

ORDINANCE NO.: 2008-001

*Amending the Code of the City of Columbia, South Carolina, Chapter 17,
Planning, Land Development and Zoning, Article III, Zoning, Division 9, Supplemental District
Regulations to add a new Sec. 17-322,
Interim measures for community character protection*

WHEREAS, City Council recognizes that the process to establish a historic or design preservation overlay district can be time consuming; and,

WHEREAS, City Council recognizes that, during this process, additional zoning regulations could help minimize the possibility that demolition and construction activity within a residential community would ~~not~~ drastically or negatively affect the existing character of that community; NOW THEREFORE,

BE IT ORDAINED by the Mayor and City Council of the City of Columbia, South Carolina this ___ day of _____, 2008 that the Code of the City of Columbia, Chapter 17, Planning, Land Development and Zoning, Article III, Zoning, Division 9, Supplemental District Regulations is amended to add a new Sec. 17-322, Interim measures for community character protection to read as follows:

Sec. 17-322. Interim measures for community character protection.

(a) *Creation of overlay district and a*~~Application of interim measures for community character protection.~~

(1) The -CC overlay district is intended to minimize the possibility that demolition and construction activity within a residential community would drastically negatively affect the existing character of that community. Also, it is intended that this district be established for a period of time only long enough for that community to determine whether or not a historic or design protection overlay district is appropriate.

(2) The -CC designation and the associated i~~Interim measures for community character protection are not intended to be utilized as a stand-alone zoning district classification, but as a set of regulations which are overlaid and supplemental to the regulations of the existing zoning district. Any amendments to this ordinance shall be processed as an amendment the text of the Zoning Ordinance.~~

(23) The interim measures provided for in this ordinance shall apply to property zoned or used residentially within the Cottontown, Sherwood Forest, Hollywood/Rose Hill, Shandon, and Wales Garden neighborhoods whose boundaries ~~have been recognized by the Columbia Council of Neighborhood (hereinafter referred to as "CCN") and~~ are more specifically described within Exhibits A.1 and A.2 for a period of two years from the effective date of this ordinance, or until such time as City Council votes to grant or deny a request for a historic or a design preservation overlay district for that ~~neighborhood geographic area.~~

(4) Notwithstanding Sec. 17-132(b), only a member of City Council may initiate an amendment to the zoning map to overlay these interim measures to other geographic areas, and the interim

measures shall apply for a period of two years from the effective date of the ordinance applying the interim measures to the particular geographic area.

(5) In conjunction with an application for a historic or design preservation overlay district for a geographic area within the two-year periods provided hereinabove, the Zoning Administrator shall also initiate a text and map amendment to remove the interim measures for that particular geographic area.

(b) *Limits to demolition.*

(1) The City shall not issue a demolition or relocation permit for any structure fifty years old or more within any geographic area to which these interim measures for community character protection apply without prior review and approval by the Design Development Review Commission (DDRC) unless the structure is deemed “noncontributing” in accordance with Sec.17-655(a)(2) by City staff. City staff may review and approve the demolition or relocation of a structure deemed “noncontributing” in accordance with Sec. 17-655(a)(2).

(2) The age of a structure shall be established by the records maintained by the Richland County Assessor’s Office. If the age of the structure cannot be established by the records maintained by the Richland County Assessor’s Office, the applicant for a demolition or relocation permit shall present other documentation to the City to establish the age of the structure.

(3) Where prior review and approval by the DDRC is required, the applicant for a demolition or relocation permit shall submit an application for Certificate of Design Approval to the DDRC.

(4) The property upon which the structure is located shall be posted with notice of the application to demolish or relocate at least fifteen days prior to the consideration of the application by the DDRC.

(5) For applications to demolish a structure, the DDRC shall apply the criteria for review of requests for demolition permits as set forth in Sec. 17-674(e).

(6) For applications to relocate a structure, the DDRC shall apply the Guidelines for Relocation as published by the DDRC.

(7) If an application for a demolition or relocation is denied, the applicant may appeal to City Council pursuant to Sec. 17-677.

(8) The following demolitions are exempt from this ordinance:

(a) Partial demolitions where City staff determines that the portion of structure to be demolished does not contribute to the design integrity of the structure or the character of the structure.

(b) Demolitions ordered by the City to remedy a life or safety issue.

(c) Demolitions ordered by the City as a conclusion of a property maintenance or housing code case.

(d) Demolitions requested within an application to rezone the property to PUD and the application for a PUD is approved by City Council.

(9) Demolition or relocation without a permit or Certificate of Design Approval as required by the provisions of this ordinance shall be unlawful. Any person demolishing or relocating without a permit or Certificate of Design Approval as required by the provisions of this ordinance shall be subject to the penalties provided for in Sec. 17-656.

(c) *Limits upon new construction and subdivisions.*

(1) *Side yard setbacks.* Within any geographic area to which these interim measures for community character protection apply, the side yard setbacks for a newly subdivided residential lot shall be the mean side yard setback for all improved residential lots within a seven hundred fifty foot radius, except that:

(a) Side yard setbacks for newly subdivided residential lots subdivided from a corner lot shall be determined pursuant to subsections 2, 3 or 4 below.

(b) Side yard setbacks shall not reduce the width of a building pad upon a newly subdivided residential lot to less than thirty feet in width.

(c) Side yard setbacks upon a newly subdivided residential lot shall not be less than five feet unless reduced by an approved PUD or variance.

(2) *Subdivisions of improved corner lots.* Within any geographic area to which these interim measures for community character protection apply, the following shall apply to an application to subdivide a new residential lot from an improved corner lot:

(a) If the application for subdivision seeks to orient a structure perpendicular to the existing structure located upon the “remaining” corner lot, no new lot line shall be closer to the existing structure than thirty feet. Covered or enclosed landings, porches, or patios incidental to the structure and less than 75 square feet gross floor area may encroach into this thirty-foot setback.

(See Figure 1)

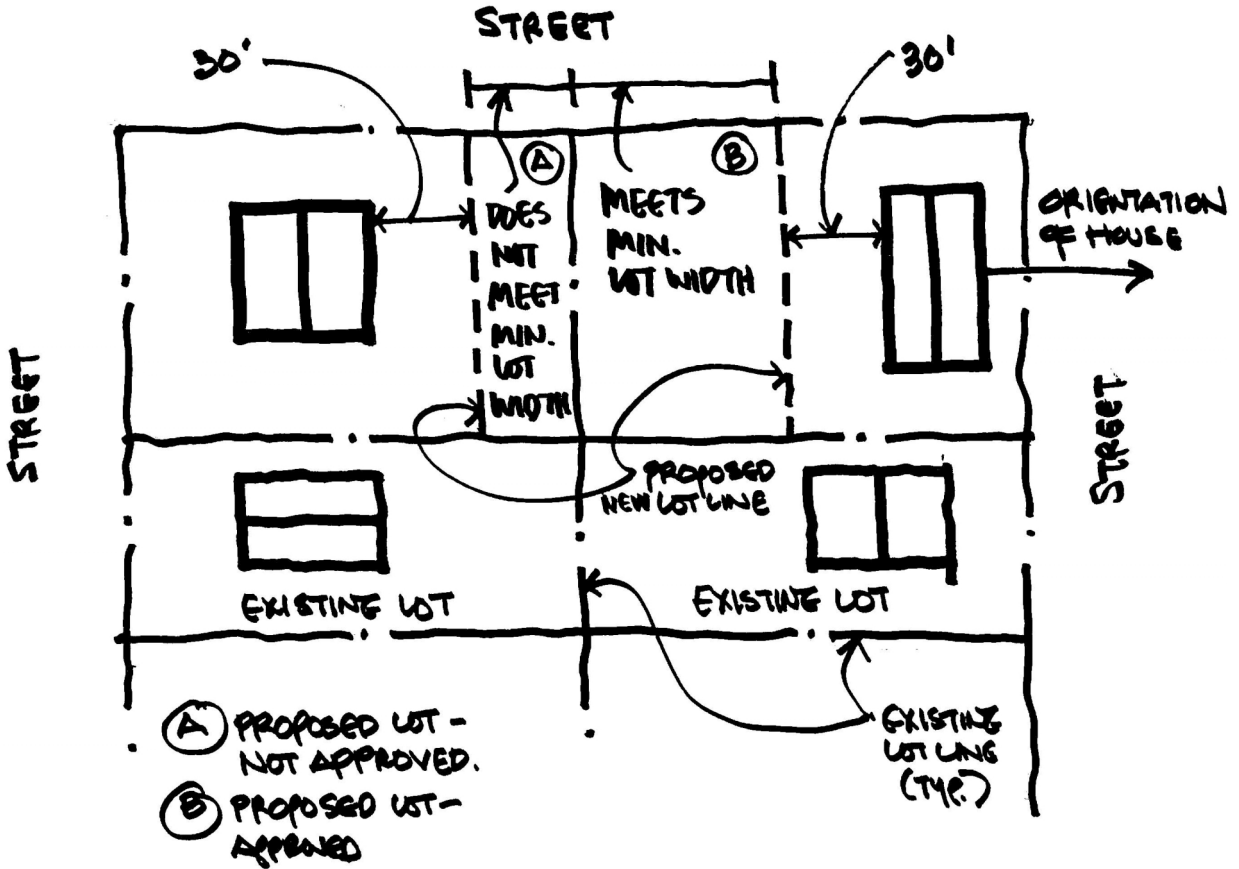


Figure 1

(b) If the application for subdivision seeks to orient a structure in the substantially same orientation as the existing structure located upon the “remaining” corner lot, the front yard setback of the new lot shall be the same as the same street setback of the existing structure upon the “remaining” corner lot. (See Figure 2)

(c) Side yard setbacks shall be established pursuant to subsection 1 above. (See Figure 2)

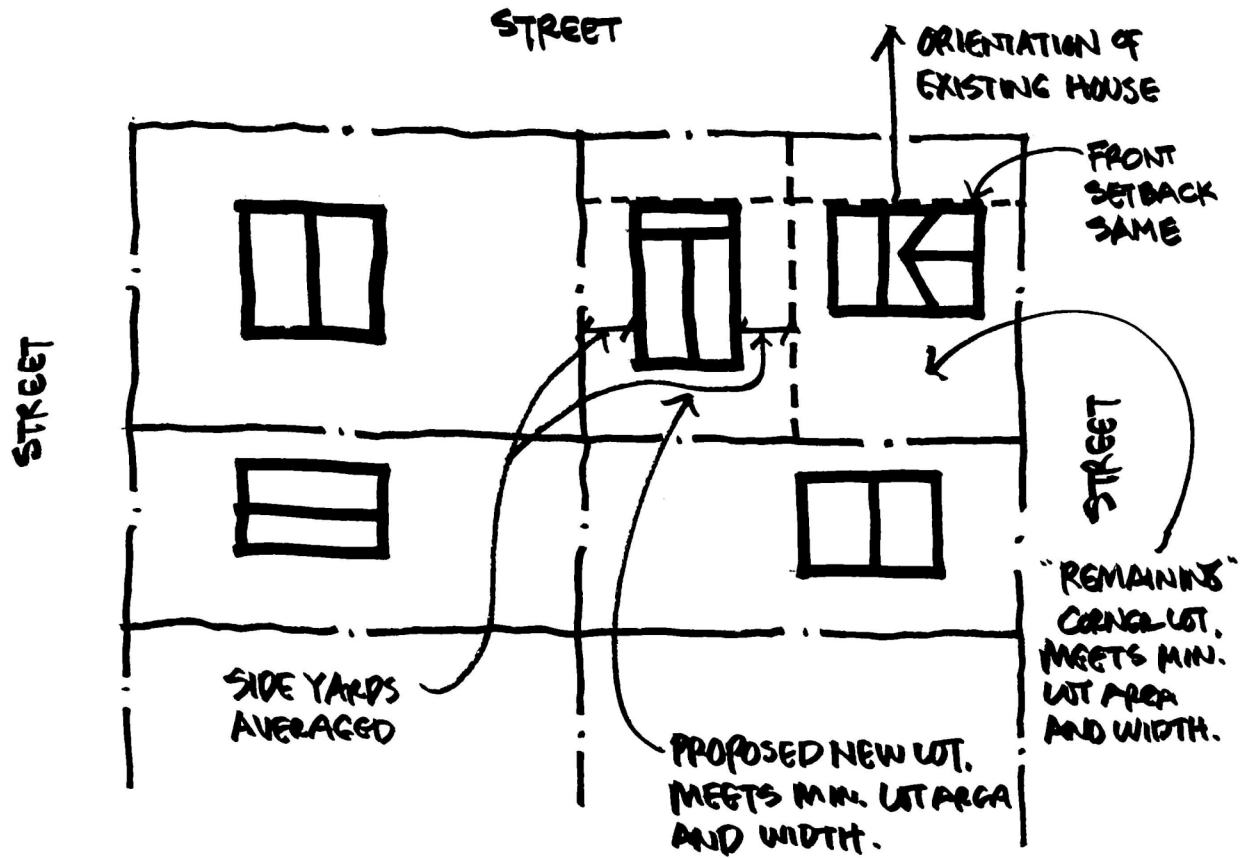


Figure 2

(3) *Subdivisions of vacant corner lots.* Within any geographic area to which these interim measures for community character protection apply, the following shall apply to an application to subdivide a new residential lot from a vacant corner lot (See Figure 3):

(a) The subdivision shall be platted so the structure built upon the “remaining” corner lot has setbacks from both street lot lines that align with the existing setbacks of existing structures in each direction.

(b) The street setback for any new “interior” lot shall align with the existing setback of an existing adjacent structure. If no adjacent structure exists to establish the street setback, or if the street setback of an existing structure is atypical for the area, the street setback shall be determined by the average of all similarly oriented street setbacks along the same street within a two-block radius.

(c) Side yard setbacks shall be established pursuant to subsection 1 above.

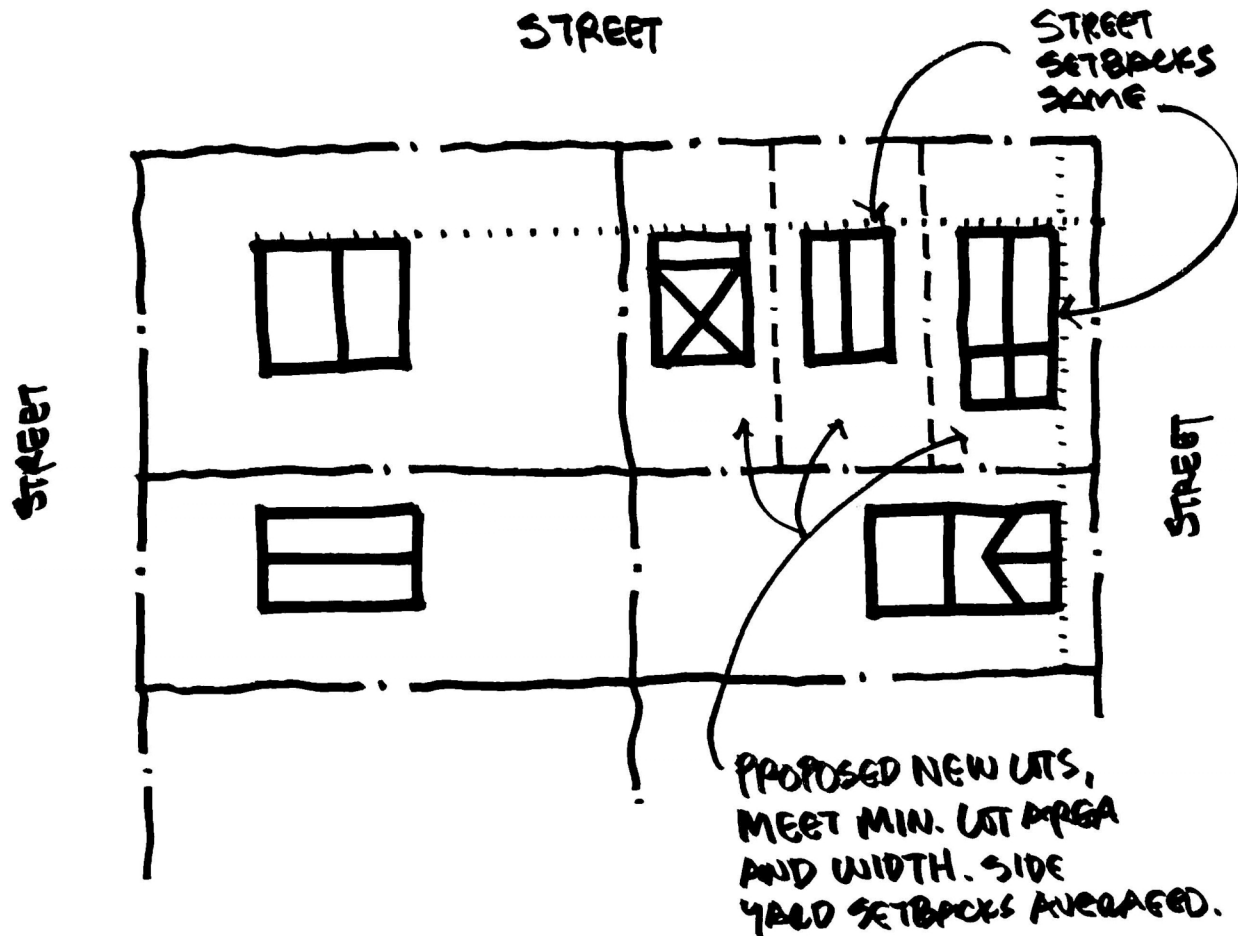


Figure 3

(4) *Subdivisions of corner lots, generally.* The Zoning Administrator may require a different orientation or setback than that required by this ordinance or by Sec. 17-275, 17-276, or 17-278 if a different orientation or setback would further the intent of these interim measures, or where such orientation would preserve a grand and/or significant tree. The applicant for subdivision may appeal this determination to the Board of Zoning Appeals as an appeal from an administrative decision of the Zoning Administrator.

(5) *Height considerations.* Within any geographic area to which these interim measures for community character protection apply, any structure constructed upon a newly subdivided residential lot which is contiguous to a lot upon which a structure 1½ stories high or less exists shall be no higher than a line drawn at a forty-five degree angle from a point eight feet above the common lot line or than the maximum allowance within the underlying zoning district, whichever is less. These provisions shall not apply to chimneys and other unoccupied appurtenances attached to the structure. (See Figure 4)

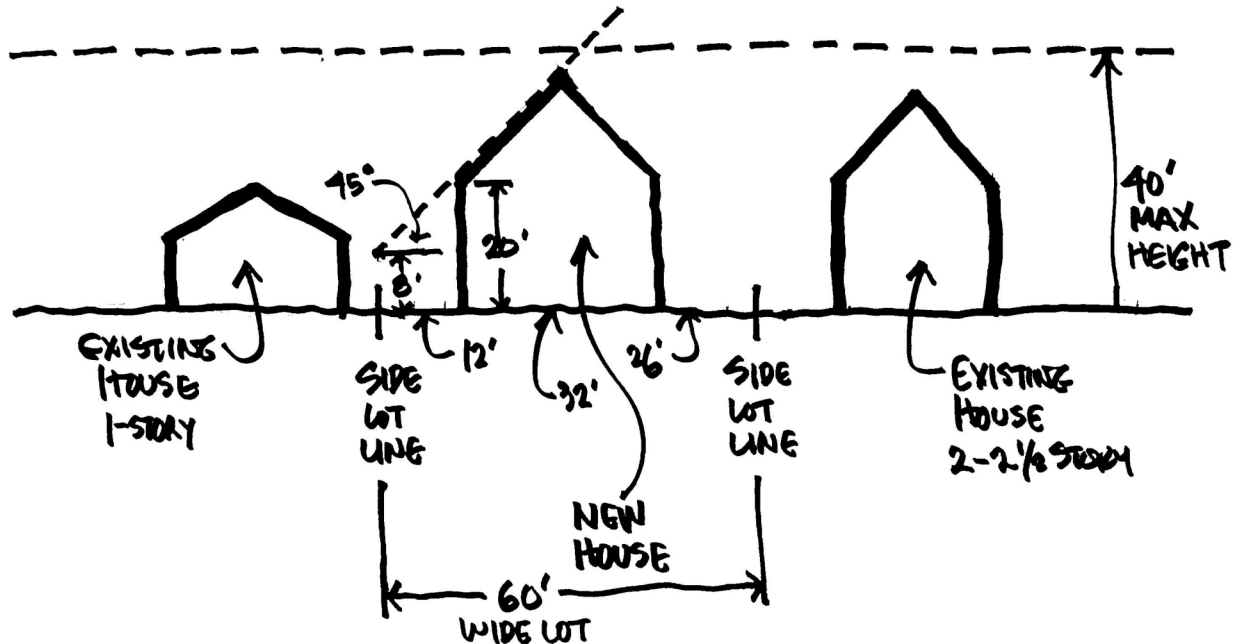


Figure 4

(6) *Newly subdivided residential lot.* For the purpose of this ordinance, “newly subdivided residential lot” shall mean any residential lot created by a plat of subdivision filed and recorded after the effective date of this ordinance upon which no more than a single-family or two-family dwelling can be constructed. Lots of record existing upon the 1999 Richland County Tax Maps are exempt from the provisions of this ordinance.

(7) *New construction.* For the purpose of this ordinance, new construction includes the placement of a structure moved from another site. The following subdivisions are exempt from this ordinance:

- (a) Subdivision requested within an application to rezone the property to PUD and the application for a PUD is approved by City Council.
- (b) Subdivision of a parcel five acres or larger.

~~(d) Procedures to apply for application of interim measures for community character protection. City Council may amend this ordinance to apply these interim measures to other geographic areas in accordance with the following procedures:~~

~~(1) Procedure for neighborhoods recognized by CCN to apply for Interim Measures for Community Character Protection:~~

~~(a) A neighborhood recognized by CCN (hereinafter referred to as a “neighborhood association”) shall place an item upon the agenda of a regularly scheduled neighborhood association meeting labeled “DISCUSS AND/OR VOTE UPON INTERIM MEASURES FOR COMMUNITY CHARACTER PROTECTION” and shall cause this agenda to be widely circulated at least 30 days prior to the meeting. At a minimum, the circulation of this agenda shall also include a copy~~

~~of the interim measures and a map of the geographic area encompassing the neighborhood association.~~

~~(b) At the regularly scheduled meeting, the neighborhood association shall provide a sign-up sheet upon which persons may record their attendance.~~

~~(c) At the regularly scheduled meeting, the neighborhood association shall conduct a vote upon the following question: “Should a request be submitted to City Council to apply Interim Measures for Community Character Protection to the geographic area encompassing the neighborhood association?”~~

~~(d) If a majority of those persons present vote “yes” to the above question, then the president of the neighborhood association shall send a letter to the Zoning Administrator and the Preservation Planner requesting that the geographic area encompassing the neighborhood association be considered for interim measures (hereinafter referred to as an “opt-in letter”). The letter shall describe the method used to circulate the agenda, a copy of the agenda and sign-up sheet, and a breakdown of the vote (number of “ayes” and “nays”).~~

~~(2) *Procedure for Neighborhoods not Recognized by CCN to apply for Interim Measures for Community Character Protection.*~~

~~(a) A contiguous geographic area, including an area more or less than a neighborhood association, may apply for the interim measures where that geographic area is zoned or used residentially and contains two or more acres of privately owned property. The Planning Commission may vary this two-acre area requirement upon a finding that extraordinary circumstances exist (e.g. a residential area less than two acres is surrounded by nonresidential property).~~

~~(b) An area representative shall collect signatures of the owners of property located within the proposed geographic area upon a petition containing the following: “We hereby petition Columbia City Council to apply Interim Measures for Community Character Protection to the proposed geographic area.” All property owners for each property located within the proposed geographic area in favor of applying the interim measures are required to sign the petition. The petition shall also include a copy of this ordinance and a map of the proposed geographic area.~~

~~(c) If the petition has been signed by the property owners of more than fifty percent of the properties located within the proposed geographic area, then the area representative shall send an opt-in letter to the Zoning Administrator and the Preservation Planner requesting that the geographic area be considered for interim measures. The letter shall describe the method used to collect and verify that all of the property owners for each property located within the geographic area signed the petition and include a copy of the petition containing the required signatures.~~

~~(3) *Adoption Process.*~~

~~(a) Upon receipt of an opt-in letter found to contain all required documentation, the Zoning Administrator shall apply for a text amendment and place it upon the next available agenda of the Planning Commission. The Zoning Administrator shall send a letter to the President of the neighborhood association or the area representative confirming the date and time of the meeting. The Zoning Administrator shall place a notice in a newspaper of general circulation at least ten days prior to the meeting.~~

~~(b) The Planning Commission shall review the application of the Zoning Administrator and forward a recommendation to City Council.~~

~~(c) The recommendation of the Planning Commission shall be considered by City Council at the next regularly scheduled zoning public hearing before City Council.~~

~~(e) The interim measures as contemplated by this ordinance shall apply to the particular neighborhood or geographic area for a period of two years from the effective date of the ordinance applying the interim measures to the particular neighborhood or geographic area. Any addition to a neighborhood association or geographic area that has opted in must comply with the procedures specified herein. In conjunction with an application for a historic or design preservation overlay district for a neighborhood association or a geographic area within the two-year period provided hereinabove, the Zoning Administrator shall also submit an amendment to this ordinance to remove the interim measures for that particular neighborhood association or geographic area.~~

~~(f) Section (d) above is intended only to provide a guide to the Planning Commission and City Council of the degree of support for or against the application of interim measures to a neighborhood association or other geographic area. Notwithstanding the procedures outlined within Section (d) above and, at any time, a member of City Council or the Planning Commission may initiate an amendment to this Sec. 17-322 that could apply these interim measures for community character protection to a neighborhood association or other geographic area or remove same from any such area. Amendments shall be processed pursuant Sec. 17-131 et. seq. of this Chapter.~~

This ordinance is effective upon final reading.

Requested by:

Development Services

MAYOR

Approved by:

City Manager

Approved as to form:

ATTEST:

City Attorney
Public Hearing:
Introduced:
Final Reading:

City Clerk