

RICHLAND COUNTY COUNCIL
ZONING PUBLIC HEARING



SEPTEMBER 21, 2010



RICHLAND COUNTY COUNCIL ZONING PUBLIC HEARING

Tuesday, September 21, 2010

7:00 P.M.

**2020 Hampton Street
2nd Floor, Council Chambers
Columbia, South Carolina**

STAFF:

Anna Almeida, AICP Planning Director
Amelia R. Linder, Esq. Attorney

CALL TO ORDERHonorable Paul Livingston
Chairman of Richland County Council

ADDITIONS / DELETIONS TO THE AGENDA

OPEN PUBLIC HEARING

TEXT AMENDMENTS

AN ORDINANCE AMENDING THE RICHLAND COUNTY CODE OF ORDINANCES; CHAPTER 26, LAND DEVELOPMENT; SO AS TO ADOPT THE NEW FIRM MAPS WITH EFFECTIVE DATES OF SEPTEMBER 29, 2010, AND OTHER UPDATES AS REQUIRED BY FEMA TO MAINTAIN THE NATIONAL FLOOD INSURANCE PROGRAM. **[SECOND READING]**

Page 1

OTHER BUSINESS

ADJOURNMENT

STATE OF SOUTH CAROLINA
COUNTY COUNCIL FOR RICHLAND COUNTY
ORDINANCE NO. ___-10HR

AN ORDINANCE AMENDING THE RICHLAND COUNTY CODE OF ORDINANCES; CHAPTER 26, LAND DEVELOPMENT; SECTION 26-22; DEFINITIONS; SECTION 26-35, RICHLAND COUNTY PLANNING AND DEVELOPMENT SERVICES DEPARTMENT; AND SECTION 26-106, FP FLOODPLAIN OVERLAY DISTRICT; SO AS TO ADOPT NEW FIRM MAPS WITH EFFECTIVE DATES OF SEPTEMBER 29, 2010, AND OTHER UPDATES AS REQUIRED BY FEMA IN ORDER TO MAINTAIN THE NATIONAL FLOOD INSURANCE PROGRAM WITHIN RICHLAND COUNTY.

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

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

Manufactured home park. A lot used, designed or intended to be used for the purpose of supplying a parking space for ~~four (4)~~ two (2) or more occupied manufactured homes for rent or sale, and which includes buildings, structures, vehicles, or enclosures used or intended to be used as part of that manufactured home park. Sales or storage lots for unoccupied manufactured homes are not considered to be manufactured home parks.

SECTION II. The Richland County Code of Ordinances, Chapter 26, Land Development; Article II, Rules of Construction/Definitions; Section 26-22, Definitions; the Definition of “Manufactured Home Subdivision”; is hereby amended to read as follows:

Manufactured home subdivision. A parcel or contiguous parcels of land subdivided into two (2) or more lots configured for development of manufactured housing for rent or sale.

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

Start of construction. The date the building permit was issued; provided, however, the actual start of construction, repair and reconstruction, rehabilitation, addition, or substantial improvement was within one hundred and eighty (180) days of the permit date. The actual start means the first placement of permanent construction of a structure (including a manufactured home) on a site, such as the pouring of slabs or footings, installation of piles, construction of columns, or any work beyond the ~~state~~ stage of excavation or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading, and filling; nor does it include the installation of roads and/or walkways; nor does it include excavation for footings, piers or foundations, or the

erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of the building, whether or not that alteration affects the external dimensions of the building.

SECTION IV. The Richland County Code of Ordinances, Chapter 26, Land Development; Article III, Administration; Section 26-35, Richland County Planning and Development Services Department; Subsection (b), Specific Powers and Duties of Certain Planning Department Officers; Paragraph (4), Flood Coordinator; is hereby deleted in its entirety.

SECTION V. The Richland County Code of Ordinances, Chapter 26, Land Development; Article III, Administration; Section 26-36, Richland County Engineer/Stormwater Manager; is hereby amended to read as follows:

Sec. 26-36. Richland County ~~Engineer/Stormwater Manager~~ Public Works.

(a) *Powers and duties pursuant to this chapter.*

(1) Engineering Division/Stormwater ~~Manager~~ Management Division. The Richland County Engineering Division and the/ Stormwater ~~Manager~~ Management Division, under the direction of the Richland County ~~Public Works Director~~ Engineer, shall have the following powers and duties in administering and implementing Article VIII. of this chapter and other relevant laws and regulations pertaining to stormwater management and erosion and sediment control in Richland County:

- a. To review and approve/deny all plans for stormwater management to assure that all applicable requirements of this chapter have been satisfied.
- b. To enforce all provisions of the stormwater management and erosion and sediment control provisions of this chapter and other relevant laws and regulations relating to stormwater management. (See Sections 26-64, 26-202 and 26-203 of this chapter).
- c. To review and approve/deny all applications for land disturbance permits to assure that all applicable requirements of this chapter have been satisfied.
- d. To interpret the terms and provisions of Section 26-64 and Article VIII. of this chapter.

(2) Flood coordinator. The Richland County Flood Coordinator, under the direction of the Richland County Engineer, shall have the following powers and duties in administering and implementing Section ~~26-105~~ 26-

106 of this chapter and other relevant laws and regulations pertaining to floodplain management in Richland County:

- a. To review all applications for zoning and land disturbance permits within the FP Floodplain Overlay District to assure that all applicable requirements of this chapter have been satisfied.
- b. To advise any applicant for a zoning and/or land disturbance permit within the FP Floodplain Overlay District that additional federal or state permits may be required and require that copies of any permits or permit applications for activities on the proposed site be provided and maintained on file with the flood coordinator.
- c. To notify adjacent communities and the State Coordinator for the National Flood Insurance Program of the South Carolina Department of Natural Resources, Land, Water Resources and Conservation ~~Districts~~ Division, prior to any alteration or relocation of a watercourse, and to submit evidence of such notification to FEMA.
- d. To prevent encroachments within floodways unless the certification and flood hazard reduction provisions of Section ~~26-105~~ 26-106 of this chapter are met.
- e. Where interpretation is needed as to the exact location of the boundaries of special flood hazard areas (for example, where there appears to be a conflict between a mapped boundary and actual field conditions), to make the necessary interpretation.
- f. When base flood elevation data of floodway data have not been provided in accordance with Section ~~26-105~~ 26-106 of this chapter, to obtain, review, and reasonably utilize the best available base flood elevation data and floodway data available from a federal, state or other source at his/her discretion, in order to administer the provisions of Section ~~26-102~~ 26-106 of this chapter and other relevant laws and regulations pertaining to floodplain management in Richland County.
- g. When a regulatory floodway has not been designated, the flood coordinator must require that no encroachments, including fill, new construction, substantial improvements, or other development shall be permitted within Zones AE and A1-30 on the community's FIRM, unless it is demonstrated by an engineer registered with the state, that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the

base flood at any point within the community more than one (1) foot.

- h. Mail annually a notice, including a copy of the application of a development permit, to owners or occupants of structures within or touched by the regulatory floodplain areas, to provide information as to the status of the flood hazard for each property. This notice shall require that owners provide this notice and a copy of the development permit to subsequent purchasers of the property.
- i. To serve notices of violation, issue stop work orders, revoke or suspend permits and take corrective actions for violations of Section ~~26-105~~ 26-106 of this chapter and other relevant laws and regulations pertaining to floodplain management in Richland County.

(b) *Reserved.*

SECTION VI. The Richland County Code of Ordinances, Chapter 26, Land Development; Article V, Zoning Districts and District Standards; Section 26-106, FP Floodplain Overlay District; Subsection (a), Purpose; is hereby amended to read as follows:

(a) *Purpose General.*

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

filling, grading, mineral extraction, placing of obstructions within the flood channels, and other activities, uses, or characteristics of use which may increase flood damage.

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

SECTION VII. The Richland County Code of Ordinances, Chapter 26, Land Development; Article V, Zoning Districts and District Standards; Section 26-106, FP Floodplain Overlay District; Subsection (b), Applicability/Establishment; is hereby amended to read as follows:

(b) *Applicability/establishment.* The FP Overlay District shall function as an overlay district providing additional requirements to the regulations of the underlying general use zoning classification(s). It shall be applied to those areas designated on the Federal Emergency Management Agency's Flood Insurance Study, dated ~~February 20, 2002~~ September 29, 2010, with accompanying Flood Insurance Rate Maps (FIRM), dated ~~February 20, 2002~~ September 29, 2010, as areas of special flood hazard. In addition to other required development approvals, development applicants subject to the FP Overlay District must also receive a floodplain development permit from the county's flood coordinator. Review of developments subject to these requirements shall be conducted as part of the review for a grading or land development permit, whichever is applicable.

SECTION VIII. The Richland County Code of Ordinances, Chapter 26, Land Development; Article V, Zoning Districts and District Standards; Section 26-106, FP Floodplain Overlay District; Subsection (d), Standards in the Floodplain; Paragraph (1), General Standards; is hereby amended by the addition of a new subparagraph following subparagraph k., to read as follows:

1. *Watercourse alterations and maintenance.* In addition to the notifications required for watercourse alterations per Section 26-36 (a) (2) c., written reports of maintenance records must be maintained to show that maintenance has been provided with the altered or relocated portion of said watercourse so that the flood-carrying capacity is not diminished. This maintenance must consist of a comprehensive program of periodic inspections, and routine channel clearing and dredging, or other related functions. The assurance shall consist of a description of maintenance activities, frequency of performance, and the local official

responsible for maintenance and performance. Records shall be kept on file for FEMA inspection.

SECTION IX. The Richland County Code of Ordinances, Chapter 26, Land Development; Article XII, Code Compliance; is hereby amended by the addition of a new Section, to read as follows:

Sec. 26-274. Definition of violation as it applies to Section 26-106.

For the purpose of Section 26-106 only, the term “violation” shall mean the failure of a structure or other development to be fully compliant with the community's flood plain management regulations.

Secs. 26-275 – 26-290. Reserved.

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

SECTION XII. Effective Date. This ordinance shall be effective from and after September 29, 2010.

RICHLAND COUNTY COUNCIL

BY: _____
Paul Livingston, Chair

ATTEST THIS THE _____ DAY

OF _____, 2010.

Michielle R. Cannon-Finch
Clerk of Council

First Reading: September 7, 2010
Public Hearing: September 21, 2010 (tentative)
Second Reading: September 21, 2010 (tentative)
Third Reading: September 28, 2010 (tentative)

