

**PROPOSED DRAFT  
RICHLAND COUNTY, SOUTH CAROLINA  
LAND DEVELOPMENT CODE  
CODE OF ORDINANCES CHAPTER 26**

**OUTLINE OF SIGNIFICANT INITIATIVES AND CHANGES FROM THE  
CURRENT ORDINANCES**

**GENERAL**

1. The central initiative in the creation of the draft Land Development Code (LDC) for Richland County has been to revise the county's land development regulations as needed to make certain that these regulations are working to accomplish the goals and objectives set forth in the county's comprehensive plan.
2. Another central initiative in the creation of the draft Land Development Code for Richland County has been to combine all development regulations into a single "Land Development Code" in order to make the document more user-friendly, but also, to make certain, in reviewing and revising these regulations, that all regulations are working to achieve the principles adopted as part of the comprehensive vision for the future of Richland County.
3. Special attention has been paid in the preparation of the draft in attempting to make the code easier to read and easier to follow. Citations have been included frequently to cross reference relevant sections. Diagrams will be added in numerous places. The number of terms defined in the ordinance has been increased. The outline and format of the ordinance have been revised to improve readability.
4. Code provisions have been checked and revised as necessary to make certain that all provisions conform to South Carolina law.
5. Opportunities for simplifying and better outlining development processes have been included at appropriate points in the code.

**ARTICLE I. – GENERAL PROVISIONS**

1. This section is basically unchanged from the current land development regulations.
2. A section has been added relating the Land Development Code to the comprehensive plan. Pursuant to Title 6, Chapter 29 of the *Code of Laws of South Carolina* a requirement has been added that the Land Development Code (LDC)

and all amendments or actions pursuant to the LDC be consistent with the county comprehensive plan.

## **ARTICLE II. – RULES OF CONSTRUCTION; DEFINITIONS**

1. Most rules of construction for development regulations have been pulled into one section of this ordinance for greater clarity.
2. Under Sec. 26-21, “Rules of Construction” (concerning the district boundary determination), a provision has been added to state clearly what happens if zoning district boundaries split a lot.
3. To the rules of construction, Sec. 26-21(b), provisions have been added clarifying that:
  - (a) Responsibilities given to an administrative official can be delegated by said official to his/her designee; and that,
  - (b) Fractional results of less than a half-unit when figuring allowed density, etc. will be disregarded and fractions of one-half or more will be considered a whole unit.
4. Sec. 26-21(d) has been added to clarify what happens when there is a conflict between the LDC and other laws, deed restrictions, etc. as well as what happens where there is a conflict within the LDC regulations.
5. As stated previously, the definitions have been greatly enhanced to include more terms. All definitions are now in one section. Terms found on the use table that are not easily referenced in the North American Industry Classification System (NAICS) have been defined in Article II.
6. The term “mobile home” has been dropped from the ordinance; only “manufactured home” is used.
7. “Open space” is defined – delineating what is and is not considered open space. Further detail is given in Article VII.
8. The term “place of worship” is used to replace the term “church” and the definition limits what is included in this term. It excludes accessory uses such as day cares, thrift shops, etc. which must be permitted separately if proposed for development.
9. The term “portable sign” is now used to encompass “mobile” and “portable” signs.
10. The term “outdoor advertising sign” is dropped. The term “off-premises sign” is used to cover all signs that concern businesses, etc. not located on the premises to which the sign is affixed.

11. The preferred term in the code is now “road” when referring to streets, highways and the like, throughout the document.
12. A definition for “traffic management plan” has been included that outlines what must be included in such a plan where required.

### **ARTICLE III. – ADMINISTRATION**

1. Article III is in the chapter to provide a listing of those principally involved in the processes associated with the administration of development regulations in the county. It lists for each individual or group, except the planning commission, their functional responsibilities and for the groups, except the county council, the details of their organizational structure. No significant changes from our current situation have been made. The planning commission information has been left in Chapter 2 of the Richland County Code.
2. In many instances, where it was deemed that specificity was not necessary in staff assignment, the term “planning department” was used in indicating the party responsible for carrying out a task. This was done to allow greater flexibility for staff assignment of duties.
3. A development review team is formally established to review major land development, major subdivision and planned development applications. The team is appointed by the planning director and includes representatives of the various county departments with responsibilities related to land development/subdivision.

### **ARTICLE IV. – AMENDMENTS AND PROCEDURES**

1. All procedures, including procedures for amending the text of this chapter or the official zoning map have been put in one place for ease of locating procedures to be followed.
2. Details about the timing of application submittal and the information/sets of plans needed for the various types of applications have been omitted. This type of detail is better left to the application and accompanying information itself and does not require an ordinance amendment to change if handled in this manner.
3. A pre-application meeting is required for many types of review, particularly those involving formal review. The purpose of such a meeting is to improve the preparation of applicants and staff for formal hearings to save time for all involved. Pre-application meetings are encouraged for many other types of review.

4. Neighborhood meetings are encouraged for many types of review – major land development review; major subdivision review; special exceptions; and planned development review. Notification of neighborhood associations or other relevant groups is provided for when zoning map amendments occur.
5. Recently passed state legislation concerning appeals for pre-litigation mediation (in the alternative to immediate litigation) for land development review, special exception applications and variance requests have been added.
6. Time limits have been placed, in many instances, on how long review processes may take. Where mandated by South Carolina law (subdivisions), if the review is not completed in the stated time, the application shall be deemed approved.
7. The ability to initiate a text amendment is limited to the planning commission, the county council, the planning director and the county administrator. This provision has been added to prevent text amendments having little or no merit to the county as a whole, from being initiated by members of the general public. The public can still suggest amendments that can be taken forward by the aforementioned groups or individuals.
8. What happens when a petitioner for a rezoning withdraws a request in the middle of the process is enumerated.
9. The issuance of what was previously called a zoning permit has been separated into three different processes leading to the same end – the land development permit. These three processes are: land development compliance (simple permit; typically counter approval by staff); minor land development review (also staff approval but a larger development with greater site plan and possible development review team evaluation); and, major land development review (larger developments with a greater impact on the community necessitating formal report or formal review if appealed). The threshold for major developments is one hundred thousand (100,000) square feet of nonresidential floor space or one hundred and fifty (150) residential dwellings (multi-family or manufactured home spaces) or the dedication of land for open space or new street segments. Report or review (when appealed) of major developments is to the planning commission.
10. Major land developments, major subdivisions and planned development districts require a traffic management plan. Major land developments, major subdivisions and planned developments must go through the development review team prior to report/review by the planning commission.
11. Subdivision review has been divided into three types of review: administrative review (“exempt” subdivisions under our current ordinance); minor subdivision review (staff review only); and major subdivision review (requiring planning commission report or review if appealed). The draft worked on with the county

homebuilders group was used in the preparation of this section. Major subdivisions are those developing fifty (50) or more lots within a five (5) year period and/or which involve the dedication of land for open space or new street segments. The provisions for unpaved “private road subdivisions” found in our current ordinance have been deleted. Provisions for bonded subdivision approval are provided to allow conveyance and building permit issuance before construction and/or acceptance of required infrastructure improvements takes place.

12. The ordinance (Sec. 26-57) does not allow variances which would permit a decrease in the minimum lot size, permit a decrease in lot width, or which would allow greater density than is permitted under minimum lot area requirements.
13. The planning commission hears all appeals from staff decisions on land development and subdivision applications. The county administrator hears appeals on determinations of the flood coordinator. All other administrative appeals go to the board of zoning appeals.
14. When planned development or town and country districts are approved, no building or land development permits may be issued until plats for said districts have been recorded with the Register of Deeds of Richland County. A bond (or other surety) is also required to be posted to cover required improvements.
15. The flood ordinance and erosion and sediment and stormwater ordinances found in other parts of our current county code have been included in this chapter as they are part of the development process. No significant changes to these processes have been made to the existing procedures except as listed in this outline.
16. Procedures for issuing temporary use permits (Sec. 26-63) are set forth.
17. It is required that a land development permit and a floodplain development permit (if applicable) must be issued for a parcel before a grading permit may be issued.

#### **ARTICLE V. – ZONING DISTRICTS AND DISTRICT STANDARDS**

1. All current zoning districts were evaluated for usage and need. The number of districts has been reduced from the current twenty- six (26) districts to twenty (20) districts. The following changes were made following this review.
  - a. The D-1 Development District is being converted to the RU Rural District as it was felt that the D-1 District really did not work to promote the goals of the comprehensive plan (serving more as a “holding district” without a purpose). An RS-E Residential, Single-Family Estate District has been

created with a minimum lot size required of twenty thousand (20,000) square feet.

- b. The RU Rural District has been revised to make it more rural in nature, increasing the minimum lot area from 33,000 square feet to 43,560 square feet.
- c. The RS-1 and RS-1A Districts have been combined into a single district (RS-LD). It was felt that there was not enough distinction between the two to support two districts.
- d. All of the mobile home districts have been combined into a single MH Manufactured Home District. Again, it was felt that a single district could serve the needs for this type of district in Richland County.
- e. A new RC Rural Commercial District has been added to allow appropriate (use and design) commercial development at important nodes in the rural communities of Richland County.
- f. The concepts of the three Planned Unit Development Districts and the Planned Development District found in the current ordinance have been combined into one Planned Development District. This district, which only requires a minimum area of two acres, allows greater flexibility in innovative design and meets all the needs of the county with respect to this type of district without repetition.
- g. A TC Town and Country District has been added as a development option for large development tracts in growth areas of the county. The purpose of this district is to incorporate the principles of the town and country concept (from the comprehensive plan) into large development proposals, upon application by property owners.
- h. The Light Industrial and Research Park District and Parks and Recreation District were deleted since they are not being used.
- i. A C Conservation Overlay District was included as a tool to protect vegetation along designated water resources (perennial stream corridors) as development adjoining these areas occurs. This overlay will only be applied following study and hearings by the county council.
- j. The two flood protective areas have been combined into one overlay district.
- k. Swine farms are a prohibited use in all zoning districts.

2. The nomenclature for the zoning districts has been changed to make them more understandable to the lay person. For example, instead of a C-1 Office and Institutional District, the office/institutional district is proposed to be known as OI Office and Institutional District. Similarly, the residential district names and symbols have been changed to reflect the focus of the district.
3. The purpose statement for each district has been reworded to better reflect the vision and need for each of the principal zoning and overlay districts.
4. Staff has reviewed all of the district development standards to make changes where appropriate. In many instances yard (setback) and minimum lot size standards have been reduced to promote affordability. The minimum lot area requirements for the multi-family districts have been deleted – developments need only meet the density standards – to promote flexibility in multi-family development. See “Zoning District Comparative Table” at the end of this outline.
5. A Table of Permitted Uses has been added to the code with a greatly expanded analysis of the uses to be permitted in each district. The table is being based on the federal 2002 NAICS Code. The comprehensive nature of the new listings and the accompanying ability to use the NAICS Code for guidance should make interpretations as to allowed uses much clearer for staff and the general public.
6. In reviewing the listing of permitted uses, an effort was made to not make significant changes in the allowed uses for the particular districts. This was done to ensure that nonconformities would be kept to a minimum in the adoption of this code. Where changes were made, it was with an eye to the comprehensive plan or to achieving stated purposes of the districts. For example, some retail and service type commercial and business uses have been deleted from the permitted use listings in the industrial districts to make those districts more effective at achieving their land use purposes. High-rise buildings have been categorized as either four to five stories tall, or six or more stories tall. They are limited to the RM-HD Residential, Multi-Family, High Density District, the OI Office and Institutional District, and the GC General Commercial District.
7. A new category of permitted use has been created – “Permitted Uses with Special Requirements” (shown in the Table of Permitted Uses as SRs). These are uses that are permitted in certain districts but which have special requirements attached due to the nature of the use. The requirements are designed to insure compatibility of the use in the particular district. We have some of these uses now (not called by this name and just included in Article 7 of the current Zoning Ordinance). The list of these types of uses in the proposed Code is more expansive for two reasons. First, this listing reflects the more comprehensive use listings in the Table of Permitted Uses. Second, some of the current special exceptions have been moved to the special requirements category to take them out of the arena of the board of zoning appeals. This should simplify and focus the board’s agenda and make development review quicker and easier for many

developers. For the “SRs”, staff will be responsible for confirming that special requirements have been met.

## **ARTICLE VI. – SUPPLEMENTAL USE STANDARDS**

1. As stated before, a new category of permitted use – “Permitted Uses with Special Requirements” has been created. This article outlines which uses are in that category and sets forth the conditions for approval of these uses by staff. These conditions are in addition to those found in the regulations set forth for the zoning district in which the development is located.
2. Additionally, Article VI enumerates the conditions for the special exceptions noted in the Table of Permitted Uses found in Article V. In the current ordinance, not all uses classified as special exceptions have conditions listed in the ordinance that must be met (outside the general conditions). This is problematic for the board of zoning appeals and often leads to them focusing on things outside of their domain. General conditions to be considered when reviewing a special exception application are also outlined.
3. We have suggested in the draft that accessory dwellings be allowed as a permitted use with special requirements in a number of districts (the rural, rural residential, and single-family districts) and as a permitted use in the multi-family districts. Restrictions have been set for this allowance. This is a significant change from current policy, but reflects a growing trend and need nationwide.
4. The standards (Sec. 26-151(37)) for establishing a manufactured home park have been revised. A minimum area of five (5) acres is required. A minimum lot size of 7,260 square feet is required for each lot (60 feet in width). Twenty (20) percent of the land is required to be dedicated for open space. All of these standards are greater than current requirements.
5. Home occupations under the LDC would be allowed in accessory structures if such structures are only of a certain size.
6. South Carolina Department of Social Services licensure for childcare establishments is dropped as a requirement for land development. Licensure is required anyway and there is no need for the planning department to be policing someone else’s requirements.
7. The regulations for sexually oriented businesses have been moved to this section and simplified to address only those standards which deal with land development. The other regulations addressing such businesses will need to be placed in another part of the county code.

8. Manufactured housing on individual lots subject to some design standards has been added as a permitted use subject to special requirements and allowed in the RU, RR, RS-E and MH districts. The standards for manufactured housing in the RR and RS-E districts are more stringent than those set forth for the RU and MH districts.

## **ARTICLE VII. – GENERAL DEVELOPMENT, SITE AND PERFORMANCE STANDARDS**

1. General development standards from various sections of our current county code have been pulled together in this section to better outline, in one place, the myriad of development standards that might apply to a particular development proposed in the county. Many of the provisions currently found in the subdivision regulations (i.e., street design, utilities, road naming) have been brought into this general development standards section.
2. The draft does not limit the number of principal buildings that may be on a lot so long as all development requirements can be met. Only when the major development threshold for nonresidential or residential development is met does a multiple building development require formal report and possible formal review (when appealed).
3. A set provision for adjusting building lines for infill housing is provided. Our current ordinance gives unlimited flexibility in this regard to the zoning administrator.
4. Changes to the parking regulations have been made as follows:
  - a. The table of off-street parking standards has been reworked with an eye to making the listing more comprehensive and based more on realistic minimum needs for a use and not simply on square footage of the building.
  - b. A provision was added to allow a waiver of the need to provide additional parking where a change of use would otherwise require a minor increase in parking.
  - c. Shared and remote parking are both provided as options that can be approved at staff level.
  - d. Provisions have been added limiting the number permitted and location for parking travel and camping trailers and boats in residential districts. Tractor trailer truck storage or parking is prohibited in residential zones.

5. Driveway access standards have been added detailing the maximum number of driveways permitted for a development (based on frontage) and driveway width and separation standards. In most instances these standards are similar to those required by the South Carolina Department of Transportation.
6. Landscape standards are still under review by the Planning Commission.
7. Minimal lighting standards have been added requiring shielding of lighting to minimize glare on neighboring properties. Standards are also provided for the height of pole lighting (again, to reduce spillover of lighting), and certain types of lights (search lights, etc.) are prohibited.
8. Operations standards concerning noise, smoke, odor, and hazardous materials have been added.
9. A section has been added (Sec. 20-179) outlining requirements for development relating to pedestrian, bicycle and transit amenities. Sidewalks standards are laid out for the different types of districts and requirements are set for connectivity between residential developments and adjoining schools, parks and open space areas. Any development requiring more than fifty (50) vehicular parking spaces is also required to make provision for bicycle parking. Major land developments and major subdivisions are required to provide for a transit stop when located along an existing transit route.
10. Section 20-180 contains the sign regulations. Most of the changes are due to additions to provide greater clarity/specificity over our current standards, as well as formatting changes. Provisions are made for signage regulations in PDDs and TC districts.
11. Street standards have been pulled from the subdivision section into the general development standards in this consolidated code. They have been included, for the most part, according to the most recent staff work on a subdivision regulation draft.
12. Provisions have been added requiring open space to be provided for most major residential developments. (Sec. 20-184). Density bonuses are also provided for additional open space reservation on a sliding scale.
13. The current ordinance provides very little guidance as to the rules and regulations for temporary and accessory uses. The draft outlines the suggested regulations in greater detail (Sec. 20-185). The draft recommends a provision putting generous size limitations on accessory structures.

## **ARTICLE VIII. – RESOURCE PROTECTION STANDARDS**

1. Resource protection standards from various sections of our current county code have been pulled together in this one section so as to include them in the county's development standards.
2. The erosion and sedimentation control and stormwater management sections of our code have been translated to this section with little substantive change from the current standards. The enforcement and administrative aspects of these two programs have been moved to those respective sections of the land development standards.

#### **ARTICLE IX. – SUBDIVISION REGULATIONS**

1. The particular subdivision standards that are not relevant to other types of development and which do not have to do with procedural aspects of subdivision approval are contained in this section.
2. The recent work done with the local homebuilders association was used as the basis for the material found in this section.

#### **ARTICLE X. - NONCONFORMITIES**

1. The primary emphasis in this section on nonconforming issues was to improve the comprehensiveness and clarity of what happens when a nonconforming situation is present in the county. Nonconforming situations have been broken out into five different categories with explanations of the standards for continuing each given.
2. Currently, our ordinance allows only single-family dwellings to be built (when permitted) on nonconforming vacant lots. The draft proposes that any use permitted in the district in which a vacant lot is located be allowed on that vacant lot, even if the lot is nonconforming, so long as the other minimum requirements for the zoning classification in which it is located can be met. It does require, however, for nonconforming vacant lots in the same ownership to be combined unless out of character with the street on which such lots are located. This proposal would provide more opportunities for the use of currently vacant lots.
3. A standard was included for dealing with replacement of manufactured housing.
4. A section was included outlining the tests for overcoming the presumption of abandonment. This provision allows for a nonconforming use to be reestablished if discontinuance for longer than the year was due to the inability to lease or sell (when done actively) the property for such a use.
5. The current ordinance allows damaged structures to be rebuilt only if damage does not exceed fifty (50%) percent of the replacement cost of the structure at the

time of the damage. Working with such percentages is very challenging when a building has been seriously damaged. It is recommended in the draft that rebuilding (with limitations) be allowed if damage is due to fire, wind, flood, etc. even if total destruction occurs.

#### **ARTICLE XI. – CODE COMPLIANCE**

1. The purpose of this division is to set out enforcement mechanisms for the land development standards. Few changes have been made to the current provisions. Some elaboration on process has been added.