

RICHLAND COUNTY  
PLANNING COMMISSION



FEBRUARY 7, 2011



**RICHLAND COUNTY PLANNING COMMISSION**

**Monday, February 7, 2011**

**Agenda**

**1:00 PM**

**2020 Hampton Street**

**2<sup>nd</sup> Floor, Council Chambers**

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

**PUBLIC MEETING CALL TO ORDER** ..... Pat Palmer, Chairman

**PUBLIC NOTICE ANNOUNCEMENT**

**PRESENTATION OF MINUTES FOR APPROVAL**

January 2011 minutes

**ROAD NAME APPROVALS**

**AGENDA AMENDMENTS**

**MAP AMENDMENTS**

1. Case #11-02 MA  
William M. Gregg  
RU to HI (298 acres)  
Bluff Rd.  
TMS # 11100-01-05 & 06

**Deferred**

**TEXT AMENDMENTS**

AN ORDINANCE AMENDING; CHAPTER 26, SO AS TO PROVIDE SIZE RESTRICTIONS FOR ACCESSORY STRUCTURES IN THE RU (RURAL) DISTRICT. **P. 1**

AN ORDINANCE AMENDING THE RICHLAND COUNTY CODE OF ORDINANCES; CHAPTER 26, LAND DEVELOPMENT; ARTICLE X, SUBDIVISION REGULATIONS; SECTION 26-224, DIVISION OF REAL PROPERTY TO HEIRS OF A DECEDENT; SO AS TO PERMIT THE SUBDIVISION OF PROPERTY TO FAMILY MEMBERS. **P. 3**

**OTHER BUSINESS**

UPDATE ON THE NEIGHBORHOOD MASTER PLANS

**ADJOURNMENT**



STATE OF SOUTH CAROLINA  
COUNTY COUNCIL FOR RICHLAND COUNTY  
ORDINANCE NO. \_\_\_\_-11HR

AN ORDINANCE AMENDING THE RICHLAND COUNTY CODE OF ORDINANCES; CHAPTER 26, LAND DEVELOPMENT; ARTICLE VII, GENERAL DEVELOPMENT, SITE AND PERFORMANCE STANDARDS; SECTION 26-185, TEMPORARY AND ACCESSORY USES; SUBSECTION (B), ACCESSORY USES AND STRUCTURES (CUSTOMARY); PARAGRAPH (1), GENERAL STANDARDS AND LIMITATIONS; SUBPARAGRAPH (D); SO AS TO PROVIDE SIZE RESTRICTIONS FOR ACCESSORY STRUCTURES IN THE RU (RURAL) 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 VII, General Development, Site and Performance Standards; Section 26-185, Temporary and Accessory Uses; Subsection (b), Accessory Uses and Structures (Customary); Paragraph (1), General Standards and Limitations; Subparagraph d., Size Restrictions; is hereby amended to read as follows:

- d. *Size restrictions.* Accessory structures in residential districts shall not exceed a maximum total area of fifty percent (50%) of the gross floor area of the principal building or one thousand two hundred (1,200) square feet, whichever is greater, and shall not cover more than thirty percent (30%) of the yard. Provided, however, accessory structures on lots that are two (2) acres in size or greater in the RU Rural district shall not exceed a maximum total area of fifty percent (50%) of the gross floor area of the principal building or twenty five hundred (2,500) square feet.

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. Effective Date. This ordinance shall be enforced from and after \_\_\_\_\_, 2011.

RICHLAND COUNTY COUNCIL

BY: \_\_\_\_\_  
\_\_\_\_\_, Chair

ATTEST THIS THE \_\_\_\_ DAY

OF \_\_\_\_\_, 2011.

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Michielle R. Cannon-Finch  
Clerk of Council

RICHLAND COUNTY ATTORNEY'S OFFICE

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

Public Hearing:        February 22, 2011 (tentative)  
First Reading:        February 22, 2011 (tentative)  
Second Reading:  
Third Reading:

STATE OF SOUTH CAROLINA  
COUNTY COUNCIL FOR RICHLAND COUNTY  
ORDINANCE NO. \_\_\_-11HR

AN ORDINANCE AMENDING THE RICHLAND COUNTY CODE OF ORDINANCES; CHAPTER 26, LAND DEVELOPMENT; ARTICLE X, SUBDIVISION REGULATIONS; SECTION 26-224, DIVISION OF REAL PROPERTY TO HEIRS OF A DECEDENT; SO AS TO PERMIT THE SUBDIVISION OF PROPERTY TO FAMILY MEMBERS.

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

SECTION I. The Richland County Code of Ordinances, Chapter 26, Land Development; Article X, Subdivision Regulations; Section 26-224, Division of Real Property to Heirs of a Decedent; is hereby amended to read as follows:

**~~Sec. 26-224. Division of real property to heirs of a decedent.~~**

- (a) ~~*Purpose.* Real property held by a deceased person is frequently devised to other family members, and a probate estate is opened. Probate judges will oversee the division of all property of the deceased, including real property. However, probate judges sometimes see the heirs' difficulty in transferring real property of the deceased due to the county's land development regulations, especially as they apply to subdivisions and the need to construct paved roads and install sidewalks. The purpose of this section is to ease the burden of Richland County citizens and to reduce the expenses that heirs may be required to expend in settling the deceased's estate. It also provides a means for real property to be subdivided and transferred to heirs of deceased property owners.~~
- (b) ~~*Applicability.* The provisions of this section shall apply to all zoning districts.~~
- (c) ~~*Special requirements for private road subdivisions.*~~
- (1) ~~*Review.* Subdivision of heir property is subject to the minor subdivision review procedure found at Sec. 26-54(e)(2). All Planning Department subdivision plan review fees shall be waived; provided, however, all fees charged by DHEC (and collected by the Richland County Public Works Department) shall be paid by the applicant.~~
- (2) ~~*Roads.* Roads in subdivisions of heir property shall be exempt from the road paving requirements of Sec. 26-181 of this chapter, but shall not be exempt from any other road design requirement. Roads in subdivisions of heir property shall not be eligible or accepted for county maintenance, which is otherwise provided pursuant to Section 21-5 of the Richland County Code of Ordinances, until they meet the road construction standards provided in Chapter 21 of the Richland County Code. The roadway shall have a minimum right of way width of sixty six (66) feet and minimum twenty (20)~~

DEED BOOK \_\_\_\_, PAGE \_\_\_\_, IN THE REGISTER OF DEEDS OFFICE FOR RICHLAND COUNTY, SOUTH CAROLINA.

- (4) *Road frontage.* The tract proposed to be subdivided must have frontage of no less than fifty (50) feet on a public road or street. A minimum distance of not less than two hundred (200) feet shall be required between the centerlines of such driveways.
- (5) *Sign.* The owner shall conspicuously place on the privately maintained driveway near the entrance to the development a street sign with an approved name for E9-1-1 coordination.
- (6) *Driveway improvements and drainage.* Any impermeable or semipermeable improvements to the driveway at any point shall require submission of a storm drainage plan to the public works department for review and approval by the county engineer. Submittal of a storm drainage plan under other circumstances prior to plat approval shall be at the discretion of the county engineer. In any event, the deed or any document conveying any interest in the subdivision shall conspicuously contain the following language with an appropriate space for signature(s) by the grantee(s) acknowledging same:

ALTERATION OF STORM DRAINAGE FLOW IS PROHIBITED WITHOUT A STORM DRAINAGE PLAN PREPARED IN ACCORDANCE WITH THE RICHLAND COUNTY STORM DRAINAGE REGULATIONS, AND AS REQUIRED AND APPROVED BY THE COUNTY ENGINEER.

\_\_\_\_\_  
GRANTEE(S)

The aforementioned language shall be conspicuously displayed in capital letters in the restrictive covenants and on the plat as a disclosure statement.

**Secs. 26-225 – 26-250. Reserved.**

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 effective from and after \_\_\_\_\_, 2011.

~~foot wide passable surface, which meets the standards established and set forth by the county engineer. The subdivision documents shall include a conspicuous statement stating that improvements to the roadway without the approval of the county engineer are prohibited.~~

~~(3) — Sidewalks. Subdivisions of heir property shall be exempt from the sidewalk requirements of Sec. 26-179 of this chapter.~~

~~(4) — Size of lots. Any and all lots created in a subdivision of heir property shall conform to the zoning district's requirements.~~

~~(5) — Number of dwelling units. Only one (1) dwelling unit shall be permitted on each lot.~~

~~(6) — E-911 requirements. The road, and each lot, shall conform to the county's E-911 system addressing and posting requirements.~~

~~(d) — Legal documents required. An applicant for a subdivision of heir property shall submit:~~

~~(1) — A copy of the certificate of appointment from the probate court.~~

~~(2) — A copy of the probate court's order that divides the property amongst the heirs, if there is one.~~

~~(3) — A copy of the will, if there is one.~~

~~(4) — The necessary legal documents that:~~

~~a. — Clearly provide permanent access to each lot.~~

~~b. — State that the county shall not be responsible for either construction or routine (i.e. recurring) maintenance of the private road.~~

~~c. — Clearly state that the parcels created by this process shall not be divided again, except in full compliance with all regulations in effect at the time.~~

~~(5) — A "Hold Harmless Agreement" as to Richland County.~~

~~All legal documents shall be provided in a form acceptable to the county legal department.~~

#### **Sec. 26-224. Private driveway subdivisions.**

(a) *Purpose.*

- (1) It is the intent and purpose of this section to furnish a means of subdividing property in the county without incurring the costs associated with major subdivisions. For the purposes of this section, family members are defined as the grantor, his or her spouse, parents, grandparents, great-grandparents, brothers, sisters, children, grandchildren, and great-grandchildren of either the grantor or the spouse of the grantor.
- (2) Notwithstanding any of the provisions of this section, a private driveway subdivision road will be accepted in to the county road system, provided the road meets all applicable standards as set forth in Chapter 21, “Roads, Highways and Bridges”, of the Code of Ordinances for Richland County.
- (3) Subdivision of land meeting the intent and purpose of this section is exempt from the road access and paving requirements of this Chapter, but is not exempt from the road design requirements to permit acceptable ingress and egress of emergency vehicles.

(b) *Approval procedure.*

- (1) The applicant shall submit a sketch plan for review by the staff of the planning department prior to expenditure of major funds. The applicant must certify that the conveyance shall be to family members only.
- (2) If the sketch plan meets the requirements of this section, it may be scheduled for the next meeting of the planning commission for conceptual approval. If conceptual approval is given, the applicant shall comply with all conditions listed in subsection (c), below.
- (3) Once the conditions listed in subsection (c) are satisfied, the restrictive covenants and plat shall be submitted to the staff of the planning department. The development review team shall review and approve, disapprove, or approve with modifications, the restrictive covenants and plat at the meeting in which it is presented. Review and approval of the restrictive covenants is limited to the purpose of assuring compliance with the requirements of this section. If the restrictive covenants and plat are approved, the staff of the planning department shall collect from the owner the necessary recording fees and shall promptly record the plat and restrictive covenants for the owner.

(c) *Conditions for approval.*

- (1) An owner of land may subdivide a tract of land pursuant to this section provided that no more than seven (7) lots result from the subdivision, and each lot has a minimum size of one (1) acre, exclusive of the private driveway. After recording a final subdivision plat under the provisions of this section, subdivision of the remaining tract of land into smaller parcels

shall not be permitted except in full compliance with the provisions of all land development regulations.

(2) *Restrictive covenants.* Prior to the transfer of any interest in land and/or the recording of any deed or plat subdividing the property, the owner shall submit to the planning department a properly executed set of restrictive covenants covering the tract to be subdivided. These restrictive covenants shall be in a form acceptable to the county attorney and shall provide at a minimum:

a. A privately maintained driveway, which has an acceptable all-weather surface as determined by the county engineer and approved by the development review team, having a minimum access width of fifty (50) feet, an approved encroachment to a public road, and which provides access to all lots and shall be established by one (1) of the following methods:

1. Cross easements in favor of each lot owner fronting on the driveway containing a provision for common maintenance of the driveway with fee simple owned by each lot owner.

2. Conveyance of an undivided interest of each lot owner fronting on the driveway, the numerator of which is one (1) and the denominator of which is the number of lots fronting on the driveway, together with a provision for cross easements and for maintenance of the driveway by all lot owners. Said driveway shall be jointly owned and maintained by all property owners abutting the driveway. Such private driveway shall comply with any lending requirements of FHA and VA.

b. Provision shall be made for maintenance of the private driveway in perpetuity by the property owners abutting the driveway. All lot owners shall be jointly and severally financially required to maintain the driveway, said obligation to be enforceable by the filing of a lien by the remaining property owners against the property of a defaulting owner. The following statement in capital letters shall be conspicuously displayed in the restrictive covenants:

THE PRIVATE DRIVEWAY PROVIDING ACCESS TO LOTS IN THIS DEVELOPMENT IS NOT AND WILL NOT BE MAINTAINED BY RICHLAND COUNTY. OWNERS OF LOTS IN THIS DEVELOPMENT ARE FINANCIALLY OBLIGATED TO MAINTAIN THIS DRIVEWAY IN PERPETUITY FOR THE

BENEFIT OF ALL PROPERTY OWNERS IN THE DEVELOPMENT.

- c. The requirements of subsection (c)(2)a. may be modified at the discretion of the county engineer, subject to the following:
  - 1. The all-weather surface driveway may be omitted upon showing undue hardship and a plat showing a maximum of four (4) lots.
  - 2. A restriction limiting the total number of dwellings to five (5) overall.
  - 3. A cleared, passable surface of a minimum of twenty-four (24) feet is maintained.
- d. The restrictive covenants shall require that any deed or document conveying any interest in a lot in the subdivision shall conspicuously contain the following language with an appropriate space for signature by the grantee or grantees acknowledging same:

THE REAL PROPERTY DESCRIBED IN THIS DEED IS SUBJECT TO RESTRICTIVE COVENANTS RECORDED IN DEED BOOK \_\_\_\_ AT PAGE \_\_\_\_. THESE RESTRICTIVE COVENANTS PROVIDE, AMONG OTHER THINGS, A FINANCIAL OBLIGATION TO MAINTAIN A PRIVATE DRIVEWAY. THESE RESTRICTIVE COVENANTS ARE SPECIFICALLY ACKNOWLEDGED BY THE GRANTEE(S).

\_\_\_\_\_  
GRANTEE(S)

- (3) *Plat.* A plat of the development shall be prepared by a licensed surveyor. This plat shall, at a minimum, show the borders of all lots resulting from the proposed subdivision, the size and acreage of each lot exclusive of the access driveway, the frontage of the overall tract on public roads and streets, and the locations and dimensions of the privately maintained access driveway. The following statement must be conspicuously shown on the plat in capital letters:

THE PRIVATE DRIVEWAY PROVIDING ACCESS TO LOTS (INSERT THE LOT NUMBERS) SHOWN HEREON IS NOT, AND WILL NOT BE, MAINTAINED BY RICHLAND COUNTY. SEE DECLARATION OF RESTRICTIVE COVENANTS RECORDED IN





Richland County Government  
2020 Hampton Street  
Columbia, SC 29204

Phone (803) 576-2180  
Fax (803) 576-2182

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