manage the business proposed to be operated:
- (a) is under the age of eighteen;
 - (b) within five years of the date of application, has been convicted of or pled guilty or nolo contendere to any of the following crimes: South Carolina Code of Laws, § 16-15-90, § 16-15-100, § 16-15-305, § 16-15-325, § 16-15-335, § 16-15-342, § 16-15-345, § 16-15-355, § 16-15-365, § 16-15-385, § 16-15-387, § 16-15-395, § 16-15-405, § 16-15-410, § 16-15-415, or § 16-15-425, or of the same crime in any other jurisdiction.
- (8) Applicants for a Sexually Oriented Business herein described, in addition to the license application(s) required under Section 16-1 of this article, shall complete a sworn, notarized statement on a form prepared by the License Official for the purpose of establishing his/her qualifications to operate a business identified in this section.
- (9) Owners of sexually oriented businesses are responsible for ensuring all their contractors have current, valid business licenses and maintain a list of their current contractors' names, business license numbers, and a copy of a photo ID for each contractor on file.

SECTION VIII. The Richland County Code of Ordinances; Chapter 16, Licenses and Miscellaneous Business Regulations; Article I, In General; Section 16-18, Appeals; is hereby amended to read as follows:

Section 16-18.Revocation of License.

When the License Official determines that:

- (a) a license has been mistakenly or improperly issued or issued contrary to law; or
- (b) a licensee has breached any condition upon which the license was issued or has failed to comply with any provision of this article; or
- (c) a licensee has obtained a license through a fraud, misrepresentation, a false or misleading statement, evasion or suppression of a material fact in the license application; ~~or has given a bad check or tendered illegal consideration for any license fee; or~~
- (d) has given a bad check or tendered illegal consideration for any license fee; or
- ~~(d) a licensee has been convicted of an offense under a law or article regulating or relating to business, a crime involving moral turpitude, or an unlawful sale of merchandise or prohibited goods; or~~
- ~~(e) a licensee has been convicted of engaging in an unlawful activity or nuisance related to the business; or~~
- (f) the business activity for which a license was obtained has proven to be a public nuisance as determined by a court of law per se; or
- (g) the business, ~~regardless of ownership~~, has proven to be a public nuisance as determined by a court of law; ~~or~~
- ~~(h) The business owner has proven to be a public nuisance;~~

~~the License Official shall give written notice to the licensee or the person in control of the business within the County by personal service or certified mail that the license is suspended pending a hearing before the Business Service Center Appeals Board for the purpose of determining whether the license should be revoked. The notice shall state the time and place at which the hearing is to be held, which shall be within thirty (30) days from the date of service of the notice, or as soon as reasonably possible. The notice shall contain a brief statement of the reasons for suspension and proposed revocation and a copy of the applicable provisions of this article.~~

the License Official shall give written notice of intent to revoke to the licensee or the person in control of the business within the County by personal service or certified mail stating the License Official's basis for revocation and setting forth a date and time for a hearing before the Business Service Center Appeals Board for the purpose of determining whether the license should be revoked. The hearing shall be held within thirty (30) days from the date of service of the notice. A licensee who received proper notice yet fails to appear or defend at the revocation hearing waives his or her right to contest the revocation.

SECTION IX. The Richland County Code of Ordinances; Chapter 16, Licenses and Miscellaneous Business Regulations; Article I, In General; Section 16-19, Consent, Franchise or Business License Fee Required; is hereby amended to read as follows:

Section 16-19. Appeals.

- (1) Any person aggrieved by a final assessment, charge backs from an audit, or a revocation or a denial of a business license by the License Official wishing to appeal ~~may~~ must first appeal the decision to the Business Service Center Appeals Board by written request stating the reasons therefore. The appeal must be filed with the License Official within ten calendar (10) days after the ~~payment of the~~ assessment, ~~or the charge backs of the audit, under protest~~ or notice of revocation or denial is received by the business. A written notice of appeal must be accompanied by an administrative fee (which shall be determined by the License Official) that will be used to partially defray the costs incurred in connection with the administration of appeals. Payment under protest of the assessment or audit charge backs shall be a condition precedent to appeal. The fee will be refunded in the event of final resolution of the appeal in favor of the appellant.
- (2) An appeal or a hearing on revocation shall be held by the Appeals Board within thirty (30) calendar days, ~~or as soon as reasonably possible~~, after receipt of a request for appeal or service of notice of suspension. The applicant or licensee shall be given written notice as to the date and time of the meeting. At the meeting, all parties have the right to be represented by counsel, to present testimony and evidence, and to cross-examine witnesses. The proceedings shall be recorded and transcribed at the expense of the party so requesting. The rules of evidence and procedure prescribed by the Board shall govern the hearing.

The Board shall, by majority vote of members present, render a written decision based upon findings of fact and the application of the standards herein which shall be served upon all parties or their representatives within fifteen (15) calendar days, ~~or as soon as reasonably possible~~, after the hearing. The decision of the Board shall be final unless appealed to County Council within ten (10) calendar days after service of the Board's decision. County Council shall review the record and without further hearing affirm, modify, or deny the appeal in the event of an error of fact by the Board. The decision of Council shall be final unless appealed to a court of competent jurisdiction within ten (10) calendar days after service of the County Council's decision.

SECTION X. The Richland County Code of Ordinances; Chapter 16, Licenses and Miscellaneous Business Regulations; Article I, In General; Section 16-20, Confidentiality; is hereby amended to read as follows:

Section 16-20. Consent, Franchise or Business License Fee Required.

The annual fee for use of streets or public places authorized by a consent agreement or franchise agreement shall be set pursuant to the agreement, and shall be consistent with limits set by State law. Existing franchise agreements shall continue in effect until expiration dates in the agreements. Franchise and consent fees shall not be in lieu of or be credited against business license fees unless specifically provided by the franchise or consent agreement.

SECTION XI. The Richland County Code of Ordinances; Chapter 16, Licenses and Miscellaneous Business Regulations; Article I, In General; Section 16-21, Violations; is hereby amended to read as follows:

Section 16-21. Confidentiality.

Except in accordance with proper judicial order, pursuant to an appeal, or as otherwise provided by law, it shall be unlawful for any official or employee to divulge or make known in any manner the amount of income or any particulars set forth or disclosed in any report or return required under this article. Nothing in this section shall be construed to prohibit the publication of statistics so classified as to prevent the identification of particular reports or returns.

SECTION XII. The Richland County Code of Ordinances; Chapter 16, Licenses and Miscellaneous Business Regulations; Article I, In General; is hereby amended to add a new section to read as follows:

Section 16-22. Violations.

Any person violating any provision of this article shall be deemed guilty of a misdemeanor and upon conviction shall be subject to punishment under the general penalty provisions of Section 1-8 of this Code of Ordinances: that is, shall be subject to a fine of up to \$500.00 or imprisonment for not more than thirty (30) days or both. Each day of violation shall be considered a separate offense. Punishment for violation shall not relieve the offender of liability for delinquent fees, penalties, and costs provided for herein.

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

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

SECTION XV. Effective Date. All sections of this ordinance shall be effective on and after _____, 2008.

RICHLAND COUNTY COUNCIL

BY: _____
Joseph McEachern, Chair

ATTEST THIS THE _____ DAY

OF _____, 2008

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: February 4, 2008
Public Hearing: March 4, 2008 (tentative)
Second Reading: March 4, 2008 (tentative)
Third Reading:



RICHLAND COUNTY COUNCIL

DEVELOPMENT AND SERVICES COMMITTEE

Bernice G. Scott
District 10

Damon Jeter
District 3

Norman Jackson, Chair
District 11

Kit Smith
District 5

Bill Malinowski
District 1

Tuesday, February 26, 2008
4:00 PM

Recommendations

I. Items for Action

There were no items for action. Therefore, there are no recommendations to report.

Staffed by Joe Cronin



RICHLAND COUNTY COUNCIL

ADMINISTRATION AND FINANCE COMMITTEE

Paul Livingston
District 4

Greg Pearce
District 6

Joyce Dickerson, Chair
District 2

Mike Montgomery
District 8

Val Hutchinson
District 9

Tuesday, February 26, 2008
5:00 PM

Recommendations

I. Items for Action

- Consent A. Request to approve a contract with Honeywell Inc. in the amount of \$246,991.99 for the purpose of updating HVAC controls and smoke evacuation system at the Alvin S. Glenn Detention Center** – The committee recommended that council approve the contract. The vote in favor was unanimous.
- Consent B. Smoking policy for county facilities and vehicles** – The committee recommended that council authorize the administrator to implement a policy banning smoking in county facilities and vehicles and identify appropriate smoking areas. The vote in favor was unanimous.
- C. Request to transfer deed for certain water and sanitary sewer lines to the City of Columbia for service to the Palmetto Heart Medical Office Building:**
- Consent 1. An ordinance authorizing deed to the City of Columbia for certain water lines to serve the Palmetto Heart Medical Office Building at the Palmetto Richland Hospital Campus; Richland County TMS # 11503-01-04 (P)** – The committee recommended that council give first reading approval to the ordinance. The vote in favor was unanimous.
- Consent 2. An ordinance authorizing deed to the City of Columbia for certain sanitary sewer lines to serve the Palmetto Heart Medical Office Building at the Palmetto Richland Hospital Campus; Richland County TMS # 11503-01-04 (P)** – The committee recommended that council give first reading approval to the ordinance. The vote in favor was unanimous.
- D. Draft intergovernmental agreement for detention center services** – The committee voted to forward this item to council without recommendation.

STATE OF SOUTH CAROLINA
COUNTY COUNCIL FOR RICHLAND COUNTY
ORDINANCE NO. ____-08HR

AN ORDINANCE AUTHORIZING DEED TO THE CITY OF COLUMBIA FOR CERTAIN WATER LINES TO SERVE THE PALMETTO HEART MEDICAL OFFICE BUILDING AT THE PALMETTO RICHLAND HOSPITAL CAMPUS; RICHLAND COUNTY TMS #11503-01-04 (P).

Pursuant to the authority 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 County of Richland and its employees and agents are hereby authorized to grant a deed to certain water lines to The City of Columbia, as specifically described in the attached Deed to Water Lines for Palmetto Heart Medical Office Building; Richland County TMS #11503-01-04 (portion); CF#265-11A, which is attached hereto and incorporated herein.

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

SECTION III. Conflicting Ordinances. 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 _____, 2008.

RICHLAND COUNTY COUNCIL

By: _____
Joseph McEachern, Chair

Attest this _____ day of
_____, 2008.

Michielle R. Cannon-Finch
Clerk of Council

First Reading: March 4, 2008 (tentative)
Public Hearing:
Second Reading:
Third Reading:

STATE OF SOUTH CAROLINA
COUNTY COUNCIL FOR RICHLAND COUNTY
ORDINANCE NO. ____-08HR

AN ORDINANCE AUTHORIZING DEED TO THE CITY OF COLUMBIA
FOR CERTAIN SANITARY SEWER LINES FOR PALMETTO HEART
MEDICAL OFFICE BUILDING AT THE PALMETTO RICHLAND
HOSPITAL CAMPUS; RICHLAND COUNTY TMS #11503-01-04 (P).

Pursuant to the authority 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 County of Richland and its employees and agents are hereby authorized to grant a deed to certain sanitary sewer lines to The City of Columbia, as specifically described in the attached Deed to Sanitary Sewer Lines for Palmetto Heart Medical Office Building, Richland County TMS #11503-01-04 (portion); CF#265-11A, which is attached hereto and incorporated herein.

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

SECTION III. Conflicting Ordinances. 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 _____, 2008.

RICHLAND COUNTY COUNCIL

By: _____
Joseph McEachern, Chair

Attest this _____ day of
_____, 2008.

Michielle R. Cannon-Finch
Clerk of Council

First Reading: March 4, 2008 (tentative)
Second Reading:
Public Hearing:
Third Reading:

2. Per Diem Fee.

Beginning July 1, 2008 the [ENTITY] agrees to pay a per diem fee for use of the detention services of the Alvin S. Glenn Detention Center, which fee shall be used by the County to offset any costs associated with such use. Any unpaid per diem fees accrued between July 1, 2003 and June 30, 2008 shall be waived upon execution of this agreement.

3. Payment of Fee.

The County shall mail an invoice for services at the conclusion of each month. The [ENTITY] has fifteen (15) days from the invoice date to remit payment to the County. If payment has not been received by the County within the allotted fifteen (15) day period, a 5% late fee shall be assessed.

4. Adjustment of Fee Amount.

The County reserves the right to adjust the amount of the per diem fee at any time during the course of this agreement if, due to the enactment of any state, local, or federal legislation, or for any other reason, the operating costs of the Alvin S. Glenn Detention Center increase. The adjustment of the fee shall be solely for the purpose of recouping such operating costs.

5. Term.

This agreement shall be in effect for a period of five (5) years and shall automatically be extended for additional five (5) year terms unless either party gives written notice of intent to terminate at least one (1) year prior to the expiration of each such five (5) year term.

6. Amendment.

Any modification of this Agreement shall be in writing and signed by both parties.

IN WITNESS WHEREOF WE THE UNDERSIGNED have this _____ day of _____, 2008, set our hand and seal hereon.

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 MARCH 4, 2008

REPORT OF THE RULES AND APPOINTMENTS COMMITTEE

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

A. Internal Audit Committee-1

There is one term expiring on this committee.

Marlon Walters

April 17, 2008*

B. Planning Commission-1

There is one term expiring in April on this commission

Howard VanDine, III

April 4, 2008

*Eligible for re-appointment

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

**APPLICATION FOR LOCATING A COMMUNITY
RESIDENTIAL CARE FACILITY IN AN
UNINCORPORATED AREA OF RICHLAND COUNTY**

To the Chairperson of Richland County Council:

The undersigned hereby respectfully requests that the Richland County Council approve the location of a community care home in Richland County, South Carolina, pursuant to Chapter 7 of Title 44 of the 1976 State Code of Laws, as described below. (Be advised that final approval of all community care homes rests with licensing by the State Department of Health and Human Services.)

Applicant must be the director of the proposed facility.

1. Applicant's Name: Brenda C. Price

2. Applicant's Address: 213 Livingston Lane
Cola, S.C 29212

3. Applicant's Telephone: Home: 803-798-7021 Office: 803-786-0011 ⁴¹⁴⁻¹³⁷⁹

4. Location of proposed community care home:

Street address: 4724 Faulkland Rd

City, Zip: Cola, S.C 29210 Tax Map Number: _____

5. Do you own the building that will house the proposed community care home?

YES NO

If "NO," do you have an option to buy the property or, if renting, do you have a lease agreement with the owner? Please state which arrangement you currently have, and also list the name, address, and phone number of the current owner and/or lessor.

Lease (attached)

6. If you are leasing the property, has the lessor granted authority to establish a community care home on the property? YES NO

7. Will the proposed community care home be established in your current permanent residence? YES NO

8. How many bedrooms and bathrooms does the proposed community care home have? Bedrooms 4 Bathrooms 2

9. How many resident clients will be housed in this proposed community care home? Nine or less 5 Ten or more

10. Describe the type of resident clients to be housed in this proposed facility (senior citizens or children, physically or mentally disabled, etc.)

Senior, mentally disabled

11. How many full-time and part-time staff will care for the resident clients of the proposed community care home? Full-Time 4 Part-Time _____

12. How many total persons will occupy the proposed community care home during the night? (Include resident clients, staff, staff family, applicant, applicant's family, etc. as applicable.) Total Persons 6

13. Do you currently operate any other community care facilities in Richland County? YES NO

If you do, list the location, year licensed, and number of resident clients for each facility:

<u>528 Atterbury Dr</u> Street Address	<u>08</u> Year Licensed	<u>5</u> # of Residents
<u>607 7th</u> Street Address	 Year Licensed	 # of Residents

14. Have you ever had a license revoked for any type of residential health care facility located in South Carolina? YES NO

I hereby certify that if granted approval from Richland County Council to locate a community care home as described above, I will fully comply with all regulations of the appropriate state licensing and regulatory agency or agencies, the State Fire Marshal's Office, and Health Department Officials which apply to community care facilities in establishing and obtaining licensing for my community care home

I also certify that all of the above information is correct to the best of my knowledge.

Brenda C. Price
Signature of Applicant

2-19-08
Date

FEBRUARY 1, 2008

JAMES FRANCIS
213 LINGSTROM LANE
COLUMBIA, SC 29212

TO WHOM IT MAY CONCERN,
I JAMES FRANCIS, WILL BE RENTING OUT 4724
FAULKLAND RD, TO BRENDA C. PRICE FOR THE
PURPOSE OF A RESIDENTIAL CARE FACILITY.
ANY QUESTION PLEASE FEEL FREE TO CALL ME.
CELL 360-7238.

RESPECTFULLY


JAMES FRANCIS

4724 Faulkland Road (District 2)



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 2020 Hampton St.
 Columbia, SC 29204



Legend

- County Boundary
- Private Schools
- Public Schools
- Police Stations
- Fire Stations
- County Assets
- Daycares
- Streets
- Buildings
- 2 Ft. Contours
- Streams
- Lakes
- Council Districts
- Zip Codes

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