

ORDINANCE NO.: 2010-060

Amending the 1998 Code of Ordinances of the City of Columbia, South Carolina, Chapter 17, Planning, Land Development and Zoning, Article III, Zoning, Division 9, Supplementary District Regulations, to add 17-324 Permanent measures for community character protection and to renumber subsequent sections; and Article V, Historic Preservation and Architectural Review, Division 2, Preservation Standards for Landmarks and Design Protection Districts, Sec. 17-677 Appeals

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BE IT ORDAINED by the Mayor and Council this 2nd day of June, 2010, that the 1998 Code of Ordinances of The City of Columbia, South Carolina, Chapter 17, Planning, Land Development and Zoning, Article III, Zoning, Division 9, Supplementary District Regulations, to add Sec. 17-324 Permanent measures for community character protection and renumber subsequent sections, and Article V, Historic Preservation and Architectural Review, Division 2, Preservation Standards for Landmarks and Design Protection Districts, Sec. 17-677 Appeals, are amended to read as follows:

17-324 Permanent measures for community character protection

(a) Creation of overlay district and application of permanent measures for community character protection.

(1) The -CC1 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.

(2) The -CC1 designation and the associated 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.

(3) The -CC1 district shall apply to property zoned or used residentially.

(b) *Limits to demolition.*

(1) The city shall not issue a demolition or relocation permit for any structure 50 years old or more within any geographic area to which this overlay applies without prior review and approval by the design development review commission (DDRC) unless the structure is deemed "noncontributing" in accordance with subsection 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 subsection 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 subsection 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, a person who may have a substantial interest in the decision of the DDRC, or any officer or agent of the city may appeal pursuant to section 17-677.

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

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. Demolition requested within an application to rezone the property to PUD and the application for a PUD is approved by city council.

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(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 section shall be subject to the penalties provided for in section 17-656.

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

(1) *Side yard setbacks.* Within any geographic area to which this overlay applies, the side yard setbacks for a newly subdivided residential lot shall be the mean side yard setback for all improved residential lots within a 750-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 30 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 this overlay applies, 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 30 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)

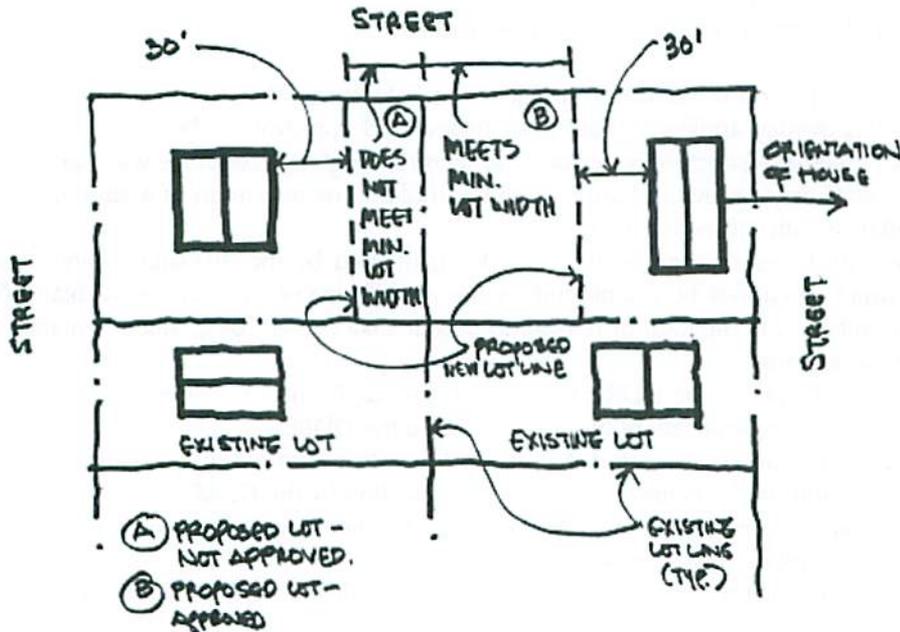


Figure 1

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)

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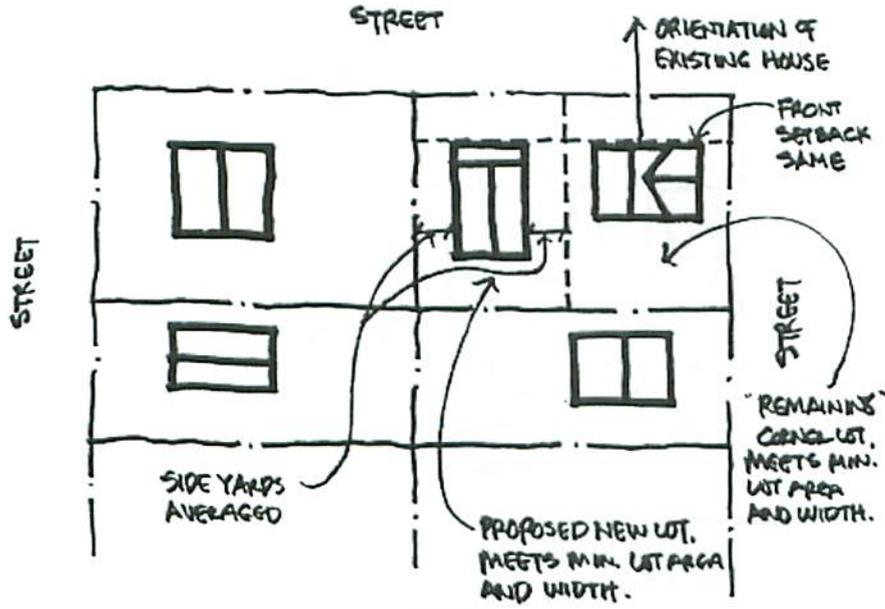


Figure 2

(3) *Subdivisions of vacant corner lots.* Within any geographic area to which this overlay applies, 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.

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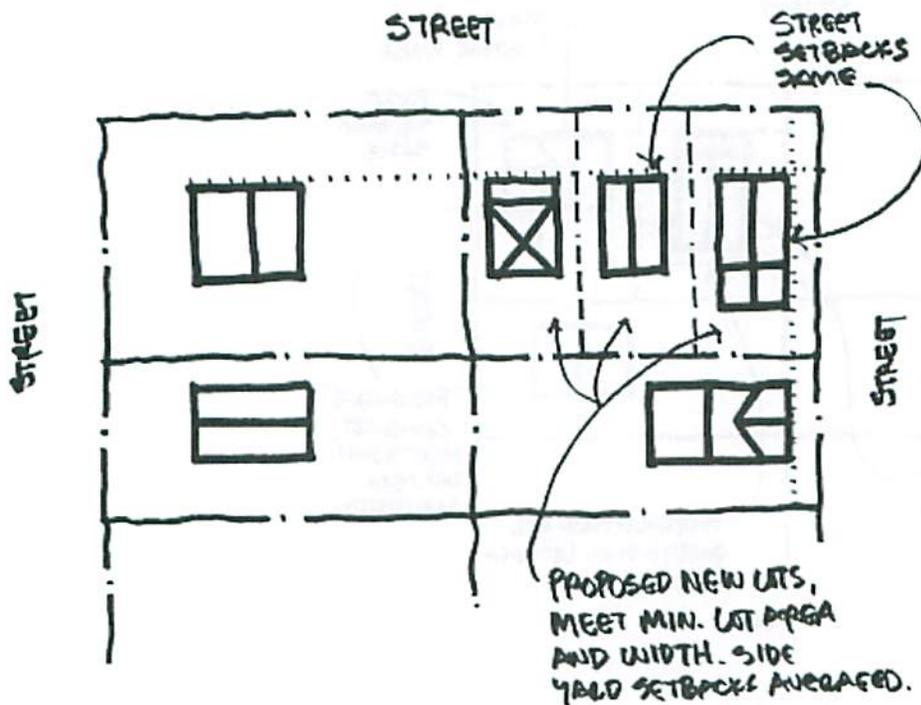


Figure 3

(4) *Subdivisions of corner lots, generally.* The zoning administrator may require a different orientation or setback than that required by this ordinance or by section 17-275, 17-276, or 17-278 if a different orientation or setback would further the intent of these 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 this overlay applies, 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 45-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)

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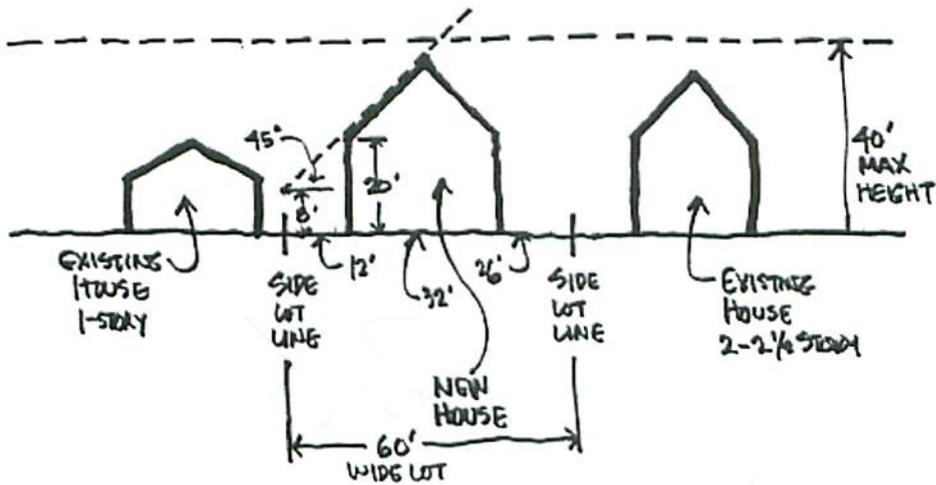


Figure 4

(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 section.

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

- 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.

Sec. 17-3245. -ID innovista design district.

(a) *Applicability/establishment.* The ID overlay district shall be established as a district which overlays the general use zoning districts. The extent and boundaries of the ID districts are indicated on the official zoning maps for the City of Columbia.

(b) *Supplemental district regulations.*

(1) *Building height:* To provide appropriate buffer to adjacent residential and historic districts, the height limit for structures located within buffer areas identified on the map titled "District Boundaries" in the "Innovista District Design Guidelines April 2009" shall be 75 feet.

(2) *Signage size allowance:* Total allowable square footage of signage for a building may be increased by 25 percent if internally illuminated signage is not used for any business for any sign located on the parcel.

(3) *Ground floor activity zone:* Buildings with frontage on existing streets labeled as being a ground floor activity zone as shown on the map labeled "Ground Floor Activity Zones" in the "Innovista Design District Guidelines April 2009," shall have a minimum of 60 percent of the façade, not counting ingress and egress, programmed with one or more of the following uses: retail trade, eating and drinking places, hotels and other lodging places, beauty and barber shops, dance studios, physical fitness and yoga studios, museums and art galleries, educational services, lobby or other active accessory space for residential uses, retail operations of finance institutions (banks).

(4) *Permitted uses:* Notwithstanding the provisions in this chapter concerning non-conforming uses (sections 17-201 through 17-205), the following existing uses or structures may be expanded up to 20 percent of the gross floor area on the same lot of record.

- a. Manufacturing (SIC Division D).
- b. Wholesale trade (SIC Division F).

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(5) *Credit for on-street parking*: The amount of required off-street parking shall be reduced by one off-street parking space for every on-street parking space adjacent to the development.

(6) *Maximum parking ratio*: Surface parking shall not exceed 110 percent of the minimum parking requirement for the subject land use(s) as established in Table 1 of Section 17-258 prior to any reductions permitted.

Sec. 17-677. Appeals.

A person who may have a substantial interest in any decision of the DDRC, or any officer or agent of the city, may appeal from any decision of the DDRC to the circuit court in and for the county by filing with the clerk of court a petition in accordance with the provisions of S.C. Code Ann § 6-29-900 (Supp. DATE). The appeal must be filed within 30 days after the affected party receives actual notice of the decision of the DDRC.

Requested by:

Planning/Development Administrator



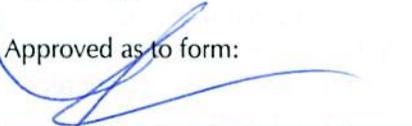
MAYOR

Approved by:



City Manager

Approved as to form:

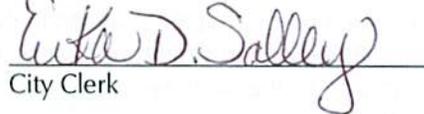


City Attorney

Introduced: 5/19/2010

Final Reading: 6/2/2010

ATTEST:



City Clerk