



TOWN COUNCIL MEETING

Irmo Municipal Building
7300 Woodrow Street, Irmo, SC

February 20th, 2024 @ 6:30 pm

Live streaming will be available from our YouTube channel at:
<https://www.youtube.com/c/TownofIrmo>

AGENDA

- I. Call to Order
- II. Pledge of Allegiance
- III. Invocation
- IV. Approval of the Agenda
- V. Reading of the Minutes – January 16, 2024, and February 20, 2024
- VI. Report of Standing
 - A. Administrative Briefing
 - B. New In-Town Businesses
 - Brow Gal – 1085-C Lake Murray Boulevard
 - Chris D. Barker LPC, LLC – 10415 Broad River Road
 - Euro Nails – 7971 N. Woodrow Street #1
 - Wild Hair - 1085-C Lake Murray Boulevard
 - LUXE Hair Salon DBA Megan Savage - 1085-C Lake Murray Boulevard
 - LUXE Hair Salon DBA Tavette Martin - 1085-C Lake Murray Boulevard
 - Michael J. Garrett Salon - 1085-C Lake Murray Boulevard
 - Slim City Weight Loss Columbia – 7719 St. Andrews Road
 - Heart and Hands Home Care, LLC – 7803 St. Andrews Road
 - Upwards Physiotherapy – 1186 Columbia Avenue



- VII. Consideration of Communications
 - A. Recognition of ButterKreme Queen Bakery as the February 2024 Small Business of the Month.
 - B. Update from Mr. Frazier on the Chili Cookoff and Easter Egg Hunt.
 - C. School Showcase:
 - 1. Irmo Middle School International Academic Magnet, Principal Mansa Joseph
 - D. Community Connections:
 - 1. Hands-Only CPR Training
 - 2. McGregor Presbyterian Community Workshops
 - 3. Future STEM Heroes Fair
 - 4. Irmo's Black History Celebration

VIII. Presentation by Citizens (Agenda Items IX and X only)

IX. **UNFINISHED BUSINESS**

NONE

X. **NEW BUSINESS**

- A. **FIRST READING of ORDINANCE 24-01** to establish an Events Committee (Mayor). This will create a committee to advise the Council on events to be held in the town.
- B. **FIRST READING of ORDINANCE 24-02** to rezone 1 acre located at 900 Lake Murray Boulevard, Richland County TMS# R03915-01-10 from CN, Neighborhood Commercial, to CG, General Commercial (Planning Commission).
- C. **FIRST READING of ORDINANCE 24-03** to annex 0.13 acres located at 141 Quick Terrace Road, Richland County TMS# R03207-01-05 into the Town Limits of Irmo and to zone the property to RS, Single Family Residential (Planning Commission).
- D. **FIRST READING of ORDINANCE 24-04** to rezone 67 acres located at or near 1424 Shady Grove Road, Richland County TMS# R03300-03-02,-37



and -44 from CN, Neighborhood Commercial, to CG, General Commercial (Planning Commission).

- E. **FIRST READING of ORDINANCE 24-05** to amend Appendix A – Zoning and Land Development Articles 1,2,3,7, and 13 to add Negotiated Zoning Districts (Planning Commission)
- F. **Approval of Resolution 24-03** Supporting Instant Runoff Voting as an Alternative Method of Nominating Candidates (Sickinger).
- G. **Approval of Resolution 24-04** Adopting the Lexington County Animal Control Ordinance Changes (Staff). This will adopt Lexington County Ordinance 23-10 which amends their Animal Control Ordinance previously adopted by the Town Council.
- H. **Approval** to purchase six (6) traffic radar signs through All Traffic Solutions in the amount of \$23,802 (Police Department).
- I. **Approval** to purchase two (2) Ford f-250 trucks for Public Works in the amount of \$102,411 under state contract pricing (Public Works). This will replace two aging trucks in the fleet.

- XI. Presentation by Citizens
- XII. Discussion
- XIII. Executive Session – Council may act on items discussed in the executive session after returning from the executive session.
- XIV. Adjournment

In accordance with the requirements of Title II of the Americans with Disabilities Act of 1990 (ADA), the Town of Irmo will not discriminate against qualified individuals with disabilities based on disability in its services, programs, or activities. If you need accommodation to attend the meeting, please contact the Town Administrator or Municipal Clerk for assistance at (803)781-7050, M-F between the hours of 8:30 - 5:00 (closed most Federal and State Holidays).



Staff Report

DATE: Council Meeting: February 20, 2024
Council Meeting: March 19, 2024

TO: Irmo Town Council

FROM: Courtney Dennis, Town Administrator

SUBJECT: Events Committee

ACTION REQUESTED: Consideration of an Ordinance to establish an Events Committee

Background

Under the previous Mayor, an ad-hoc Events Committee was established to advise him on Events in the Town. This committee was advisory-only and was not formally established by code or Resolution.

Recommendation

The Town Council should consider an ordinance to form a permanent Events Committee to advise the Council on Events in our Town.

The drafted Ordinance has been structured to have five (5) voting members. Two (2) of those members are from the Council (Mayor & one Council member) and the remaining three (3) members would be from the community (restricted to people who own or are employed by a business within the town limits or are a resident of the town).

Their primary function would be to give advice and make recommendations about events to the Town Council.

This ordinance would create structure and sustainability for this committee.

STATE OF SOUTH CAROLINA)
TOWN OF IRMO)
)

ORDINANCE 24-01

AN ORDINANCE OF THE TOWN OF IRMO ESTABLISHING AN EVENTS COMMITTEE AND ADOPTING GENERAL AND SPECIAL RULES PERTAINING THERETO

WHEREAS, the Irmo Town Council wishes to establish a volunteer Events Committee to assist the Council with various issues; and

NOW, THEREFORE, be it ordered and ordained, by the Town of Irmo, in council duly and lawfully assembled and by the authority thereof that the Town of Irmo Events Committee is established and the following special rules pertaining to this committee are hereby adopted:

Section 1. General Power and Duties:

- A. The Events Committee shall have the general power and duty to render advice and make recommendations about events to the Irmo Town Council and Town Administrator.
- B. The Events Committee shall make regular oral or written reports to the Council, in addition to special reports and recommendations requested by the Town Council, Town Administrator, or deemed necessary by a majority of the members of the Events Committee.
- C. The Events Committee shall meet with the Town Council, at the Council's request, to discuss and report on its goals, projects, accomplishments, and concerns.
- D. The Events Committee shall study its own structure, specific charges and direction, and recommend any changes, if needed, to the Town Council.
- E. The Town Council shall advise the Events Committee of any evaluation made of the committee's actions and direction, and any proposed action to amend the committee's charges.
- F. The Events Committee will send a representative to Town Council Meetings when requested by the Town Council or the Town Administrator.
- G. The Events Committee shall elect one of its own to serve as the Chairperson, Vice-Chairperson, and Secretary.

Section 2. Appointment to the Committee. The following general rules shall be applicable to the qualifications of members of the Events Committee and their appointment and removal;

- A. The Events Committee shall consist of five (5) voting members.
- B. Membership shall consist of no more than two (2) Town Council members.
- C. The Mayor shall serve as a voting member on the Events Committee if he/she so desires. This seat counts towards the five (5) voting members and the two (2) council members positions.
- D. The members of the Events Committee, excluding the Mayor, shall be appointed with the approval of a majority of the Town Council.
- E. Each Committee member shall:
 - i. Own or be employed by a business within the Irmo Town Limits or be a resident of the Town of Irmo at the time of their appointment and for so long as they serve.
 - ii. Serve at the pleasure of the Town Council, without compensation, for a term of 4 years. In the case of the Council members serving on the committee as voting members, their term shall not exceed their terms of elected office. Upon leaving

- elected office the Town Council shall appoint other members of the Council to the committee with Council members participating as voting members.
- iii. Be eligible for appointment and/or reappointment upon application to the Town Council, but the Town Council shall encourage new applicants to promote widespread community involvement.
 - a. A Committee member's record of attendance at the committee's meetings may be a factor in determining whether that member shall be reappointed to the committee.
 - b. Notwithstanding the foregoing, the Town Council retains the ability to appoint anyone that it may select by majority vote for membership to the committee.
 - iv. Be considered to have resigned in the event of three consecutive absences from committee meetings, unless the Chairperson of the Committee shall have excused the member's absence and informed the other Committee members of the exception at the third consecutive meeting missed.
- F. The term of office shall be for four (4) years beginning when initially appointed and in concurrence with any appointments in effect on April 1st, 2024.
- G. Initial committee appointments will be staggered between 2-year and 4-year terms that will end respectively on March 31.
- H. The Town Administrator shall serve as an ex-officio member of the Events Committee.
- I. Associate members of the Events Committee shall be appointed by a majority vote of the Events Committee. Each Associate member shall:
- i. Serve at the pleasure of the Events Committee without compensation.
 - ii. Have non-voting membership status.
 - iii. Be of assistance to the committee with the charges and duties on an as-needed basis. Residency and regular meeting attendance is not required.
- J. Organization of the Events Committee. The following general rules shall be applicable to the organization and conducting of business:
- i. The committee shall establish a time and place for its regular meetings. Once the committee has established a time and place for its regular meeting, the committee shall request the Town Administrator approve the time and place of the regular meeting. The Town shall cause notice of the schedule of regular meetings to be posted on the bulletin board at the Town Hall and the Town's website. The agenda shall be set by the Chairperson, but upon request of any committee member or the Town Administrator, an item shall be placed on the agenda. Agendas of the meetings shall be posted in compliance with the Freedom of Information Act (FOIA). No committee meeting shall be considered to have been held unless notice of the time and date of the meeting has been properly available pursuant to FOIA, and unless a quorum shall have been present. Special Meetings of the committee may only be called by the Events Committee Chairperson, Mayor, or Town Administrator and must be called in accordance with FOIA.
 - ii. A quorum is a majority of the current appointed voting membership.
 - iii. At its first regular meeting in January, the committee shall elect, by a simple majority of the members present, a Chairperson, Vice-Chairperson, Secretary, and such other officers as the committee deems advisable, who shall serve one (1) year terms.

- iv. All committee leadership (Chairperson and Vice-Chairperson) shall be versed in managing meetings in an effective, fair, open, and transparent manner in compliance with FOIA and Robert's Rules of Order. The Town Administrator will provide training to committee leadership if necessary.
- v. The duties of the Chairperson shall be consistent with those of a presiding officer as they pertain to the conduct of the committee meetings and adherence to the general powers and duties, organization of the committee, committee charges and duties, and procedures set forth in this resolution.
- vi. The Committee Chairperson shall be responsible for monitoring the attendance of committee members and shall meet with committee members whom the Chairperson believes are negatively impacting the operation of the committee, due to absences, to discuss a plan to eliminate future absences. The Chairperson may recommend to the Town Council to either remove the person from the committee or recommend that the Events Committee vote to convert the person to Associate membership status on the Committee.
- vii. The Events Committee shall keep minutes of its meetings, which shall include its determinations, recommendations, attendance of members, and an indication of who prepared the minutes. The minutes shall be public records in accordance with FOIA.

Section 3. Code of Conduct for all Committee Members:

- A. Appointees on the committee are volunteers who desire to provide their time, service, and expertise to the town.
- B. Appointment to the committee is contingent upon each prospective appointee's acceptance of this Code of Conduct.
- C. Appointees agree that their service is intended for the greater benefit of the Town and not for any private, commercial, or personal interest.
- D. Appointees will agree to:
 - i. Abide by the laws of the Federal, State, and the Town's regulations and ordinances and follow the direction of legal authorities.
 - ii. Accept and follow the Town Council objectives and requirements and to provide their service, advice, and recommendations to the Council, if approved by the Council, to others.
 - iii. Not disclose confidential information that they may discover during their service unless legally authorized to do so and not to use such confidential information shall not be used to advance the personal, financial, or private interests of themselves or others.
 - iv. Recuse themselves if or when a situation arises in which a member could be perceived to have a conflict of interest.
 - v. Conduct discussions, decisions, and votes in public and in compliance with the provisions of the Freedom of Information Act.
 - vi. Consider issues that come before the body by using objective, responsible, and equitable processes.
 - vii. Treat all persons in a courteous, dignified, and professional manner.
 - a. Confront ideas and issues – but not people.
 - b. A personal attack, in any form, by an appointee to another person(s) is unacceptable behavior.

- viii. Reject any form of gifts or compensation from any entity or person for their service except when authorized by the Town Council.
- ix. Respect and follow established channels of communication with Town staff.
- x. Use Town equipment, supplies, personnel, or facilities for approved Town activities only.
 - a. Such use must be exercised with reasonable care.
- xi. Respect others by being on time and properly prepared to conduct the body's business.

Section 4. Charges and duties:

- A. To find, create, and implement events that encourage education, arts, family, health, and diversity through unique experiences that engage the community to make the Town of Irmo an ideal place to live, work, and play.
- B. To coordinate and sponsor regular Town events and Special Events as the Committee may recommend.
- C. Create a work plan for events including a proposed budget.
- D. To actively seek interested volunteers to serve on the Events Committee.
- E. To develop new programs/activities and study the town parks and make recommendations.
- F. To work for preserving and enhancing town parks for the use and enjoyment of all residents.
- G. To make recommendations to the Town Council regarding the maintenance and capital improvements with regard to the Town Parks.
- H. Work with art consultants and/or others to find or create appropriate art for display.
- I. Develop rules and regulations on the utilization of park facilities including;
 - i. Insurance requirements for park utilization.
 - ii. Park hours.
 - iii. Park rules.
- J. Identify grants and funding opportunities to enhance events within the Town.

Note: The Town is the only entity that can accept a donation of funds or any other items.

Section 5. Procedures:

- A. The committee may not enter into contracts or agreements on behalf of the Town.
- B. Any correspondence involving the use of Town letterhead, logos, or branding must first be approved by the Town Administrator.
- C. All press releases, announcements, and social media posts for Town-sponsored events are to be pre-approved by the Town Administrator or the Town Council. Sufficient time should be allowed to obtain the necessary approvals or make necessary changes.
- D. Itemized budgets for events or projects must be submitted at least 30 days in advance to the Town Administrator.
- E. Any new event, program, or project beyond what has been previously approved by the Town Council shall first be submitted to vote by the committee. The recommendation shall then be forwarded to the Town Administrator and then the Town Council for consideration when appropriate.
- F. The Events Committee does not have the authority to speak for the Town. Neither the Committee as a whole nor any individual committee member shall act or speak for the Town unless

authorized to do so by the Town Administrator or Town Council. The Committee should not seek to negotiate or conclude agreements with other organizations without prior approval from the Town Administrator or Town Council. The Events Committee is not authorized to spend any money on behalf of the Town. Any costs incurred by committee members may not be reimbursed by the Town without prior approval by the Town Administrator or Town Council.

Section 6. Repeals. This Ordinance hereby repeals and supersedes all previous establishments of an Events Committee for the Town of Irmo.

BE IT FURTHER ORDERED that this ORDINANCE 24-01 shall become effective on this 19th day of March 2024.

William O. Danielson, *Mayor*

ATTEST:

Renee Caviness, Municipal Clerk

1st Reading: February 20th, 2024

2nd Reading: March 19th, 2024



Staff Report

Amendment to the Zoning Map

DATES: Planning Commission: February 12, 2024
Town Council First Reading: February 20, 2024
Town Council Second Reading: March 19, 2024

TO: Irmo Planning Commission
Irmo Town Council

FROM: Douglas Polen, Assistant Town Administrator

SUBJECT: Rezoning Request

SUBJECT PROPERTY: Approximately 1 acre located at 900 Lake Murray Boulevard, Richland County
TMS # R03915-01-10

ACTION REQUESTED: Rezoning of property from CN, Neighborhood Commercial to CG, General Commercial

Background

The Applicant wishes to remove the existing signage from his location and erect new, modern signage. In the current zone, signs are limited to 12' tall, 25 sq. ft., and externally lit. The applicant is seeking signage allowable in the General Commercial district, up to 25' tall, 50 sq. ft., internally lit with the possibility of an electronic message center.

Current Zoning – Definition and Uses

CN, Neighborhood-Commercial district. The CN district is intended to meet the commercial and service needs generated by nearby residential areas. Goods and services normally available in these districts are of the "convenience variety." CN establishments can provide community members convenient access to frequently used neighborhood-oriented services and give residents the option of walking rather than depending on an automobile. The size of these districts should relate to surrounding residential markets and the locations should be at or near major intersections, in proximity to residential areas, and/or on the periphery of residential areas, moderating transition between residential and potentially incompatible commercial uses. These intentions shall be considered in decisions of requests for CN zoning.

The CN District allows the following uses by way of example:

- Most retail trade other than motor vehicle dealers, electronics & appliance stores, gas stations, and used merchandise stores
- Finance and insurance uses
- Nursing homes, group homes, and daycares
- Golf course
- Hotels
- Restaurants
- Barber shops, beauty shops and nail salons
- Churches

Proposed Zoning – Definition and Uses

CG, General-Commercial district. The CG district is intended to provide for the development and maintenance of commercial and business uses strategically located to serve the community and the larger region of which it is a part. Toward this end, a wide range of business and commercial uses are permitted herein.

The CG District allows the following uses by way of example:

- Construction
- Wholesale Trade
- Vehicle sales and all other retail
- Transportation and warehousing
- Information and communication
- Finance and Insurance
- Real estate and professional services
- All health care services
- Arts, entertainment and recreation
- Recreational and athletic facilities
- All accommodations and food service
- Barber shops, beauty shops and nail salons
- Churches

Summary of Adjacent Zoning & Uses

	Zone	Present Use
North	CG, General Commercial	Ace Auto Refinishing
East	CG, General Commercial	Stars & Strikes
South	CG, General Commercial	Dunkin' and Smashburger
West	CG, General Commercial	Cava and Subway

Irmo Comprehensive Plan

The Comprehensive Plan shows this area as having a future land use of General Commercial.

Staff Findings

The applicant is seeking new signage for his property, and Staff finds that this signage would be an attractive addition to Lake Murray Boulevard. The lot currently has two signs, which is nonconforming, so moving to one modern sign would be an upgrade.

Furthermore, Staff does not see why this lot should be zoned Neighborhood Commercial. The nearest residential lot, 22 Rapids Ford Ct., is over 500' away across Lake Murray Boulevard, so the lot serves no neighborhood commercial purpose. Likewise, all adjacent lots are General Commercial, making CG the correct zone for this property in Staff's opinion.

Staff recommends **APPROVAL** of the rezoning to CG, General Commercial.

Planning Commission

At their February 12, 2024 meeting, the Planning Commission voted 6-0 to recommend **APPROVAL** of the rezoning.

900 Lake Murray Boulevard Rezoning, Ordinance 24 - 02

Planning Commission | February 12, 2024

Town Council | February 20, 2024 & March 19, 2024

2024-1-29 Irmo Zoning Map

Open in Map Viewer Classic

Sig

Legend

Richland_Lexington_County_Boundaries



Parcels



Irmo Town Limits



Richland County Zoning

Richland Zoning



CG

CN

CO

FA

LM

MD

RG

RS

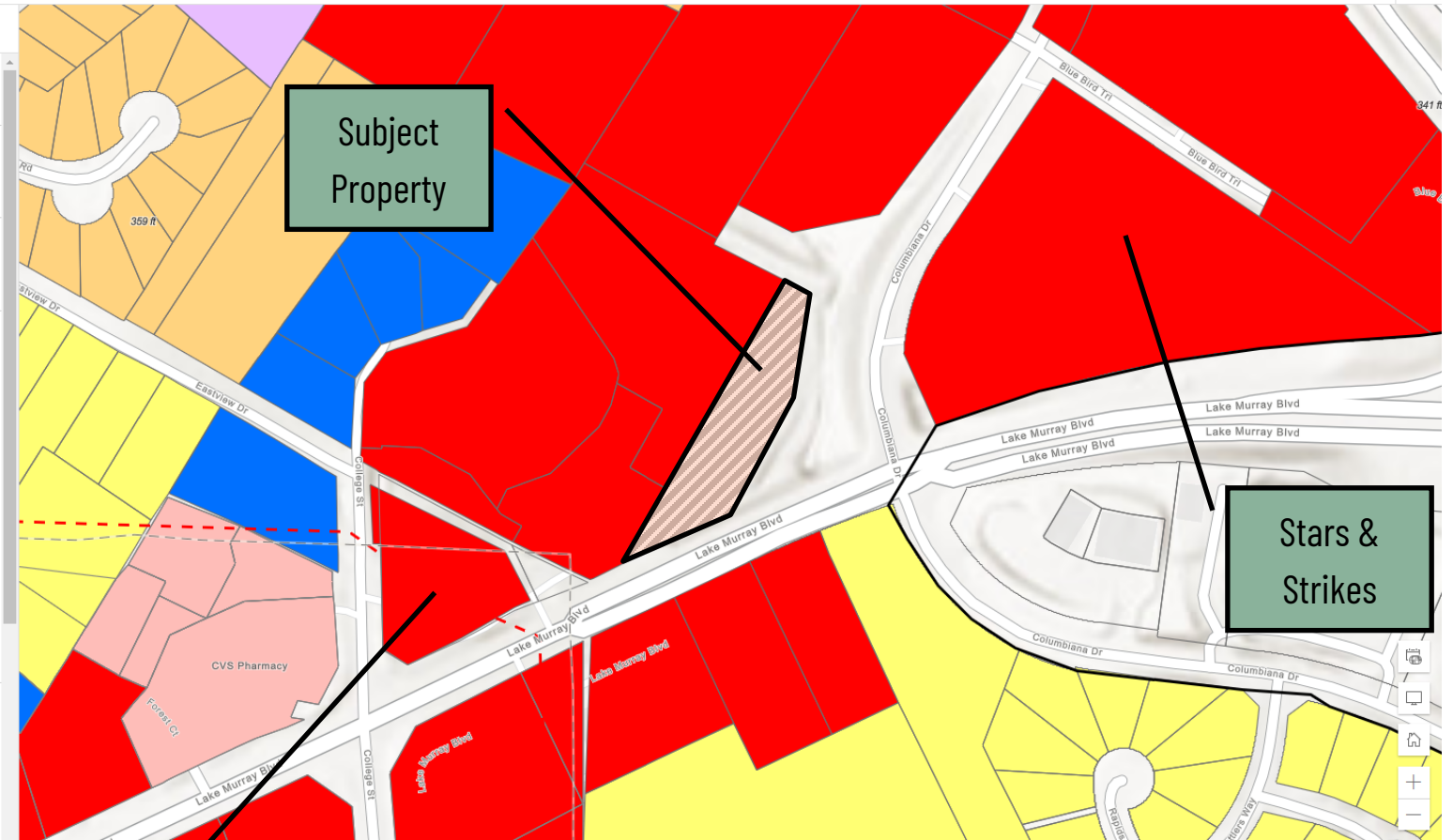
Lexington County Zoning

ZONING

CG

CN

CO



Subject Property

Stars & Strikes

QuikTrip

900 Lake Murray Boulevard Rezoning, Ordinance 24 - 02

Planning Commission | February 12, 2024
Town Council | February 20, 2024 & March 19, 2024



8" H DIMENSIONAL LETTERING
STUD MOUNT TO ALUMINUM TOPPER

32"H X 90"W PAINTED ALUMINUM DETAIL

NEWLY FABRICATED 48" x 96" DOUBLE SIDED
INTERNALLY LIGHTED SIGN CABINET.
FLAT ACRYLIC FACE TO HAVE APPLIED
VINYL GRAPHICS. DESIGN AND COLORS TBD

2" X 90" PAINTED ALUMINUM REVEAL

NEWLY FABRICATED 36" x 96" DOUBLE SIDED
INTERNALLY LIGHTED SIGN CABINET.
FLAT ACRYLIC FACE TO HAVE APPLIED
VINYL GRAPHICS. DESIGN AND COLORS TBD

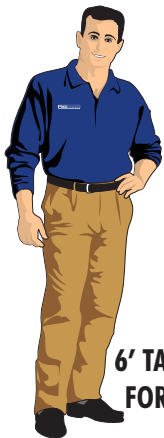
2" X 90" PAINTED ALUMINUM REVEAL

CUSTOM LED DISPLAY
6mm PITCH, FULL COLOR DISPLAY
48" x 96" AREA BORDERLESS CABINET
1 YEAR LABOR WARRANTY,
5 YEAR PARTS WARRANTY

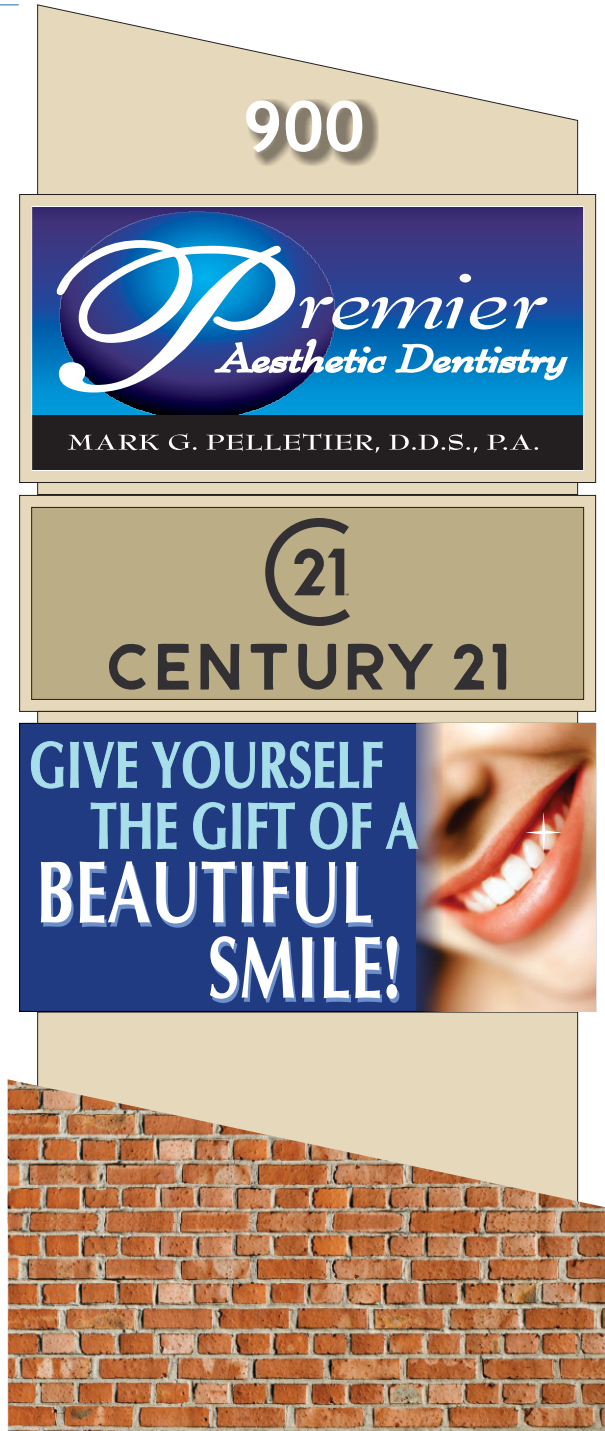
32"H X 90"W PAINTED ALUMINUM REVEAL

60"H X 100"W BRICK BASE (STYLE TBD)

19'-10"



6' TALL MAN
FOR SCALE



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PHYSICAL ADDRESS:

APPROVAL SIGNATURE:

FILE: PREMIER DENTISTRY



PROJECT MANAGER: HUNTER McCOY

DATE: 1-22-2024

108 White Oak Lane, Suite A Lexington, SC 29073 / 803.467.9994

E-MAIL: HUNTER@themdcompanies.net

DRAWING SCALE: 3/8" = 1'

108 White Oak Lane, Suite A Lexington, SC 29073 / 803.467.9994

CONTACT:

WEB PAGE: www.themdcompanies.net

DRAWN BY: Jason Freeman

APPROXIMATE SCALE AND PLACEMENT



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PHYSICAL ADDRESS:

APPROVAL SIGNATURE:

PROJECT MANAGER: HUNTER McCOY

E-MAIL: HUNTER@themdcompanies.net

WEB PAGE: www.themdcompanies.net

FILE: PREMIER DENTISTRY

DATE: 1-22-2024

DRAWING SCALE: 3/8" = 1'

DRAWN BY: Jason Freeman



108 White Oak Lane, Suite A Lexington, SC 29073 / 803.467.9994

8" H DIMENSIONAL LETTERING
STUD MOUNT TO ALUMINUM TOPPER

32"H X 90"W PAINTED ALUMINUM DETAIL

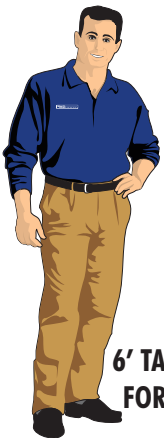
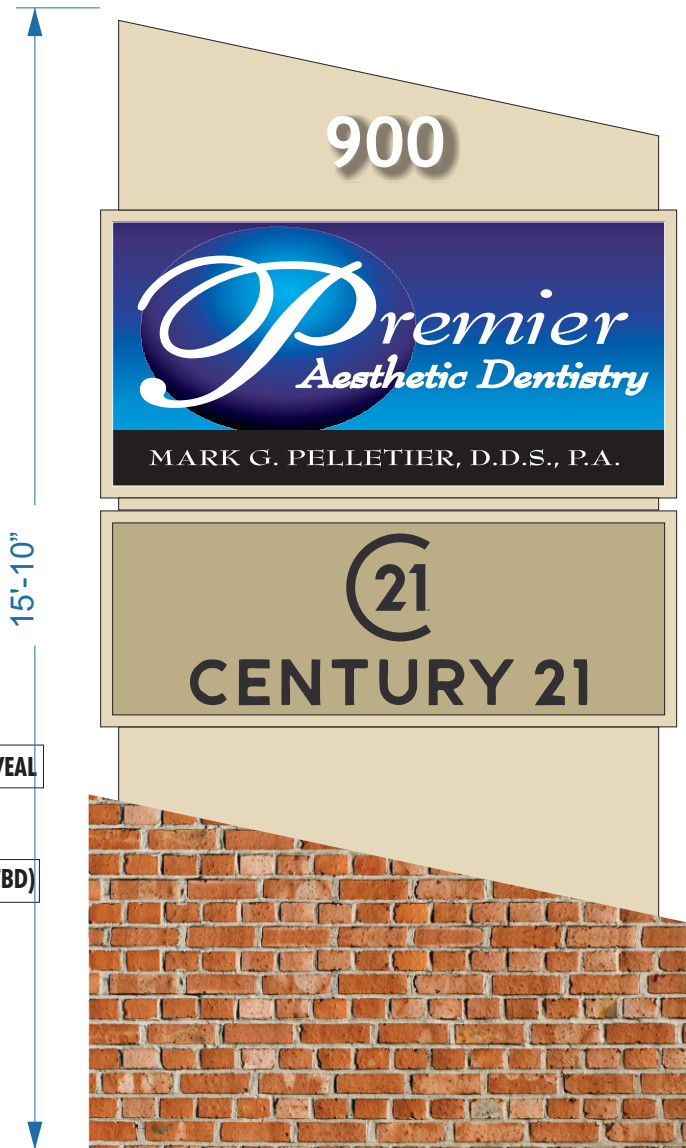
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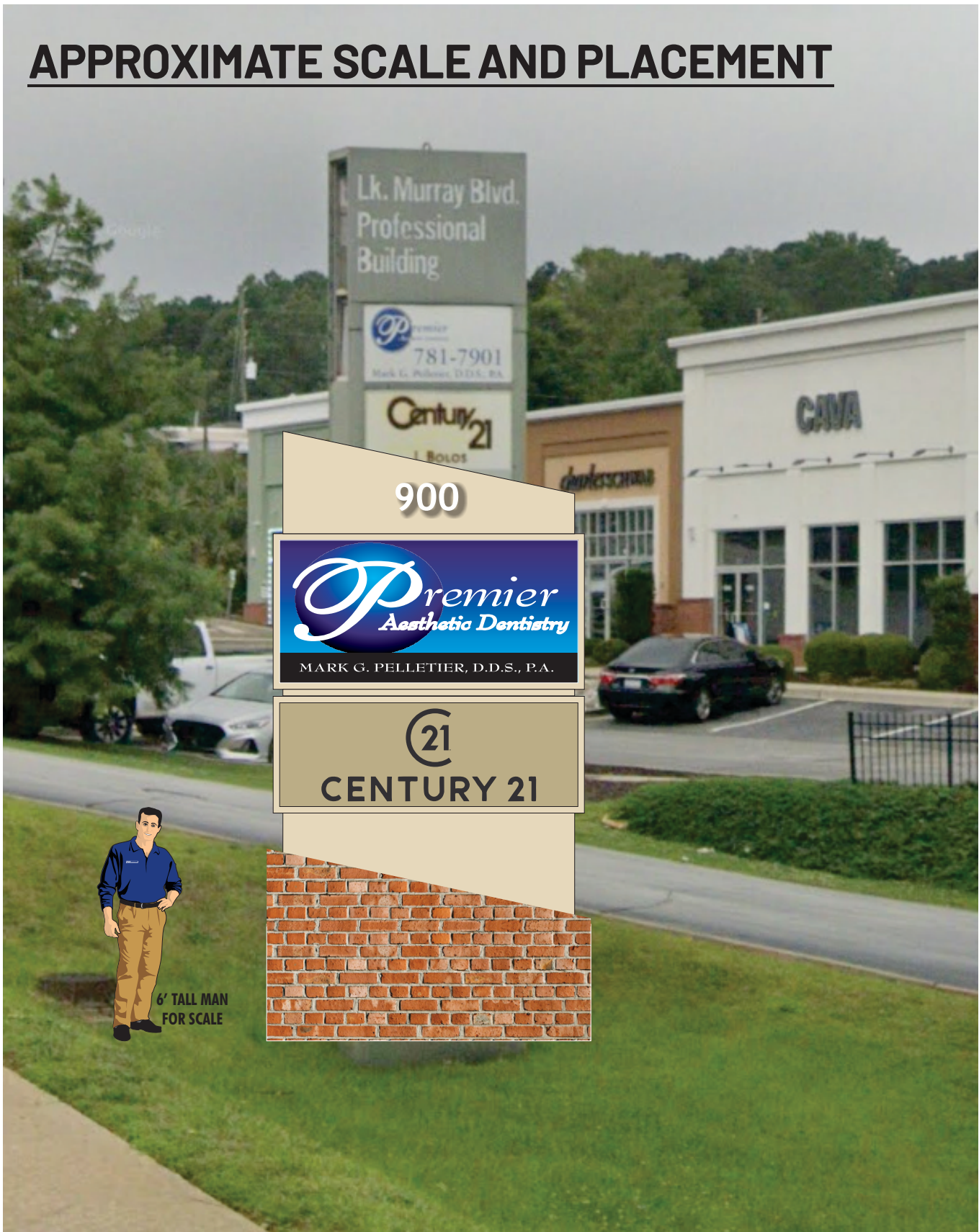
32"H X 90"W PAINTED ALUMINUM REVEAL

60"H X 100"W BRICK BASE (STYLE TBD)



6' TALL MAN
FOR SCALE

APPROXIMATE SCALE AND PLACEMENT



900

Premier
Aesthetic Dentistry

MARK G. PELLETIER, D.D.S., P.A.

21

CENTURY 21



6' TALL MAN
FOR SCALE

Zoning Application

[Print](#)**Submitted by:****Submitted On:** 2024-02-07 17:46:57**Submission IP:** (24.168.221.219)
proxy-IP (raw-IP)**Status:** Open**Priority:** Normal**Assigned To:** Karley Lever**Due Date:** Open**Attachments**

- [Premier Dentistry Request Pictures.pdf](#) - 2024-02-07 05:46:58 pm



FORMS & APPLICATIONS

7300 Woodrow Street, Irmo, SC 29063

p: (803) 781-7050 | info@townofirmosc.com | Follow Us [@TownofIrmoSC](#)

Zoning Application

Please complete the application and submit the required supporting documentation. If the applicant is not the owner(s), the owner(s) must complete and sign the [Designated Agent](#) form. Failure to submit the required documentation will delay your application.

Submit a digital and hardcopy site plan, and any additional materials (i.e. photographs, elevation drawing with dimensions, or renderings).

NOTE: A registered land surveyor, landscape architect, or engineer must design the site plan.

Site plan requirements:

- no longer than 24" x 36"
- show scale
- tax map number
- the property owner/developer's information
- date
- vicinity map
- north arrow

- property shape and dimensions
- landscaping
- buffering
- location and size of existing and/or proposed structures, and drives

Reminder: Failure to submit the required documentation will delay your application.

Questions can be emailed to [Business Licensing & Zoning](#).

. . .

APPLICANT INFORMATION

Applicant Name:

Mark G. Pelletier, DDS

Address:

900 Lake Murray Blvd.

Phone:

803-781-7901

Email:

PremierDentistry@sc.rr.com

Relationship to Property Owner:

- Same Lessee/Business Owner Contractor Other

If other, please describe below:

President- Lake Murray Blvd. Real Estate, LLC

DESIGNATED AGENT

Complete if applicable

If the applicant is not the owner(s), the owner(s) must complete and sign the [Designated Agent](#) form. Download and complete the Designated Agent form and upload it below.

Designated Agent Form: [DOWNLOAD](#)

Upload Designated Agent Form Here:

No file chosen

PROPERTY INFORMATION

Check one:

- Assign Zoning Designation Zoning Text Amendment Request Re-Zoning Request

If other, please describe:

Current Zoning District:

Neighborhood Commercial

Current Zoning District:

Tax Map Number:

03915-01-10

Property Address:

900 Lake Murray Blvd.

Current property use:

- Residential Commercial Industrial Vacant

Area (sq ft)/acre of proposed project:

If a Zoning Text Amendment Request, what use and/or language should be added/removed from the ordinance?

If a Re-Zoning Request, what is the recommended zone for the property?

RS RG CO CN CG LM FA MD

If a Zoning Designation, what is the recommended zone for the property?

RS RG CO CN CG LM FA MD

Describe in detail the reason for your request:

I would like to have the two existing signs removed due to age and location and replaced with one new sign. When the larger of the two signs was moved due to widening of then, Newberry Avenue, it was visible when approaching my location from the west. Due to the planting of numerous Crepe Myrtle trees, it is now hidden. In addition, I believe that this creates confusion for drivers trying to access Residence Inn and Cava creating unneeded traffic in the parking lot.

How does the proposed/zoning designation compliment with the surrounding area?

A modern sign would add to the esthetic of the property and be more in line with the other businesses that have opened over the past 30 years.

SUPPORTING DOCUMENTATION

Required for rezoning/zoning designation

Plat:

No file chosen

Applicable permits/approvals:

No file chosen

Elevation drawings w/ dimensions:

No file chosen

Other:

No file chosen

Scaled Site Plan:

No file chosen
For new improvements

Photographs:

No file chosen

Renderings:

No file chosen

Other:

No file chosen

Indicate the applicable supportive documentation:

- Plat
- Scaled site plan (for new improvements)
- Applicable permits/approvals
- Photographs
- Elevation drawings w/ dimensions
- Renderings

. . .

I attest to the best of my knowledge the information and attachment(s) provided are accurate. The proposed activity does not contradict any restrictions and covenants. **By typing my name below, I understand and agree that this form of electronic signature has the same legal force and effect as a manual signature.**

*** First & Last Name**

*** Today's Date**

Mark G. Pelletier, DDS

02/07/2024

Type your first & last name

Format: MM/DD/YYYY

STATE OF SOUTH CAROLINA)

ORDINANCE 24-02

)

TOWN OF IRMO)

AN ORDINANCE TO RE-CLASSIFY 1 ACRE OF REAL PROPERTY LOCATED AT 900 LAKE MURRAY BOULEVARD, TMS # R03915-01-10, FROM CN, NEIGHBORHOOD COMMERCIAL, TO CG, GENERAL COMMERCIAL, AND TO AMEND THE OFFICIAL ZONING MAP OF THE TOWN OF IRMO TO SO REFLECT

WHEREAS, a request has been presented to the Irmo Town Council by the current record titleholder of property located at 900 Lake Murray Boulevard, TMS # R03915-01-10, to re-classify the property from CN, Neighborhood Commercial, to CG, General Commercial; and

WHEREAS, the Town and its Planning Commission, per SC Code § 6-29-760 *Procedure for enactment or amendment of zoning regulation or map; notice and rights of landowners; time limit on challenges* met the State's zoning procedural standards. Simply, notice was advertised in The New Irmo News at least fifteen days prior to the public hearing, notice was conspicuously posted on or adjacent to the property, and a public hearing was held; and

WHEREAS, the Irmo Planning Commission, during a meeting held on February 12, 2024, recommended to the Irmo Town Council to classify said property to the appropriate zoning classification of CG, General Commercial; and

WHEREAS, it is necessary and desirable to reclassify said property to CG, General Commercial;

NOW, THEREFORE, BE IT ORDAINED and ordered by the Mayor and Town Council of the Town of Irmo, South Carolina, in Council duly assembled on this 19th day of March, 2024, that the Zoning Classification pertaining to the subject parcel be hereby re-classified from its current zoning of CN, Neighborhood Commercial to CG, General Commercial; and

BE IT FURTHER ORDAINED that the official zoning map of the Town of Irmo be, and the same hereby is, amended to so reflect.

DONE IN COUNCIL ASSEMBLED this 19th day of March, 2024

William O. Danielson, *Mayor*

ATTEST:

Renee Caviness, *Municipal Clerk*

1st Reading: February 20, 2024

2nd Reading: March 19, 2024

Public Hearing: March 19, 2024



Staff Report

Amendment to the Official Zoning Map

DATES: Planning Commission: February 12, 2024
Town Council First Reading: February 20, 2024
Town Council Second Reading: March 19, 2024

TO: Irmo Planning Commission
Irmo Town Council

FROM: Douglas Polen, Assistant Town Administrator

SUBJECT: Annexation Request

SUBJECT PROPERTY: A 0.13-acre tract located at 141 Quick Terrace Road, Richland County TMS R-03207-01-05

ACTION REQUESTED: Consider an ordinance to annex real property into the corporate limits of the Town of Irmo, to zone said property RS, and to amend the official zoning map of the Town to so reflect.

Background

The applicants, Dietrich and Erica Lake of 131 Rose Oak Drive, have a gazebo and deck in their rear yard that encroaches upon the property of Jane & Arthur Osteen of 141 Quick Terrace Drive in unincorporated Richland County. The Osteens and Lakes have come to an agreement to sell 5,970 sf of the Osteen's property to the Lakes. As the Osteen property is in the County, it will need to be annexed to become a part of the Lake's property.

Current Zoning

The subject property is zoned RU, Rural District, which allows for 33,000 sq. ft. residential lots and agricultural uses.

Proposed Zoning

The proposed zoning district, RS, Single-family residential, is defined as follows: the RS district is intended to foster, preserve, and protect areas of the community in which the principal use of

land is for detached, single-family dwellings, and certain residential support facilities at low densities.

Summary of Adjacent Zoning & Uses

	Zone	Present Use
North	RS	Single Family Detached Home
East	RU (County)	Single Family Detached Home
South	RU (County)	Single Family Detached Homes
West	RU (County)	Single Family Detached Homes

Irmo Comprehensive Plan

The Comprehensive Plan is unclear in this case. Being outside the Town, there is no future land use assigned to the area. Moreover, there are no policies or goals related to annexation to help guide this decision. That having been said, all adjacent properties in Town have a future land use of Single Family Residential.

Staff Findings

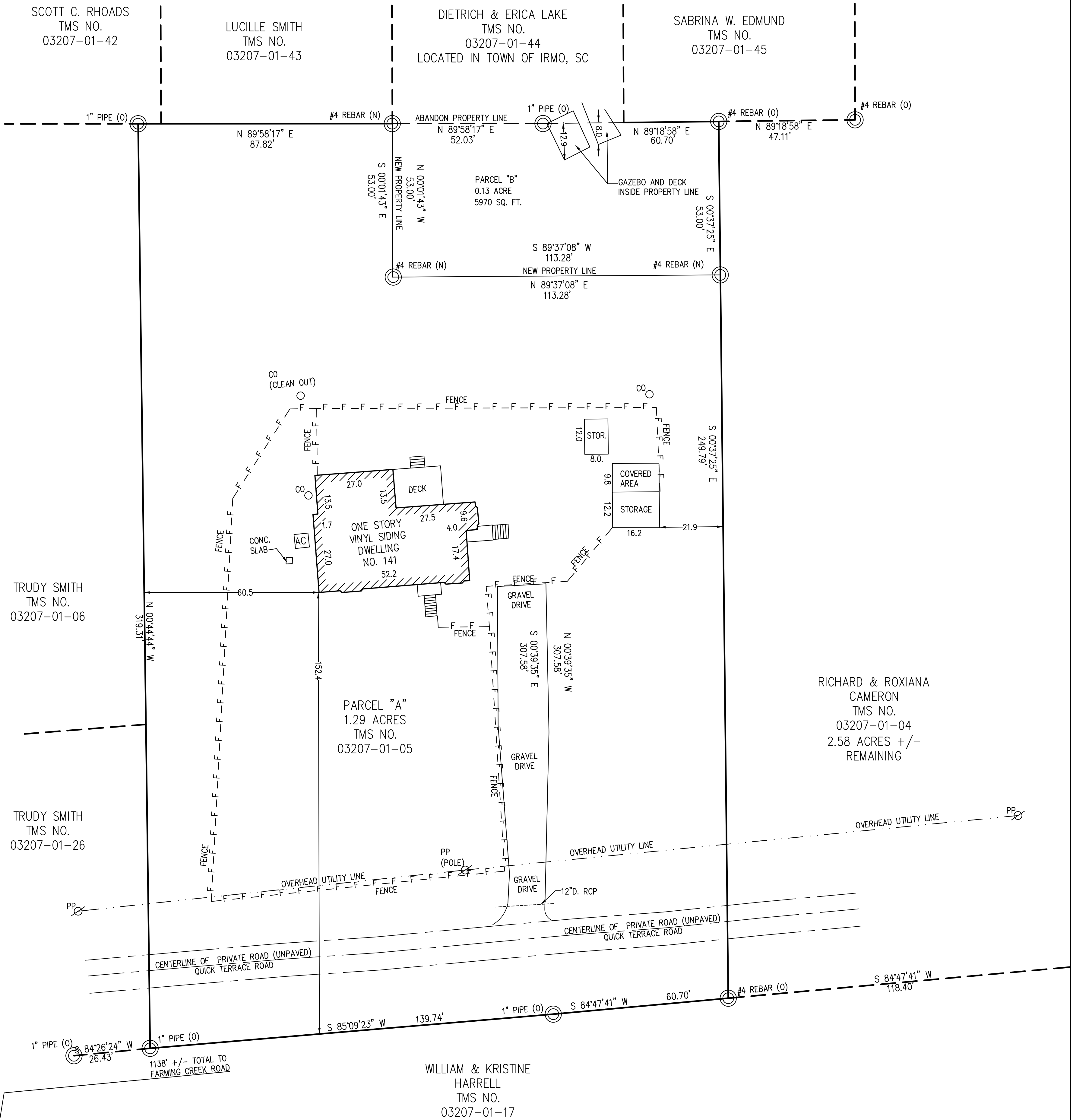
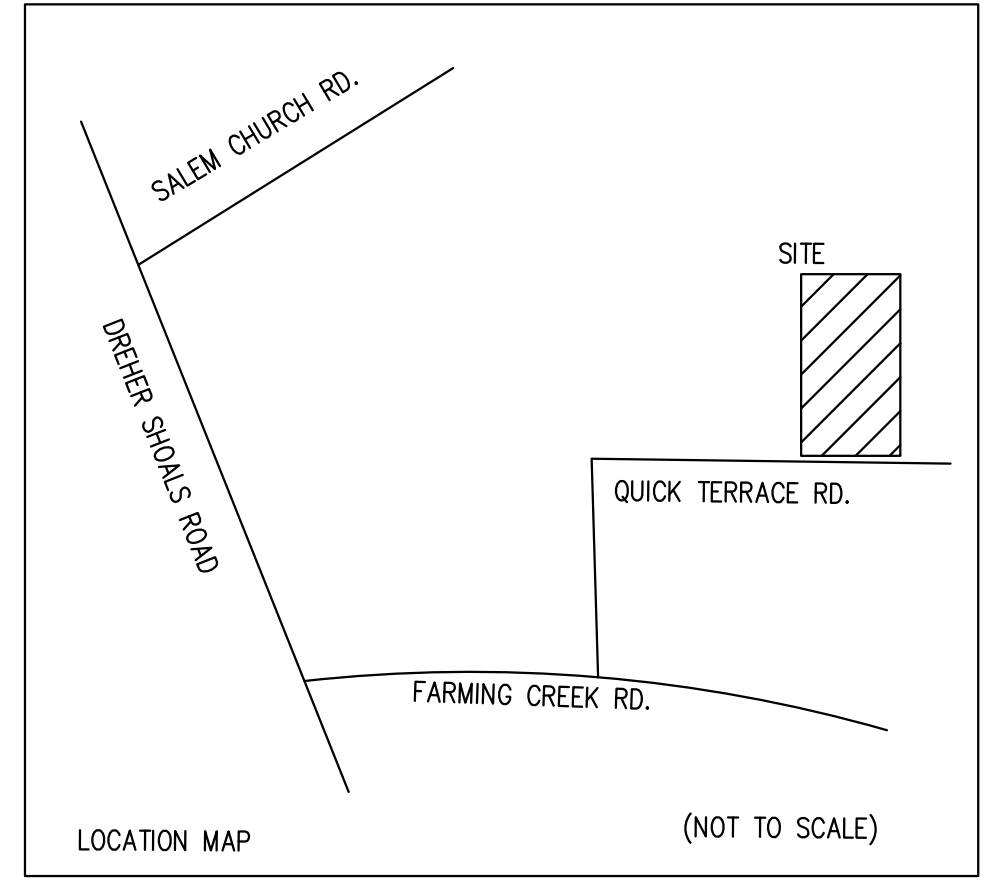
Staff finds this to be a simple case with no change in use or allowable use. Staff recommends **APPROVAL** of the annexation and rezoning.

Planning Commission

At their February 12, 2024 meeting, the Planning Commission voted 6-0 to recommend **APPROVAL** of the annexation and subsequent rezoning to RS, Single Family Residential.

PROPERTY MAY BE SUBJECT TO RECORDED OR UNRECORDED EASEMENTS OR RESTRICTIONS NOT OBSERVED AND TO INFORMATION REVEALED IN A COMPLETE TITLE SEARCH. THE SURVEYOR DID NOT PERFORM A TITLE SEARCH. UNDERGROUND UTILITIES MAY BE PRESENT BUT THEIR LOCATION WAS NOT DETERMINED.

PROPERTY LIES WITHIN UNSHADED ZONE "X" PER FIRM PANEL 45079C0202 L, LAST REVISED 12/21/2017



THE INTENTION OF THIS PLAT IS FOR PARCEL "B" TO BE COMBINED WITH TMS NO. 03207-01-44 FOR A TOTAL OF 0.38 ACRE +/-



JANUARY 31, 2024



BAXTER LAND SURVEYING CO., INC.
2204 Devine Street Columbia, SC 29205 (803)-252-8564

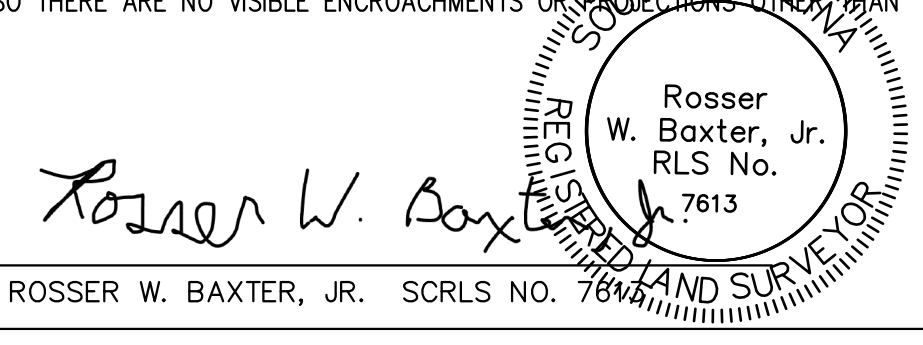
FB 274, PG 55
141 quick terrace division.dwg

PLAT PREPARED FOR
JANE C. OSTEEN & ARTHUR B. OSTEEN AND
DIETRICH LAKE & ERICA LAKE

RICHLAND COUNTY, NEAR COLUMBIA SC
THE SAME BEING SHOWN ON PLAT PREPARED FOR JANE C. WHEELIS OR DONNIE L. WHEELIS BY ASSOCIATES E & S, INC., DATED NOVEMBER 26, 2001 AND RECORDED IN BOOK 609, PAGE 2432 IN THE OFFICE OF THE REGISTER OF DEEDS FOR RICHLAND COUNTY. REFERENCE ALSO PLAT BOOK 29, PAGE 372.

REFERENCE ALSO: RECORD BOOK 2885, PAGE 461.

I HEREBY STATE THAT TO THE BEST OF MY PROFESSIONAL KNOWLEDGE, INFORMATION, AND BELIEF, THE SURVEY SHOWN HEREIN WAS MADE IN ACCORDANCE WITH THE REQUIREMENTS OF THE STANDARDS OF PRACTICE MANUAL FOR SURVEYING IN SOUTH CAROLINA, AND MEETS OR EXCEEDS THE REQUIREMENTS OF SAID MANUAL SURVEY AS SPECIFIED THEREIN, ALSO THERE ARE NO VISIBLE ENCROACHMENTS OR PROJECTIONS OTHER THAN SHOWN.



ROSSER W. BAXTER, JR. SCRLS NO. 7613

131 Rose Oak Annexation, Ordinance 24 - 03

Planning Commission | February 12, 2024

Town Council | February 20, 2024 & March 19, 2024

2024-1-29 Irmo Zoning Map

[Open in Map Viewer Classic](#)

Sign

Legend

Richland Zoning

- CG
- CN
- CO
- FA
- LM
- MD
- RG
- RS

Lexington County Zoning

ZONING

- CG
- CN
- CO
- RG
- RS

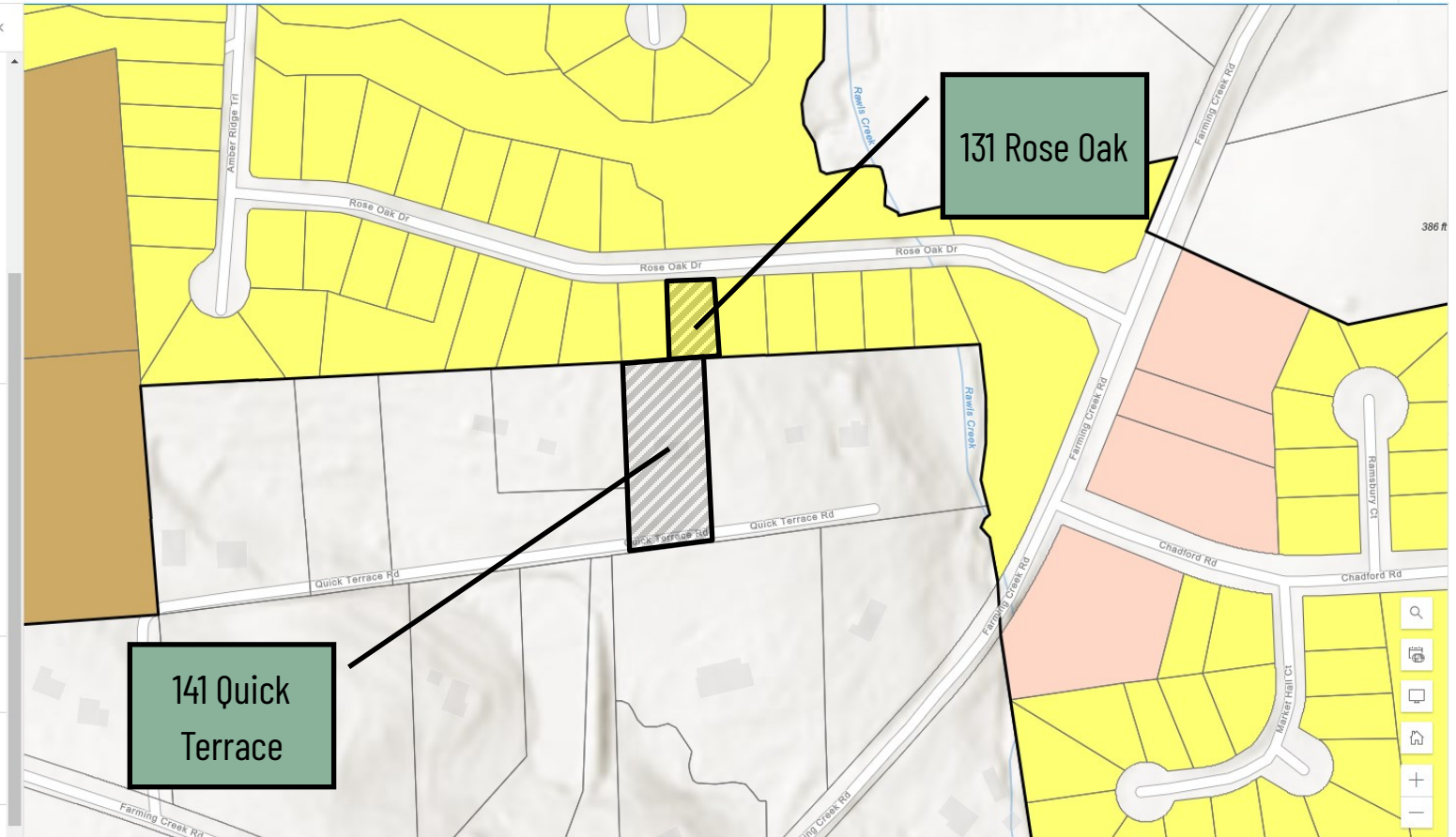
Irmo_Railway



Railroad Easement



Irmo_State_Hwy_Roads



131 Rose Oak Annexation, Ordinance 24 - 03

Planning Commission | February 12, 2024

Town Council | February 20, 2024 & March 19, 2024



Annexation Request Form

Print

Submitted by: Dietrich A. Lake

Submitted On: 2024-02-08 11:55:28

Submission IP: (71.68.149.218)
proxy-IP (raw-IP)

Status: Open

Priority: Normal

Assigned To: Karley Lever

Due Date: Open

Attachments

- [141 quick terrace division-signed.pdf](#) - 2024-02-08 11:55:28 am
- [141 quick terrace division-signed.pdf](#) - 2024-02-08 11:55:29 am



FORMS & APPLICATIONS

7300 Woodrow Street, Irmo, SC 29063
 p: [\(803\) 781-7050](tel:(803)781-7050) | info@townofirmosc.com | Follow Us [@TownofIrmoSC](#)

Annexation Request Form

If you live outside of the Town limits but want access to the Town of Irmo amenities, you can request to have your property annexed. In order to be considered for annexation, your property must touch a property within the town limits or be directly across the street. You can check to see where you are in relation to the town limits of Irmo by entering your address into our locator tool. If you are ready to begin the annexation process, please complete and submit this form with the required materials. We will review your application and may require additional information. Welcome to the Town of Irmo!

Questions can be emailed to [Business Licensing & Zoning](#).

SITE/PROPERTY INFORMATION

* What County is the property located?

Lexington Richland

* Tax Map Number:

R03207-01-44

CONTACT INFORMATION

* Applicant Name(s):

Dietrich A. Lake

* Applicant Phone:

8037508311

* Applicant Email:

dietrich@thelakelawfirm.org

* Applicant Address:

131 Rose Oak Drive, Irmo SC 29063

Street, City, State, Zip

* Property Owner Name(s):

Dietrich & Erica Lake

* Owner Phone:

8034798557

* Owner Email

dietrich@thelakelawfirm.org

* Owner Address:

131 Rose Oak Drive, Irmo, SC 29063

Street, City, State, Zip

. . .

PROPERTY INFORMATION

* Legal Description

141 Quick Terrace Division

* Property Location/Address

131 Rose Oak Drive, Irmo, SC 29063

Street, City, State, Zip

* Current Property Use

Residential - Single Family

* Proposed Land Use

Residential - Single Family

* Area (Square foot/Acreage) of parcel:

5970 SF

* Upload the property deed

No file chosen

The Upload the property deed field is required

Upload the required Deed. You may also include any additional supporting documentation here.

*** Upload the property plat:**

No file chosen

The Upload the property plat: field is required

Upload the required Plat. You may also include any additional supporting documentation here.

*** I have uploaded the following documents as required by the State of South Carolina. Please email permits@townofirmosc.com with any issues uploading your required documentation.**

- Plat
- Deed

. . .

The undersigned, who is the owner(s) of all the real property contiguous to other lands within the Town of Irmo as described above and shown on the attached plat or map, requests annexation of said property into the Town of Irmo so as to become a part thereof in accordance with Section 5-3-150, Code of Laws of South Carolina, 1976, as amended. By signing below, the property owner(s) understand(s) that annexation into the Town of Irmo may not obligate the Town to provide, improve, or install public infrastructure to the annexed property. Public infrastructure includes but is not limited to roads, bridges, sidewalks, water and sewer service or stormwater/drainage facilities. A plat or map depicting the property is required and must be submitted with the legal description and this Petition

The undersigned property owner/applicant does hereby petition to annex into the Town of Irmo. located at the above address, as described by the Lexington County or Richland County tax map number, do hereby petition said property to be annexed into the corporate limits of the Town of Irmo.

The Town of Irmo to annex and incorporate into the limits of the Town of Irmo all that property of the petitioner as indicated in this application and as shown on the attached survey/boundary map. The petitioner does further respectfully request that the Town annex and incorporate this land into the Town under the zoning classification indicated in this application. I do hereby certify as the property owner/authorized agent that the information is shown on this application and any attached forms and/or plans are correct.

I hereby certify that the attached and the completed application contains the information required by the Town of Irmo as specified above. I understand the submission of incomplete or inaccurate information may result in a delay in the processing of this application.

. . .

By typing my name below, I understand and agree that this form of electronic signature has the same legal force and effect as a manual signature.

*** First & Last Name**

*** Date**

Dietrich Lake

02/08/2024

Format: MM/DD/YYYY

)

TOWN OF IRMO)

AN ORDINANCE TO ANNEX 0.13 ACRES OF REAL PROPERTY LOCATED AT 141 QUICK TERRACE ROAD, TMS R03207-01-05, INTO THE LIMITS OF THE TOWN OF IRMO; TO ZONE SAID PROPERTY RS, SINGLE FAMILY RESIDENTIAL; AND TO AMEND THE OFFICIAL ZONING MAP OF THE TOWN OF IRMO TO SO REFLECT

WHEREAS, a request has been presented to the Irmo Town Council by the current record titleholder of property located at 141 Quick Terrace Road, TMS #R03207-01-05, to annex 5,970 square feet of said property into Town and to classify the property as RS, Single Family Residential; and

WHEREAS, the Town and its Planning Commission, per SC Code § 6-29-760 *Procedure for enactment or amendment of zoning regulation or map; notice and rights of landowners; time limit on challenges* met the State’s zoning procedural standards. Simply, notice was advertised in The New Irmo News at least fifteen days prior to the public hearing, notice was conspicuously posted on or adjacent to the property, and a public hearing was held; and

WHEREAS, the Irmo Planning Commission, during a meeting held on February 12, 2024, recommended to the Irmo Town Council to annex said property and to classify said property to the appropriate zoning classification of RS, Single Family Residential.

NOW, THEREFORE, BE IT ORDAINED and ordered by the Mayor and Town Council of the Town of Irmo, South Carolina, in Council duly assembled, that the subject parcel be annexed into the Town of Irmo pending subdivision of the 5,970 square foot lot and subsequent sale of the lot to the owners of 131 Rose Oak Drive; and

BE IT FURTHER ORDAINED that the Zoning Classification pertaining to the subject parcel be hereby classified as RS, Single Family Residential; and

BE IT FURTHER ORDAINED that the official zoning map of the Town of Irmo be, and the same hereby is, amended to so reflect.

PASSED AND ADOPTED this 19th day of March, 2024

William O. Danielson, *Mayor*

ATTEST:

Renee Caviness, *Municipal Clerk*

1st Reading: February 20, 2024
2nd Reading: March 19, 2024
Public Hearing: March 19, 2024



Staff Report

Amendment to the Zoning Map

DATES: Planning Commission: February 12, 2024
Town Council First Reading: February 20, 2024
Town Council Second Reading: March 19, 2024

TO: Irmo Planning Commission
Irmo Town Council

FROM: Douglas Polen, Assistant Town Administrator

SUBJECT: Rezoning Request

SUBJECT PROPERTY: Approximately 67 acres located at or near 1424 Shady Grove Road, Richland County TMS # R03300-03-02

ACTION REQUESTED: Rezoning of property from CN, Neighborhood Commercial to CG, General Commercial

Background

The applicant's vision is to turn the 67-acre subject tract into a sports complex with associated commercial uses, including a hotel. The initial concept plan for the athletic side of the development features a soccer field, an indoor facility, and abundant additional space for future recreational activities.

Current Zoning - Definition and Uses

CN, Neighborhood-Commercial district. The CN district is intended to meet the commercial and service needs generated by nearby residential areas. Goods and services normally available in these districts are of the "convenience variety." CN establishments can provide community members convenient access to frequently used neighborhood-oriented services and give residents the option of walking rather than depending on an automobile. The size of these districts should relate to surrounding residential markets and the locations should be at or near major intersections, in proximity to residential areas, and/or on the periphery of residential areas, moderating transition between residential and potentially incompatible commercial uses. These intentions shall be considered in decisions of requests for CN zoning.

The CN District allows the following uses by way of example:

- Most retail trade other than motor vehicle dealers, electronics & appliance stores, gas stations, and used merchandise stores
- Finance and insurance uses
- Nursing homes, group homes, and daycares
- Golf course
- Hotels
- Restaurants
- Barber shops, beauty shops and nail salons
- Churches

Proposed Zoning – Definition and Uses

CG, General-Commercial district. The CG district is intended to provide for the development and maintenance of commercial and business uses strategically located to serve the community and the larger region of which it is a part. Toward this end, a wide range of business and commercial uses are permitted herein.

The CG District allows the following uses by way of example:

- Construction
- Wholesale Trade
- Vehicle sales and all other retail
- Transportation and warehousing
- Information and communication
- Finance and Insurance
- Real estate and professional services
- All health care services
- Arts, entertainment and recreation
- Recreational and athletic facilities
- All accommodations and food service
- Barber shops, beauty shops and nail salons
- Churches

Summary of Adjacent Zoning & Uses

Zone		Present Use
North	RU, Rural Residential (County)	Single Family Detached Residential
East	RU, Rural Residential (County) and RS-LD, Low Density Residential (County)	Single Family Detached Residential (Caedmon's Creek Subdivision)
South	CG, General Commercial (Town) and RU, Rural Residential (County)	Commercial and Utility (Town) and Single Family Detached Residential (Caedmon's Creek Subdivision)
West	RU Rural Residential (County)	Single Family Detached Home and Vacant

Irmo Comprehensive Plan

This lot is not shown on the Future Land Use Map, so the Comprehensive Plan is inconclusive. However, neighboring properties have a future land use of Rural/Farming/Forestry.

Staff Findings

Staff finds that the concept for a sports complex on Shady Grove makes sense for the area. It is a non-residential use, like the neighboring lots on Broad River, but it should not be a major traffic generator like the nearby Wal-Mart shopping center. The proposed associated commercial and hotel should increase viability of the project without greatly increasing density as well, as the square footage of proposed commercial is low in relation to the acreage devoted to athletic uses.

Furthermore, Staff finds that the current zoning of Neighborhood Commercial makes little sense in this area. Neighborhood commercial is a buffer for residential against general commercial, as this lot would do if developed in that manner, but at the same time Neighborhood Commercial is meant to be walkable for convenient shopping for nearby residents. A 67-acre lot which isn't adjacent to accessible dense residential makes little sense for this use.

Staff finds that the best use for this lot would either be low density residential – which was Great Southern Homes’ plan a few years back – or commercial like the nearby Broad River Road. The athletic use with commercial accessory uses seems like a good fit.

Staff recommends APPROVAL of the rezoning application to CG, General Commercial, but with the following conditions:

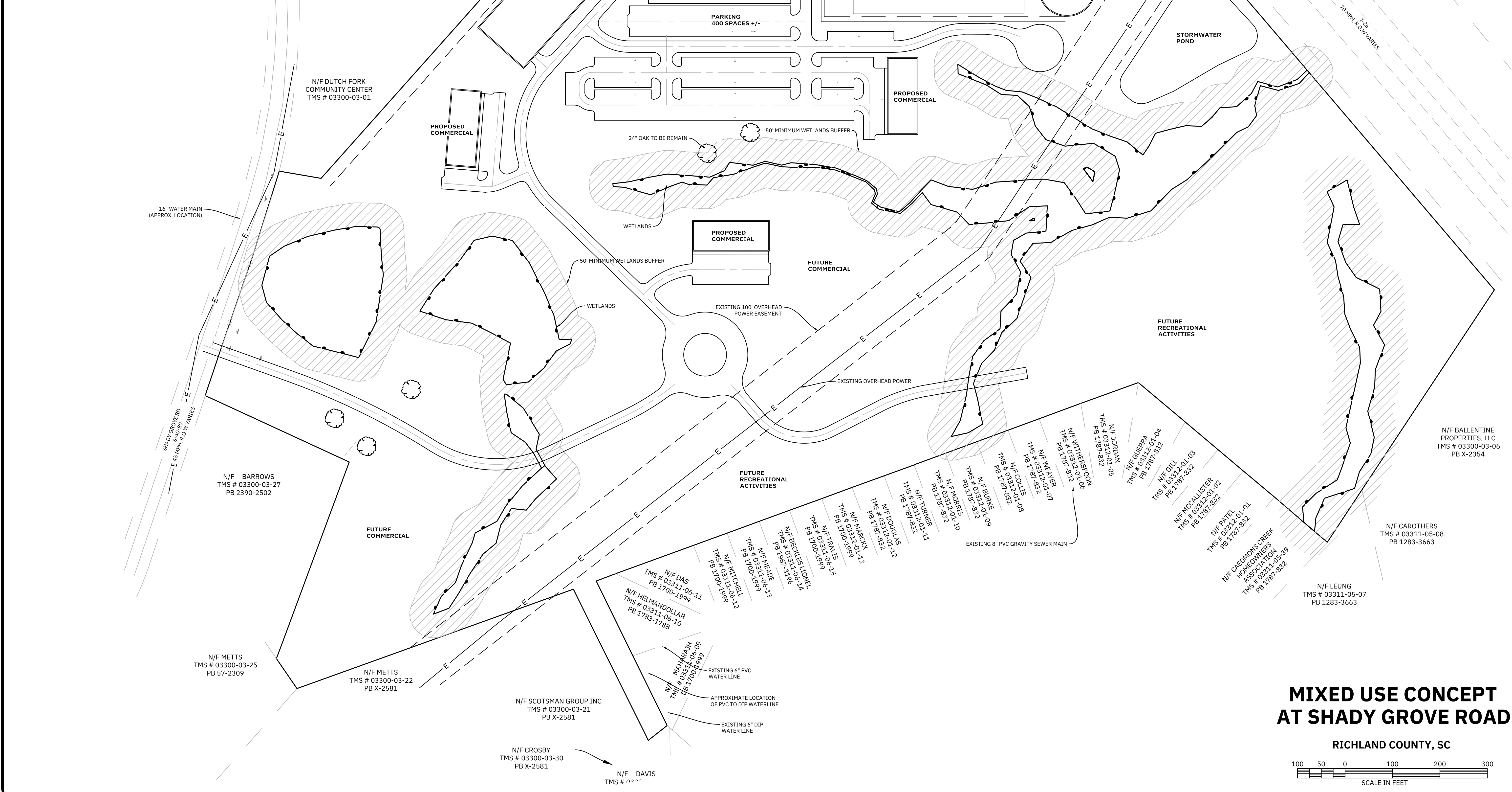
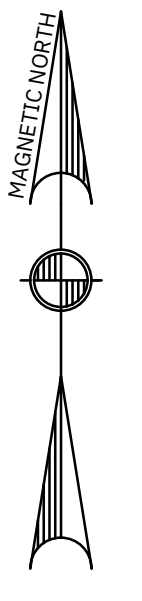
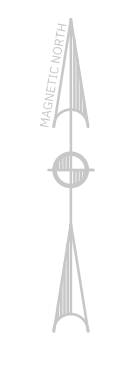
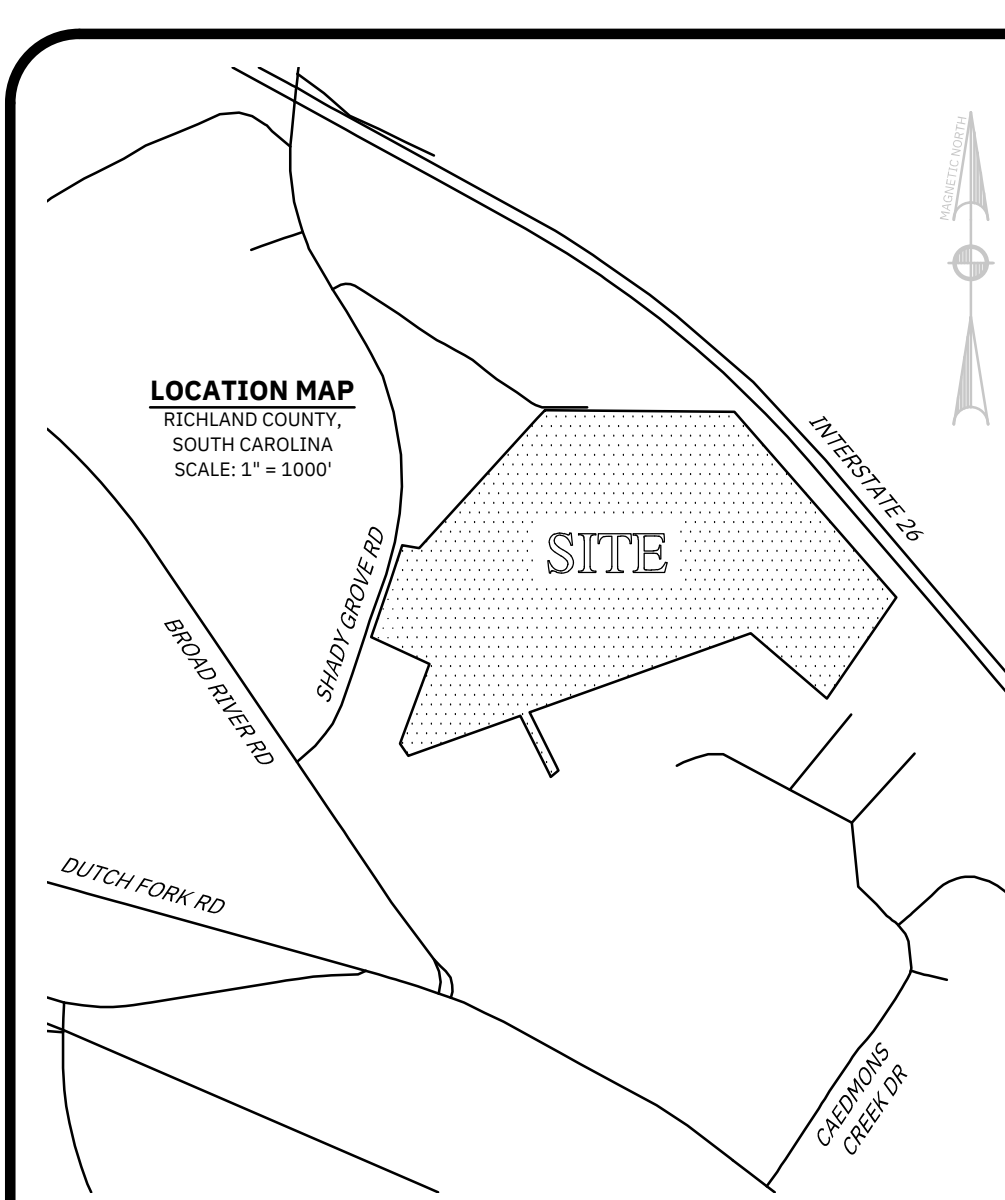
- Commercial uses limited to those permitted in the Neighborhood Commercial Zone. This would allow for retail, restaurant, and offices, but not gas stations, car dealerships and other high-intensity commercial.
- Limit commercial use to 110,000 s.f. total. Commercial makes sense on this road, but Staff finds that this 67-acre lot should not be a major commercial hub.

Planning Commission

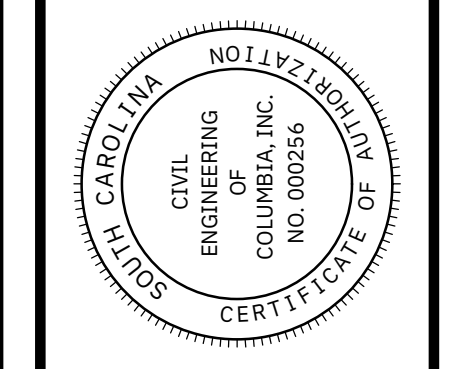
At their February 12, 2024 meeting, the Planning Commission voted 6-0 to recommend **APPROVAL** of the rezoning with conditions.

LOCATION MAP

RICHLAND COUNTY,
SOUTH CAROLINA
SCALE: 1" = 1000'



NO.	DATE	DESCRIPTION
1	11/16/24	PREPARED FOR CLIENT
2	11/16/24	DESIGNED BY PTL
3	11/16/24	CHECKED BY PTL



THE PRODUCT ON THIS SHEET WAS PREPARED FOR A SPECIFIC CLIENT FOR THE PROJECT IDENTIFIED ABOVE. NO OTHER PERSON SHOULD BE PERMITTED TO REPRODUCE OR TRANSMIT THIS DOCUMENT, IN ANY MANNER, WITHOUT THE WRITTEN PERMISSION OF THE DESIGN ENGINEER. IT IS STRICTLY PROHIBITED TO REPRODUCE OR TRANSMIT THIS DOCUMENT FOR ANY PURPOSE OTHER THAN THAT FOR WHICH IT WAS PREPARED. ANY REPRODUCTION OF THIS DOCUMENT WITHOUT THE WRITTEN PERMISSION OF THE DESIGN ENGINEER IS STRICTLY PROHIBITED. ANY CERTIFICATIONS, WARRANTIES, OR WARRANTIES OF MERCHANTABILITY OR FITNESS FOR THIS PROJECT ARE INTENDED TO EXPRESS THE STANDARD AND CARE EXPRESSED IN THE PREPARATION OF THESE DOCUMENTS.

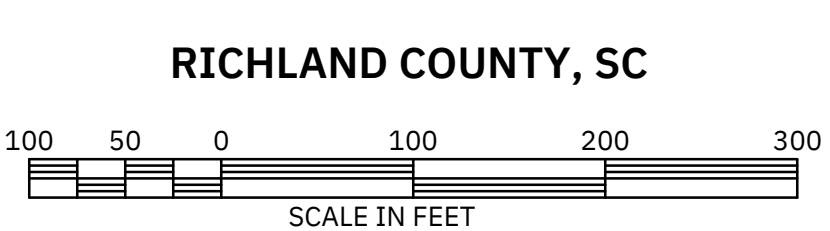
CIVIL ENGINEERING of COLUMBIA

3740A FERMANDINA ROAD COLUMBIA, SC 29210
TEL (803) 798-2820 FAX (803) 798-2826

SKETCH PLAN		
DATE	1/16/24	PREPARED FOR
DRAWN	PTL	
DESIGNED	PTL	
CHECKED BY:		JOB NUMBER N/A

SCALE: 1" = 100"
DATE: 1/16/24
DRAWN: PTL
DESIGNED: PTL
DRAWING NUMBER: **1 OF 1**

**MIXED USE CONCEPT
AT SHADY GROVE ROAD**



RICHLAND COUNTY, SC

1424 Shady Grove Road Rezoning, Ordinance 24 - 04

Planning Commission | February 12, 2024

Town Council | February 20, 2024 & March 19, 2024

2024-1-29 Irmo Zoning Map

Open in Map Viewer Classic

Sign

Legend

Richland Zoning

- CG
- CN
- CO
- FA
- LM
- MD
- RG
- RS

Lexington County Zoning

- ZONING
- CG
 - CN
 - CO
 - RG
 - RS

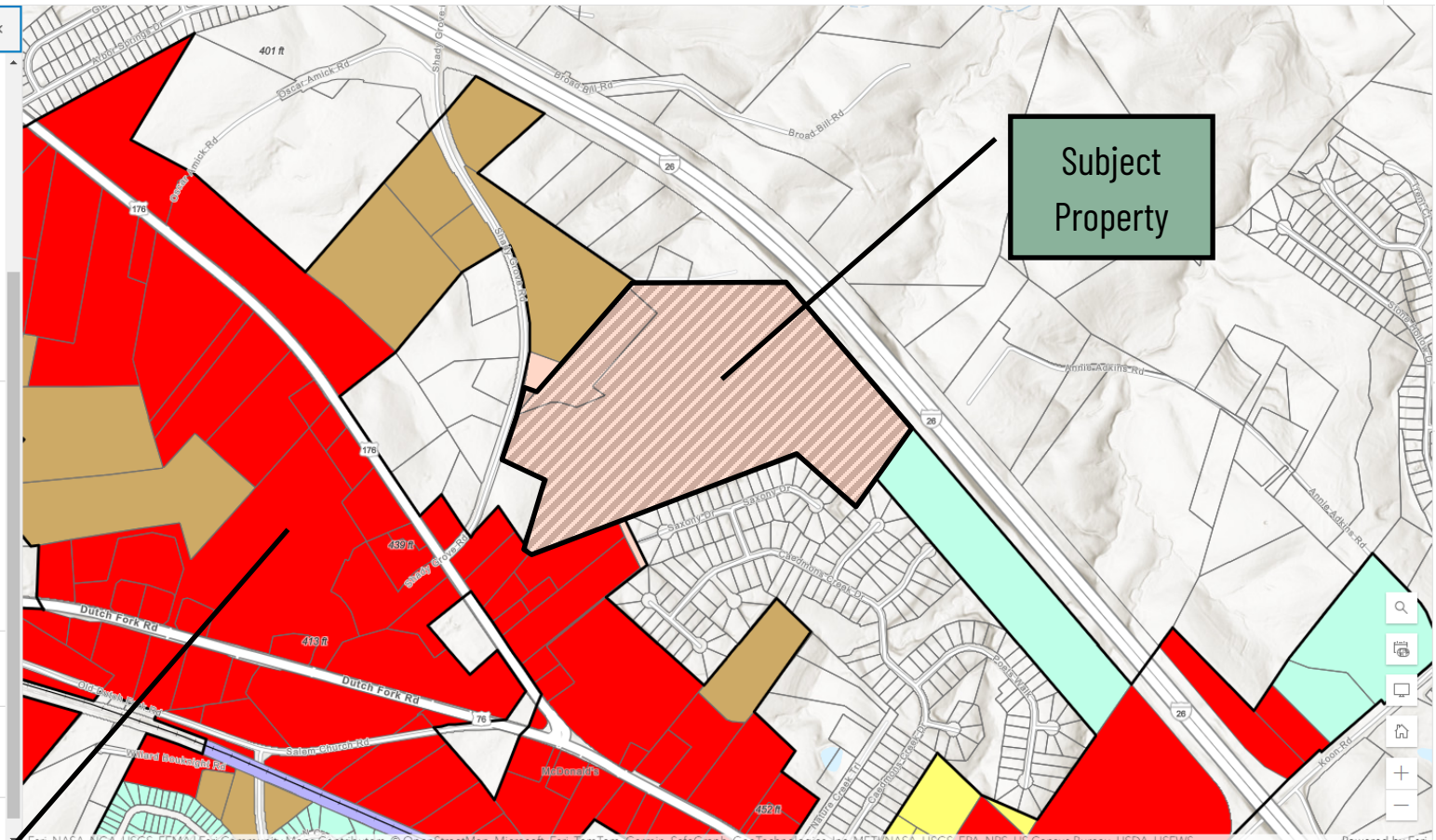
Irmo_Railway



Railroad Easement



Irmo_State_Hwy_Roads



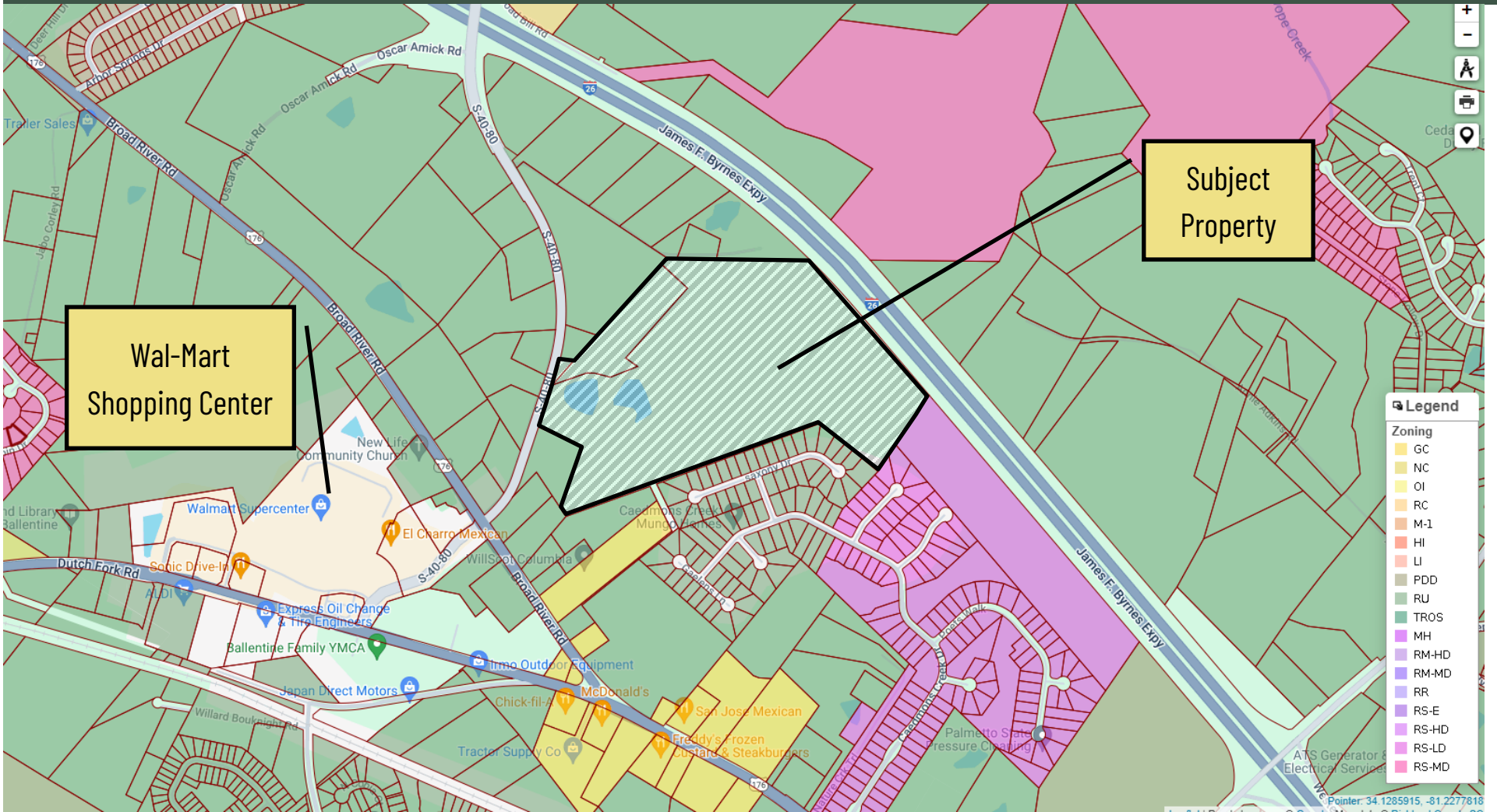
Subject Property

Wal-Mart Shopping Center

1424 Shady Grove Road Rezoning, Ordinance 24 - 04

Planning Commission | February 12, 2024

Town Council | February 20, 2024 & March 19, 2024



Zoning Application

[Print](#)**Submitted by:****Submitted On:** 2023-10-09 14:56:38**Submission IP:** (172.56.67.80)

proxy-IP (raw-IP)

Assigned To: Karley Lever**Due Date:** Open**Status:** Completed**Priority:** Normal

FORMS & APPLICATIONS

7300 Woodrow Street, Irmo, SC 29063

p: [\(803\) 781-7050](tel:(803)781-7050) | info@townofirmosc.com | Follow Us [@TownofIrmoSC](#)

Zoning Application

Please complete the application and submit the required supporting documentation. If the applicant is not the owner(s), the owner(s) must complete and sign the [Designated Agent](#) form. Failure to submit the required documentation will delay your application.

Submit a digital and hardcopy site plan, and any additional materials (i.e. photographs, elevation drawing with dimensions, or renderings).

NOTE: A registered land surveyor, landscape architect, or engineer must design the site plan.

Site plan requirements:

- no longer than 24" x 36"
- show scale
- tax map number
- the property owner/developer's information
- date
- vicinity map
- north arrow
- property shape and dimensions
- landscaping
- buffering
- location and size of existing and/or proposed structures, and drives

Reminder: Failure to submit the required documentation will delay your application.

Questions can be emailed to [Business Licensing & Zoning](#).

APPLICANT INFORMATION

Applicant Name:

Alison Hewitt for Barr Investors LP

Address:

7111 Highmarket Street Georgetown SC 29440

Phone:

813.438.0020

Email:

aahe Witt71@gmail.com

Relationship to Property Owner:

Same Lessee/Business Owner Contractor Other

If other, please describe below:

Designated Agent

DESIGNATED AGENT

Complete if applicable

If the applicant is not the owner(s), the owner(s) must complete and sign the [Designated Agent](#) form. Download and complete the Designated Agent form and upload it below.

Designated Agent Form: [DOWNLOAD](#)

Upload Designated Agent Form Here:

Choose File No file chosen

PROPERTY INFORMATION

Check one:

Assign Zoning Designation Zoning Text Amendment Request Re-Zoning Request

If other, please describe:
Current Zoning District:

RC

Current Zoning District:

RC

Tax Map Number:

R0330-03-37

Property Address:

1424 Shady Grove

Current property use:

Residential Commercial Industrial
 Vacant

Area (sq ft)/acre of proposed project:

61.72

If a Zoning Text Amendment Request, what use and/or language should be added/removed from the ordinance?

If a Re-Zoning Request, what is the recommended zone for the property?

RS RG CO CN CG LM FA MD

If a Zoning Designation, what is the recommended zone for the property?

RS RG CO CN CG LM FA MD

Describe in detail the reason for your request:

This proposed development will be a sports tourism development. The development will include sports facility for basketball, volleyball, pickleball, wrestling, cheerleading, and indoor track. We propose also that this location include a hotel, a classic car showroom, and a TV/Radio station. The pond located on this land is proposed to become a walking trail with gazebo and fishing docks. Parking for the tournaments will be included on the site with buffers added to reduce sound and light to the adjacent residential neighbors.

How does the proposed/zoning designation compliment with the surrounding area?

It is anticipated that this project will spur additional ancillary development in the retail, restaurant, and lodging sectors. Also provide greenways, trails and environmental activities for families and individuals

SUPPORTING DOCUMENTATION

Required for rezoning/zoning designation

Plat:

No file chosen

Scaled Site Plan:

No file chosen
For new improvements

Applicable permits/approvals:

No file chosen

Photographs:

No file chosen

Elevation drawings w/ dimensions:

No file chosen

Renderings:

No file chosen

Other:

No file chosen

Other:

No file chosen

Indicate the applicable supportive documentation:

- Plat
- Scaled site plan (for new improvements)
- Applicable permits/approvals
- Photographs
- Elevation drawings w/ dimensions
- Renderings

. . .

I attest to the best of my knowledge the information and attachment(s) provided are accurate. The proposed activity does not contradict any restrictions and covenants. **By typing my name below, I understand and agree that this form of electronic signature has the same legal force and effect as a manual signature.**

*** First & Last Name**

Alison A. Hewitt

Type your first & last name

*** Today's Date**

10/20/2023

Format: MM/DD/YYYY

STATE OF SOUTH CAROLINA)

ORDINANCE 24-04

)

TOWN OF IRMO)

AN ORDINANCE TO RE-CLASSIFY 67 ACRES OF REAL PROPERTY LOCATED AT OR NEAR 1424 SHADY GROVE ROAD, TMS # R03300-03-02, -37, AND -44, FROM CN, NEIGHBORHOOD COMMERCIAL, TO CG, GENERAL COMMERCIAL WITH CONDITIONS, AND TO AMEND THE OFFICIAL ZONING MAP OF THE TOWN OF IRMO TO SO REFLECT

WHEREAS, a request has been presented to the Irmo Town Council by the current record titleholder of property located at or near 1424 Shady Grove Road, TMS # R03300-03-02, -037, and -44, to re-classify the property from CN, Neighborhood Commercial, to CG, General Commercial with Conditions; and

WHEREAS, the Town and its Planning Commission, per SC Code § 6-29-760 *Procedure for enactment or amendment of zoning regulation or map; notice and rights of landowners; time limit on challenges* met the State's zoning procedural standards. Simply, notice was advertised in The New Irmo News at least fifteen days prior to the public hearing, notice was conspicuously posted on or adjacent to the property, and a public hearing was held; and

WHEREAS, the Irmo Planning Commission, during a meeting held on February 12, 2024, recommended to the Irmo Town Council to classify said property to the appropriate zoning classification of CG, General Commercial with Conditions; and

WHEREAS, it is necessary and desirable to reclassify said property to CG, General Commercial with the following conditions:

1. Commercial uses shall be limited to those permitted in the CN, Neighborhood Commercial District. These commercial uses shall be permitted by right and not subject to the conditions set for businesses located in the Neighborhood Commercial District.
2. Total commercial square footage shall be limited to 110,000 square feet and shall include a hotel. Athletic playing and training facilities shall not be included in this 110,000 square foot limitation.

NOW, THEREFORE, BE IT ORDAINED and ordered by the Mayor and Town Council of the Town of Irmo, South Carolina, in Council duly assembled on this 19th day of March, 2024, that the Zoning Classification pertaining to the subject parcel be hereby re-classified from its current zoning of CN, Neighborhood Commercial to CG, General Commercial; and

BE IT FURTHER ORDAINED that the official zoning map of the Town of Irmo be, and the same hereby is, amended to so reflect.

ORDINANCE 24-04, CONTINUED

DONE IN COUNCIL ASSEMBLED this 19th day of March, 2024

William O. Danielson, *Mayor*

ATTEST:

Renee Caviness, *Municipal Clerk*

1st Reading: February 20, 2024

2nd Reading: March 19, 2024

Public Hearing: March 19, 2024



Staff Report

Amendment to the Zoning Ordinance

DATES: Planning Commission: January 8, 2024
Town Council Workshop: February 6, 2024
Planning Commission: February 12, 2024
Town Council First Reading: February 20, 2024
Town Council Second Reading: March 19, 2024

TO: Irmo Planning Commission
Irmo Town Council

FROM: Douglas Polen, Assistant Town Administrator

SUBJECT: Zoning Ordinance Amendment

ACTION REQUESTED: Consideration of a text amendment to Articles 1, 2, 3, 7, and 13 of the Zoning Ordinance as regards residential development and patio homes

Background

Staff has been reviewing the Zoning Ordinance and is planning major revisions to many chapters. This proposed ordinance amendment features many notable changes regarding residential development and patio homes, including:

1. Creation of a new residential zone – RN, Negotiated Residential, and redefining the MD, Mixed Use Development zone.
 - a. RN is for planned residential communities with a possible mix of residential types (i.e. single family detached, townhome, apartment) where the developer negotiates with the Town densities, setbacks, architectural features, amenities, etc. in exchange for flexibility and smaller lot sizes.
 - b. MD is for mixed-use projects (usually residential and commercial) with negotiated aspects
2. Add public notice requirement that negotiated districts are required to post 4' x 6' signs 15 days prior to Planning Commission describing the project. The Zoning Administrator may also require public meetings prior to the Commission meeting so that questions can be

answered and the developer has a chance to make changes prior to going to Planning Commission.

3. Requirement that sidewalks, streetlights, street trees, stormwater facilities outside the right-of-way, custom street signs, crosswalks and amenities must be maintained in perpetuity by the HOA/POA.
4. Create stronger regulations around residential lot size and require the earning of density bonuses to be permitted to build lots smaller than the 12,500 sf allowed by right in the RS district. 6,000 sf is the proposed lower limit for single family detached.
5. Remove references to patio homes - what were patio homes will now just be homes on smaller lots.

Included is also the density bonus sheet. These are suggestions of things that developers can do to earn smaller lots. This list is flexible, and developers are free to come up with their own suggestions. It is a basis for discussion between developers and staff and should help guide better development.

Staff Findings

Staff feels that this ordinance provides a strong methodology for allowing developers to build a wide range of housing types and mixed-use projects while ensuring that Staff, the Planning Commission, and Town Council have a new, stronger level of oversight over those developments.

Staff recommends **APPROVAL** of this ordinance amendment.

Planning Commission

At their February 12, 2024 meeting, the Planning Commission voted 6-0 to recommend **APPROVAL** of this ordinance amendment.

Section 1-2 Purpose of Districts

RN, Negotiated residential district. The RN district is a special purpose district, allowing for a range of residential uses including, but not limited to, single family residential, duplexes, townhomes, and apartments. The intent is to create a planned, unified development that encourages flexibility of design and allowable residential uses within the district. While a mix of residential uses and types is encouraged, it is not required. In order to rezone property to RN, a concept plan, descriptive statement (described elsewhere in this ordinance), and bonus density calculation shall be submitted to and approved by the Town Council.

MD, Mixed-use development district. The Mixed-Use (MD) district is a special purpose district. The intent is to create a planned, unified development that encourages flexibility of design and allowable uses within the district. Within the MD, regulations adapted to unified planning and development standards are intended to accomplish the purposes of zoning, design standards, and other applicable regulations to an equivalent or higher degree than general zoning district regulations that are designed to control uncoordinated development on individual lots or tracts. Mixed-use developments are intended to promote economical and efficient land use, to provide an improved level of amenities, foster a harmonious variety of uses, encourage creative design, and produce a better environment.

~~**PDD, Planned development districts.** As of the effective date of this Ordinance, all parcels previously zoned as PDD on the Official Zoning Map shall be designated as MD, mixed development district on the Official Zoning Map. Planned development districts on the Official Zoning Map prior to the effective date of this Ordinance shall remain in full force and effect under the regulations as set for each district at the time approved by the Irmo Town Council and per the Special Purpose District Regulations Article of this Ordinance.~~ (This is a defunct zoning district, so its reference is being removed.)

Article 2 Primary Zone District Regulations

Table 1

Schedule of Permitted, Conditional, and Special Exception Uses and Off-Street Parking Requirements by Zoning District

Use	NAICS	RS	RG	CO	CN	CG	LM	FA	Parking Standards ¹
Residential uses	N/A								
Single-family (including modular)		P	P					P	2.0 per unit
Two-family (duplex)			P						2.0 per unit
Patio Homes		P	P						

~~2-3.6 Conditional Uses for Patio and Zero Lot Line Housing~~

~~Due to the unique design features of patio and zero lot line housing, the dimensional and density requirements of Table 2 are hereby modified, as follows:~~

- ~~A. Such projects shall have a minimum of one acre.~~
- ~~B. Minimum lot area shall be 3,000 square feet per unit, on average.~~
- ~~C. Minimum lot width shall be 40 feet.~~
- ~~D. Where a unit is to be constructed at or on the property line, a five-foot maintenance easement shall be provided on the adjoining lot.~~
- ~~E. At least one side yard extending not less than five feet from the property line shall be provided. Where a second side yard is provided, though not required, it too shall have a minimum width of five feet.~~
- ~~F. The side yard of the exterior units shall be five feet from the "outside" property line.~~
- ~~G. A minimum patio or yard area of 700 square feet shall be provided on each lot.~~
- ~~H. Rear yard setbacks shall be not less than 20 feet.~~
- ~~I. Where proposed for the RS district, maximum density of such housing shall not exceed six units per acre.~~
- ~~J. Where proposed within the RG district, the Planning Official may require additional screening and/or buffering to protect adjoining single family residents.~~

Section 3-1 Schedule of Lot Area, Yard, Setback, Height, Density, and Impervious Surface Requirements

- D. Minimum lot sizes in the Single Family (RS) Residential District are as follows:
 - Single Family Detached: 12,500 s.f.
 - ~~Patio and Zero Lot Line Homes: 3,000 s.f. per unit on average~~
- E. Minimum lot sizes in the General Residential (RG) District are as follows:
 - Single Family Detached: 6,000 s.f. for the first unit and 4,000 s.f. for any additional units
 - Duplexes: 8,000 s.f. per two-unit structure
 - ~~Patio and Zero Lot Line Homes: 3,000 s.f. per unit on average~~
 - Townhomes: 3,000 s.f. per unit
 - Apartments: Minimum lot size of one acre; capped at 16 units per gross acre

Section 3-9 Number of Principal Buildings Per Lot

Where permitted or conditionally permitted by Table 1 no more than one single-family dwelling, manufactured home or duplex, ~~or patio home~~ is allowed per lot. Refer to conditional uses for accessory apartments.

Article 7 Special Purpose Districts

1. **Types** – This section describes the two types of negotiated zoning districts: Negotiated

Residential (RN) and Mixed-Use Development (MD). The types are better described as follows:

- a. **Negotiated Residential:** Residential developments with lot sizes, setbacks, or other features different than those permitted in the RS or RG districts. These districts may feature one or more residential types.
 - b. **Mixed-Use Development:** Mixed-Use projects featuring residential and commercial uses. Such developments require a development agreement if the property features over 25 highland acres and is thus legally permissible to have such an agreement under the South Carolina Local Government Development Act.
2. **Purpose** – The purpose of this section is to encourage the development of various types of flexible, negotiated developments under master plans, where the traditional density, bulk, spacing and use regulations of other zoning designations, which may be useful in protecting the character of substantially developed areas, may impose inappropriate and unduly rigid restrictions upon the development of parcels or areas which lend themselves to a unified, planned approach. Negotiated developments are intended to promote flexibility in site planning and structure location, to facilitate the provision of utilities and circulation systems, the mixture of uses, as well as to preserve the natural and scenic features of the parcel.
- a. The proposed development should be of such design that it will promote achievement of the stated purposes of the adopted comprehensive plan and is consistent with the plan as well as other adopted plans and policies of the Town of Irmo.
 - b. The development will efficiently use available land and will protect and preserve, to the greatest extent possible, and utilize, where appropriate natural features of the land such as trees, streams, wetlands, and topographical features.
 - c. The development will be located in an area where transportation, police and fire protection, schools and other community facilities and public utilities, including public water and sewer service, are or will be available and adequate for the uses and densities proposed. The applicant may, where appropriate, make provisions for such facilities or utilities, which are not presently available.
3. **Intent** – The intent of negotiated development is to achieve the following:
- a. To encourage the development of communities which provide a range of harmonious land uses (residential, commercial, cultural, educational, etc.) and/or housing types (single family detached, townhomes, etc.).
 - b. To promote flexibility in site planning and structure location that facilitates the provision and use of efficient circulation and utility systems and preservation of natural and scenic features that will result in a diversity of scale, style and details that foster a strong sense of community within the development as well as enhancing the immediate area surrounding the development.
 - c. To permit the development of such communities where there is demand for housing, a relationship with existing and/or planned employment opportunities, as well as

supporting businesses and other services, and adequate community facilities and infrastructure existing or planned within the area.

- d. To provide a mechanism for evaluating alternative zoning regulations as well as other Town ordinance elements of the proposed application on its own merit, emphasizing that these provisions are not to be used to circumvent the intent or use of conventional zoning classifications set forth in this chapter or other applicable variance, waiver or amendment to other ordinances, contrary to state or federal law but to permit innovative and creative design of communities in the Town of Irmo.

4. **Establishment** – Any request pertaining to the establishment of a Negotiated Residential or Mixed-Use Development zoning district shall be considered an amendment request to the zoning ordinance and shall be administered and processed in accordance with Article 12. The application for zoning amendment must include a concept plan, a descriptive statement and, if applicable, a bonus density calculation and/or a development agreement.

The Planning Commission may recommend to the Town Council to approve the plan and application to establish a negotiated district, including specific modifications to the plan, or to deny the application to re-zone to establish a said district. The Town Council shall approve the plan and application to establish the district, include specific modifications to the plan as conditions for approval, or deny the application to re-zone to establish an RN or MD.

If the request for re-zoning to a negotiated district is approved through an ordinance amendment of the Official Zoning Map by Town Council, site development plans and the final plat approval process may proceed. Improvement guarantees may be granted for substantially completed projects per improvement guarantee provisions as may be established by the Town.

After the final plat for the district has been recorded, building and sign permits shall be issued in accordance with the approved plan as a whole, or in phases or portions thereof, per an approved phased development plan as defined in this Ordinance. Said permits shall be issued in the same manner as for building and sign permits generally.

5. **Public Notice** – Fifteen (15) days prior to the meeting before the Planning Commission, signs must be erected on site alerting the public to the proposed development. These signs must be at least 4' x 6' and placed along all adjacent roads in a conspicuous location. The signs must feature the following information:
 - a. A description of the development
 - b. Number of units by type
 - c. Minimum lot size
 - d. Any amenities
 - e. A concept sketch of the development and/or the structures
 - f. Dates of all public meetings

- g. Contact information for the Developer and a link to more information. Additional contact information for the Zoning Administrator is encouraged.

Additionally, the Zoning Administrator reserves the right to require a public meeting prior to the Planning Commission meeting for the purposes of receiving public input prior to application submittal.

- 6. **Amendment** – Any changes to the approved characteristics or agreements of a negotiated development shall be classified as either major or minor amendments. Major amendments are considered a rezoning and require the procedures outlined in Article 12. Minor amendments may be made by the Zoning Administrator.
 - a. **Major Amendments** – Changes which materially affect the characteristics of the negotiated development shall follow the same procedural requirements as for the amendment originally establishing the negotiated district, including Planning Commission review, public hearing, and Town Council determination. Such changes include, but are not limited to, boundary changes, changes of greater than ten percent (10%) to the minimum/maximum number of allowable residential units or commercial square footage, or changes to the uses allowed within the development.
 - b. **Minor Amendments** – Changes such as but not limited to the location of certain uses within the overall development, signage and landscaping modifications, etc.
 - c. **Determination** - It shall be the duty of zoning administrator to determine whether any specific request shall be considered a major amendment or minor amendment; provided however, that the applicant shall have the right to have any request for change processed as a major amendment.
- 7. **Prohibited Amendments** – No Town ordinance shall be eligible for amendment in conjunction with the approval if the proposed amendment would apply to: A standardized code or law adopted by the Town in a form specified by state or federal law; or would adversely impact any officially recognized police, fire, flood, pollution, runoff, seismic, or other rating given to the Town or its citizens; or would amend, purport to amend, alter or purport to alter any state or federal law or regulations otherwise applicable.
- 8. **Requirements** – All negotiated developments require the following to be maintained by a Home or Property Owner's Association
 - a. Sidewalks
 - b. Streetlights
 - c. Street Trees
 - d. Stormwater facilities outside of the Right of Way
 - e. Customized Street Signs
 - f. Crosswalks
 - g. Amenities

Note: Private streets are prohibited in any developments unless by County law they cannot be brought into the County maintenance program, which may include road types such as rear access alleys or in a townhome development. A failure to seek County approval in a

timely fashion does not preclude this requirement. Any streets which must be private by County law are required to meet all Town of Irmo ordinances concerning private streets, including but not limited to manner of construction, bonding, maintenance, and long-term financial support. At the time of this ordinance, the Town of Irmo has no streets department or method for funding street repairs and maintenance. No private roads will be taken in by the Town of Irmo for maintenance.

9. **Failure to Begin, Failure to Complete, or Failure to Make Progress** – The descriptive statement as approved by Town Council and duly recorded shall set forth the development for the project including phasing of development of non-residential uses in relationship to residential use. The Town Council may require the posting of a bond with a corporate surety to guarantee that the schedule as set forth in the descriptive statement will be materially adhered to in order to guarantee construction of streets, utilities, and other facilities and amenities or to allow for rectification of improper development characteristics such as failure to develop areas designated as common open spaces. If there is failure to begin, or failure to complete, or failure to make adequate progress as agreed in the descriptive statement, the Town Council may enforce and collect upon such bonds or sureties as described above, or may rezone the district and thus terminate the right of the applicant to continue development, or may initiate action to charge developers with specific violation of the zoning ordinance subject to the penalties set forth or any appropriate combination of the above remedies may be taken. If the development is not initiated within two years of its establishment, the planning commission shall initiate the rezoning of the property to an appropriate zoning district classification.
10. **Vested Rights** – A vested right is the right to undertake and complete the development of a negotiated district under the terms and conditions provided in this Section. A vested right is established for two (2) years upon the approval of the rezoning, including phased development plans as provided herein. The period of the vested right may be longer depending upon the terms of any development agreement. A vested right may be extended at the end of the vesting period for an additional twelve (12) months, or thirty-six (36) months for a phased development plan, upon request by the applicant and a determination by the ~~Town Council~~ **Planning Commission** that there is just cause for extension and that the public interest is not adversely affected. A validly issued building permit does not expire or is not revoked upon expiration of a vested right, except for public safety reasons.

Any vested right is subject to revocation by the Town Council upon determination, after notice and public hearing, that there was a material misrepresentation by the landowner or substantial noncompliance with the terms and conditions of the original or amended approval.

A vested right is subject to later enacted Federal, State, or local laws adopted to protect public health, safety, and welfare, including but not limited to: building, fire, plumbing, electrical, and mechanical codes; street design, stormwater management, buffers, and other development standards; and nonconforming structure and use regulations which do not provide for the grandfathering of the vested right. The issuance of a building permit vests the specific construction project authorized by the building permit to the building, fire, plumbing, electrical, and mechanical codes in force at the time of the issuance of the building permit.

A change in the zoning district designation or land use regulations made after vesting that affects real property does not operate to affect, prevent, or delay development of the real property under a vested site-specific development plan or vested phased development plan without consent of the landowner. The Town Council must not require a landowner to waive his vested right as a condition of approval of a site-specific Negotiated Residential or Mixed-Use Development Plan including a phased development plan.

A vested right pursuant to this Section is not a personal right but attaches to and runs with the applicable real property. The landowner and all successors to the landowner who secure a vested right pursuant to this Section may rely upon and exercise the vested right for its duration. The vested right is subject to applicable Federal, State, and local laws adopted to protect public health, safety, and welfare, including but not limited to: building, fire, plumbing, electrical, and mechanical codes; street design, stormwater management, buffers, and other development standards; and certain nonconforming structure and use regulations that do not provide for the grandfathering of the vested right.

11. **Single-Family Residential Density** – In an effort to achieve a higher level of quality and architectural interest in the Town’s residential stock, the Town Council and Planning Commission have created a density bonus system by which single-family residential units may achieve higher densities in exchange for a variety of desirable design elements. In this system, single-family detached homes begin at a base minimum lot size of 12,500 square feet. Developers then have the opportunity to apply a number of density bonuses to the project, resulting in lots that may reach a minimum of 6,000 square feet in size. While single-family detached lot sizes below 6,000 s.f. may be possible, especially when using conservation design principles, Town Council strongly encourages minimums of 6,000 s.f., 50’ lot widths and setbacks of 25’ (front), 15’ (rear) and 7½’ (side) with a maximum density of six detached residential units per gross acre.

Items eligible for a density bonus may include, but are not limited to the following:

- Neighborhood Revitalization Program
- Commercial development
- Improved exterior façade textures and materials
- Rear access alleys/rear entry garages
- Minimal repetition of floor plan
- Wider side setbacks

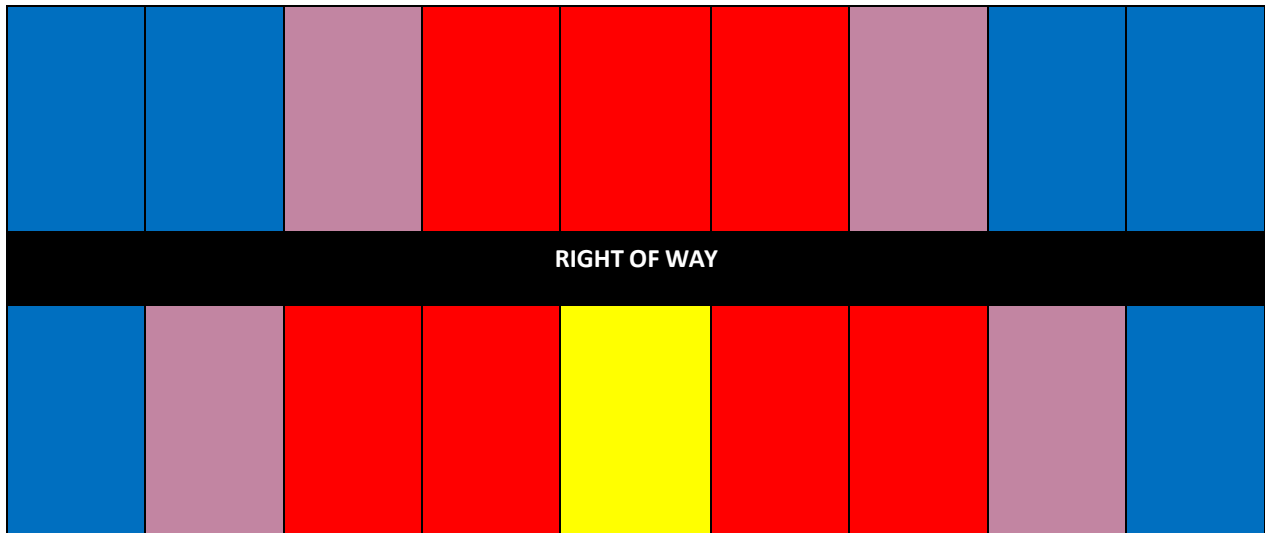
Density bonus information may be obtained from the town website or the Zoning Administrator. Standard bonuses may be applied to single-family detached houses, while modified bonuses may be applied to duplex and townhouse units. All bonuses will be negotiated between the developer and the Town, with final approval coming from Town Council as part of the acceptance of the development plan.

12. **Architectural and Design Requirements** – Residential structures in the negotiated districts are required to meet the following design requirements:

- a. The front façade and sides of the building must be covered in a cementitious material, such as Hardiplank, brick, or stone. If the rear of the building faces a road, it too must be

covered in similar material. Trim may still be made of vinyl. Single-family detached, duplexes, and townhomes must all meet this standard.

- b. Houses placed along, but which do not front onto, the streets exterior to the development are required to be buffered from those streets with a Type B Buffer or a Type A Buffer and an opaque screen. This buffer and screen is to be maintained by the HOA.
- c. Houses on corner lots or which otherwise have a side wall facing towards the public must have architectural details on that side, such as, but not limited to, a porch, bay windows, shutters (if they appear on the front of the house), or more windows than otherwise on that house plan. As an alternative, at least one canopy tree, one understory tree, and multiple shrubbery plantings may be placed along that side of the house. The additions are to be approved by the Zoning Administrator.
- d. In developments with fifty (50) or more single-family detached homes, house placement must meet the “Rule of Seven,” such that houses are not adjacent to houses with the same plan, façade, and similar color. All facades and colors are to be approved by the Zoning Administrator to determine variety.



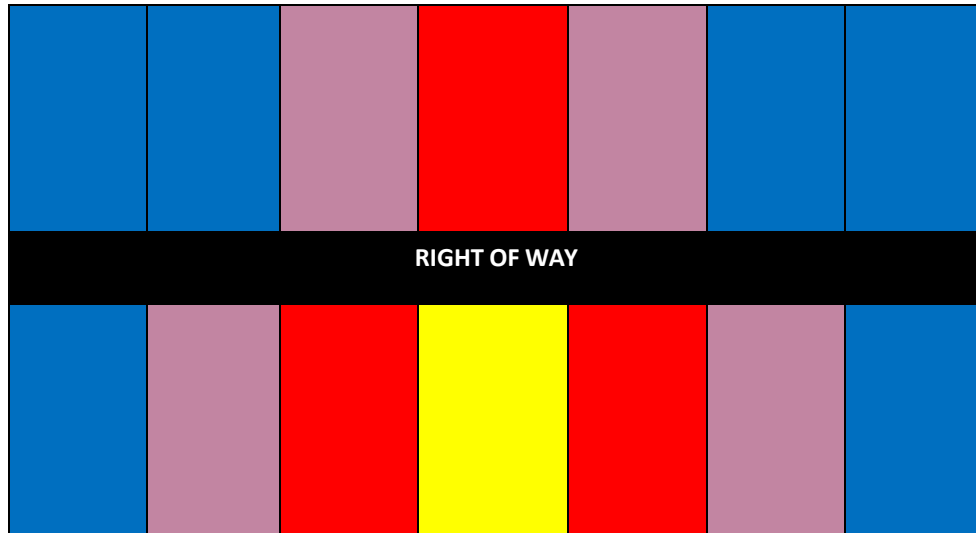
Subject Lot
Floor Plan “A”
Elevation “A”

Other Than
Floor Plan “A”
& Elevation “A”

Other Than
Building
Elevation “A”,
Any Floor Plan

Any Floor Plan
and/or
Elevation

In developments with 49 or fewer single-family detached homes, house placement must meet the “Rule of Five.” All facades are to be approved by the Zoning Administrator to determine variety.



- e. Townhomes must meet the conditional requirements outlined in Article 2. Additional requirements include:
 - i. At least four (4) facades per six-unit structure. Structures with fewer units may have fewer facades with Zoning Administrator approval.
 - ii. At least four (4) colors per six-unit structure. Structures with fewer units may have fewer colors with Zoning Administrator approval.
- f. All single family detached homes and duplexes must feature at least two 2½” trees in the front yard of each residence, at least one of which must be a canopy tree. Additionally, five 24” shrubs are required in each front yard. A comprehensive street tree program may be substituted for one tree in each yard. All plantings must be from the approved tree list found in elsewhere in the Zoning Ordinance.
- g. The main boulevard(s) of all residential negotiated developments shall be wider to accommodate on-street parking. Moreover, on-street parking shall be restricted to one side of the street throughout the development, to be enforced by the Homeowner’s Association.
- h. The floor area of the heated air space of detached single family homes in the development shall be at least 25% of the gross lot size for all lots under 8,000 s.f. For example, a 6,000 s.f. lot must feature a home with at least 1,500 s.f. of heated floor space. For lots over 8,000 s.f., the minimum heated floor area of the house must be 2,000 s.f.

13. Conservation Design

Negotiated developments can be designed to maximize open space and green space. This zoning can be used to accomplish a Conservation Design in which residential and/or commercial development can be incorporated into predominantly undivided permanent open space, thereby permanently protecting agriculturally, environmentally, or ecologically significant areas within the parcel. The remaining developable land is subdivided into buildable lots or utilized as a group development, typically with more density in the developed portion of the project than would be found in a traditional development within a general zoning district. Conservation Design standards are found in the Land Development Design Standards Article of this Ordinance.

14. Permitted Uses in Mixed-Use Development Districts

Mixed-use negotiated districts may permit a mixture of different types of housing with compatible commercial uses, shopping centers, office parks, and other mixed-used developments. Flexibility in design, character, and quality of development and preservation of natural and scenic features are made possible through the approval of a plan which describes the specific uses, densities, setbacks, and other requirements for a planned development. The approved plan constitutes the district regulations for a specific planned mixed-use development. Any use or combination of uses meeting the objectives of this Section may be established in a district through a zoning map amendment ordinance as provided for in this Ordinance. Once approved, the proposed use(s) and no others shall be permitted. Said uses shall be identified and listed based on classification; i.e., retail, office, wholesale, residential multi-family, residential single-family detached, manufacturing, etc. The list of approved uses shall be binding on the applicant and any successor in title so long as the zoning applies to the land, unless otherwise amended by ordinance. The applicant may specify that standard zoning district regulations shall apply to specific use areas within the project. For example, in an area designated for retail commercial, the applicant may specify that all General Commercial (GC) zoning district regulations shall apply.

15. Minimum Area Requirements

The minimum size for a negotiated district shall be 3 acres unless it is a continuation of an existing, adjacent negotiated district.

16. Development Standards for Mixed-Use Developments

The applicant may propose alternate regulations specific for the proposed negotiated district regarding signage, parking, buffers, screening, open spaces, and landscaping, etc.; which, if approved, shall become the regulations for the district. If no alternate regulations are proposed, the regulations for the primary zoning districts per this Ordinance shall apply. The following principles shall be considered in creating negotiated development standards:

- A. **Residential Dimension Requirements** – Residential density, building setbacks, and building heights shall be determined by the scale of the project in relation to its surroundings and its impact on existing and proposed support facilities such as

- transportation, water and sewer systems, recreational facilities, etc.
- B. **Overall Site Design** – Overall site design shall be harmonious in terms of landscaping, enclosure of principal and accessory uses, size of structures, street patterns, and compatibility of uses.
 - C. **Parking and Loading** – Unless alternate standards are specified in an approved development plan, off-street parking and loading spaces for the various uses proposed for the district shall comply with the standards for off-street parking and interior landscaping of this Ordinance.
 - D. **Buffer Areas** – Buffer areas shall be required for peripheral uses and shall be provided in accordance with the requirements for adjacent uses prescribed in this Ordinance, unless alternate standards are specified in an approved development plan. There are no specific buffer area requirements for internal use, but buffers should mitigate impacts of intensity of uses and/or to serve as transitions between uses.
 - E. ~~**Streets and Street Improvements** – Private streets may be permitted in the MD, provided such streets meet the design and construction standards for public streets of the *Lexington County Design Manual* and other applicable land development regulations. The applicant must provide an acceptable private streets maintenance plan to the Planning Commission for review and approval. The Planning Commission may consider alternate private street design standards in consideration of site-specific factors including the following:~~
 - 1. ~~Limited use.~~
 - 2. ~~Site topographic or geophysical conditions.~~
 - 3. ~~Stormwater management.~~
 - 4. ~~The preservation of any natural features on the site.~~
 - 5. ~~The avoidance of areas of environmental sensitivity.~~
 - 6. ~~The minimizing of negative impacts and alteration of natural features.~~
 - 7. ~~The avoidance of adversely affecting ground water and aquifer recharge.~~
 - 8. ~~The reduction of cut and fill.~~
 - 9. ~~The avoidance of unnecessary impervious cover.~~
 - 10. ~~The prevention of flooding.~~
 - 11. ~~The accounting for other site-specific design considerations.~~
 - F. **Landscaping and Common Open Space** – Landscaping and open space requirements for each development shall comply with the provisions of this Ordinance, unless alternate standards are specified in an approved development plan.
 - G. **Signage** – Signage shall be in harmony, in scale with, and reflective of the proposed development. Unless alternate standards are specified in an approved development plan, signage shall comply with the standard signage regulations of this Ordinance.

17. Concept Plan Requirements

A site plan showing the proposed development of the area (zone) shall be a prerequisite to approval of a negotiated district. The site plan shall adhere to the minimum area and development standards requirements of this Section and shall address or show the following:

- A. The proposed title of the project, project designer, and the developer.
- B. The boundaries of the property involved; the general location of all existing easements, property lines, existing streets, and buildings; and other existing physical features on the project site.

C. ~~The approximate location of existing and proposed sanitary and storm sewers, water mains, street lighting, and other service facilities in or near the project.~~

- D. The general location and dimensions of proposed streets.
- E. Area by land use (i.e., retail, single-family detached residential, multi-family, townhouses, office, park, green space, etc.).
- F. Specific allowable uses for each area.
- G. A tabulation of the number of acres in each use area.
- H. Maximum densities expressed in dwelling units per net acre for residential uses, and floor/area ratio for non-residential uses.
- I. Building setbacks.
- J. Maximum building heights.
- K. The position of the proposed development in relation to its surroundings. Current land use (commercial, residential, vacant, etc.) and zoning of the subject site and adjacent property and a site location (vicinity) map shall be provided.
- L. Proposed plan for development in phases, as applicable
- M. Alternate design standard plans to include, as applicable:
 - 1. Parking and loading.
 - 2. Buffers, landscaping, and common open space.
 - 3. Street design.
 - 4. Signage plan.

The Planning Commission may establish additional requirements for site plan approval, and in special cases, may waive a particular requirement if, in the opinion of the Commission, the inclusion of that requirement is not essential to a proper assessment of the project.

18. Descriptive Statement Requirements

The descriptive statement accompanies the concept plan and any required development agreement or bonus density calculations. This document will outline the nature of the development, to include the following:

- General description of the project
- Maximum number of residential units by type
- Maximum square footage of commercial or other non-residential use
- Setbacks and dimensional requirements for each use
- Listing of allowable commercial uses
- Description of any amenities
- Any concept drawings of the development or the commercial and/or residential structures located therein

19. Development Agreement

Development agreements are required for any negotiated development for which such an agreement is allowable by state law.

Development agreements and their requirements are described in full in the South Carolina Local Government Development Agreement Act, Title 6, Chapter 31 of the South Carolina Code of Laws.

Section 13-2 Selected Definitions

~~**Dwelling, patio house**— A single-family detached or semi-detached dwelling unit. It is built on a small lot generally enclosed by walls which provide privacy. The term is synonymous with zero-lot-line dwellings.~~

~~**Dwelling, zero lot line**— A zero lot line dwelling is a single-family detached unit that, instead of being centered on a lot, is placed against at least one of the side lot lines. Cross-reference **patio home**.~~

~~**Patio home**— A single-family detached or semi-detached dwelling unit built on a small lot generally enclosed by walls which provide privacy. Patio homes may be zero-lot-line dwellings.~~



NEGOTIATED DEVELOPMENT DENSITY INCENTIVES

Background

After years of growth, the Town Council is choosing to move towards larger lots and a higher level of design and architectural interest in any new negotiated developments. As such, all new residential annexations and negotiated developments are assumed to be zoned RS with 12,500 square foot lots by right. The Town realizes, however, that 12,500 s.f. lots are not as financially advantageous, so a system of density bonuses has been created to allow builders to reduce lot size while increasing the overall quality of life and design of the development. Average lot size is expected to be approximately 8,000 s.f. in neighborhoods utilizing the density bonus. Minimum lot size with all applicable bonuses are strongly encouraged to be limited to 50' wide, 6,000 s.f. with setbacks of 25' front, 7 1/2' side, and 15' rear. Rear load units may be adjusted accordingly.

This list is not comprehensive and new bonuses may be created at any time. As a developer, you may choose to recommend new practices eligible for a bonus. Final density bonus will be calculated in a Descriptive Statement accepted by the Town Council.

Density Bonuses (maximum available bonus listed on left)

- 20% Neighborhood Revitalization - A 20% bonus may be earned by contributing \$1,000 from each residential unit in the new development, with monies going into a trust fund managed by a community development corporation. Smaller bonuses can be earned for proportionally smaller contributions.
- 20% Exterior Façade Texture and Materials - Bonuses can be earned as follows:
 - 20%: All external walls substantially covered in brick or stone veneer
 - 10%: Front façade and trim on other three sides brick or stone veneer; hardiplank substantially covering remainder of house
 - 5%: 20% of front façade covered in stone or brick veneer, remainder of house substantially covered in hardiplank
- 10% Commercial Component - For every 1% of gross, buildable land area zoned for commercial use, a 1% density bonus may be calculated. Maximum bonus 10%.
- 10% Rear Access Alleys/Rear Entry Garages - Each lot featuring rear access alleys & rear entry garages receives a

PLANNED DEVELOPMENT DENSITY INCENTIVES - CONT

- 10% bonus.
- 10% Minimal Repetition of Floor Plan - at least three lots skipped on same side of road before same floor plan, at least four before same elevation for 10% bonus.
- 8% Less Prominent Garages - detached garages to the rear earn 8%, while attached garages that are at or behind the primary front building line may earn up to 5%.
- 5% 3 Car Garages - Each lot featuring three-car garages receive a 5% density bonus.
- 5% HOA Maintained Amenities - Swimming pool, children’s playground, community-wide trail system, etc. Maximum bonus 5%, depending upon amenities.
- 5% Wider Side Setbacks - A 1% lot size reduction for every 1’ of side setback added over required minimum (including minimum modified by this bonus density). Maximum bonus 5%.
- 5% Side Entry Garages - Eligible for interior lots featuring side entry garage.
- 5% Widened Sidewalks - 8’ sidewalks on main boulevards, 6’ on collectors
- 5% Trees and Shrubs - Additional trees above the minimum, street trees, and preserving grand trees in the overall development earn various bonuses.
- 3% Mixed Lot Sizes - Mixing lot areas and frontages along a street to “break the rhythm” of the streetscape. For example, having a 62’ wide, 8,000 s.f. lot following three 52’ wide, 6,000 s.f. lots.
- 3% Sprinklered Houses - Each house with a sprinkler system receives the lot bonus.
- 3% Decorative Crosswalks - Provision of decorative crosswalks at major intersections
- 1% Unique Street Name Signs - Provision of such signage throughout the development will result in a 1% density bonus. Signs must be maintained by HOA.
- 1% Lighted House Numbers - Each house with permanently lit street addressing near the front door will earn a 1% density bonus.

Example

	Bonus Type	Bonus	Square Feet
Initial Lot Size			12,500
	Neighborhood Revitalization	10%	1,250
	8% Commercial Provision	8%	1000
	Exterior Materials	5%	625
	Unique Street Signs	1%	125
	TOTAL BONUS		3,000
	NEW MINIMUM LOT SIZE		9,500

STATE OF SOUTH CAROLINA)
)
TOWN OF IRMO)

ORDINANCE 24 – 05

**AN ORDINANCE TO AMEND APPENDIX A – ZONING AND LAND DEVELOPMENT;
ARTICLES 1, 2, 3, 7, AND 13 REGARDING NEGOTIATED ZONING**

WHEREAS, the Town of Irmo desires to strengthen its Code of Zoning and Land Development Regulation, amending said Code to address noted errors, omissions, vague language, and add appropriate standards; and

WHEREAS, the following text amendment to the Town of Irmo Code of Zoning and Land Development Regulations has been proposed through collaboration with the Planning Commission; and

WHEREAS, the Planning Commission, at their February 12, 2024, meeting, voted to recommend approval of this amendment, as attached; and

WHEREAS, Council wishes to amend the Code of Municipal Ordinance as attached;

NOW, THEREFORE, BE IT ORDAINED and ordered by the Mayor and Town Council of the Town of Irmo, South Carolina, in Council duly assembled on this 19th day of March, 2024, that the Town of Irmo Code of Municipal Ordinance is hereby amended.

PASSED AND ADOPTED this 19th day of March, 2024.

William O. Danielson, *Mayor*

ATTEST:

Renee Caviness, *Municipal Clerk*

1st Reading: February 20, 2024

2nd Reading: March 19, 2024

ORDINANCE 24 – 05

Changes to the Zoning and Land Development Regulations

Section 1-2 Purpose of Districts

Remove in its entirety and replace with the following:

Collectively, these districts are intended to advance the purposes of this Ordinance, as stated in the preamble. Individually, each district is designed and intended to accomplish the following more specific objectives:

RS, Single-family residential district. The RS district is intended to foster, preserve, and protect areas of the community in which the principal use of land is for detached, single-family dwellings, and certain residential support facilities at low densities.

RG, General residential district. The RG district is intended to accommodate higher density residential development and a variety of housing types on small lots or in project settings, in areas accessible by major streets.

RN, Negotiated residential district. The RN district is a special purpose district, allowing for a range of residential uses including, but not limited to, single family residential, duplexes, townhomes, and apartments. The intent is to create a planned, unified development that encourages flexibility of design and allowable residential uses within the district. While a mix of residential uses and types is encouraged, it is not required. In order to rezone property to RN, a concept plan, descriptive statement (described elsewhere in this ordinance), and bonus density calculation shall be submitted to and approved by the Town Council.

CO, Office-Commercial district. The CO district is intended to accommodate office, selected service, and institutional uses. It is designed principally for use along major streets and subdivision borders to help ameliorate the consequences of change impacting these areas and to serve as transitions between more intense commercial uses and residential areas. These intentions shall be considered in decisions of requests for CO zoning.

CN, Neighborhood-Commercial district. The CN district is intended to meet the commercial and service needs generated by nearby residential areas. Goods and services normally available in these districts are of the "convenience variety." CN establishments can provide community members convenient access to frequently used neighborhood-oriented services and give residents the option of walking rather than depending on an automobile. The size of these districts should relate to surrounding residential markets and the locations should be at or near major intersections, in proximity to residential areas, and/or on the periphery of residential areas, moderating transition between residential and potentially incompatible commercial uses. These intentions shall be considered in decisions of requests for CN zoning.

CG, General-Commercial district. The CG district is intended to provide for the development and maintenance of commercial and business uses strategically located to serve the community and the larger region of which it is a part. Toward this end, a wide range of business and commercial uses are permitted herein.

LM, Light manufacturing district. The intent of the LM district is to accommodate wholesaling, distribution, storage, processing, and light manufacturing uses in an environment suited to such uses and operations, while promoting land use compatibility through the

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application of performance standards, and to prohibit certain potentially incompatible manufacturing plants.

FA, Fringe agricultural district. The intentions of the fringe agricultural district are (1) to retain and support agricultural operations within the fringe areas of the town, between the open countryside and the built- up suburbs, and (2) to provide for both rural and urban lifestyles within the Town.

MD, Mixed-use development district. The Mixed-Use (MD) district is a special purpose district. The intent is to create a planned, unified development that encourages flexibility of design and allowable uses within the district. Within the MD, regulations adapted to unified planning and development standards are intended to accomplish the purposes of zoning, design standards, and other applicable regulations to an equivalent or higher degree than general zoning district regulations that are designed to control uncoordinated development on individual lots or tracts. Mixed-use developments are intended to promote economical and efficient land use, to provide an improved level of amenities, foster a harmonious variety of uses, encourage creative design, and produce a better environment. In order to rezone property to MD, a concept plan, descriptive statement (described elsewhere in this ordinance), and any required bonus density calculation shall be submitted to and approved by the Town Council.

Article 2, Table 1

Remove the use “Patio Homes” from the use table

Use	NAICS	RS	RG	CO	CN	CG	LM	FA	Parking Standards ¹
Residential uses	N/A								
Single-family (including modular)		P	P					P	2.0 per unit
Two-family (duplex)			P						2.0 per unit
Patio Homes		P	P						

Section 2-3.6 Conditional Uses for Patio and Zero Lot Line Homes

Delete Section 2-3.6 Conditional Uses for Patio and Zero Lot Line Homes

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Section 3-1 Schedule of Lot Area, Yard, Setback, Height, Density, and Impervious Surface Requirements

Remove Table 2, Table Notes and Table References and replace with the following:

	FA	RS	RG	CO	CN	CG	LM
Minimum lot Size (square feet)	1 ac.	12,500	(D)	6,000	6,000	6,000	NA
Width at front buildable line (feet)	150	70	60	60	60	60	60
Minimum yard & building setback in feet (F)							
Front (A)							
Major street – multi-lane (refer to major street definition)	25	25	25	25	25	25	25
Major street - two lane	40	40	40	40	40	40	40
Minor street (refer to definition)	20	20	20	20	20	20	20
Side							
Residential	10	5	5	NA	NA	NA	NA
Non-residential	40	40	40	5	(E)	(E)	(E)
Rear							
Residential	30	20	20	NA	NA	NA	NA
Non-residential	50	50	50	15	15	15	15
Maximum height (ft.) (B)	40	40	40	(F)	(F)	(F)	(F)
Maximum floor area ratio: Non-residential uses (D)	NA	0.25	0.25	0.4	0.6	NA	NA

Table Notes:

1. Refer to yard and setback modifications of this Article.
2. Due to the unique design features of townhouses, the dimensional requirements of Table 2 are modified under Conditional Uses for Townhouses
3. Abbreviations
 - a. NA = not applicable

Table References:

- A. Measurement from front property line abutting the street right-of-way
- B. Building height measured from the average elevation of the finished grade at the building line to the highest point on the roof
- C. Maximum non-residential floor area ratio is measured as gross floor area percentage of total lot area
- D. Minimum lot sizes in the General Residential (RG) District are as follows:
 - Single Family Detached: 6,000 s.f.
 - Duplexes: 8,000 s.f. per two-unit structure

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- Townhomes: 2,000 s.f. per unit; capped at 16 units per gross acre
 - Apartments: Minimum lot size of one acre; capped at 16 units per gross acre
- E. Minimum side yard setbacks in CN, CG, and LM districts are a minimum of 3 feet on one side and a total of 10 feet for both sides.
- F. Building heights of more than 40 feet shall observe an additional setback from side and rear property lines of one foot for each one foot in height over 40 feet; buildings in excess of five stories shall be approved by the Irmo Fire Department.

Section 3-9 Number of Principal Buildings Per Lot

Remove section and replace as follows:

Where permitted or conditionally permitted by Table 1 no more than one single-family dwelling, manufactured home or duplex is allowed per lot. Refer to conditional uses for accessory apartments.

Where more than one principal building for all other uses is located on a lot, the required setbacks for the district shall be maintained along all property lines, and distances between principal buildings shall be approved by the fire chief prior to permitting.

Article 7 Special Purpose Districts

Remove Section 7 in its entirety and replace with the following:

Section 7-1 Negotiated Developments

7-1.1 Types of Negotiated Development Districts

This section describes the two types of negotiated zoning districts: Negotiated Residential (RN) and Mixed-Use Development (MD). The types are better described as follows:

- A. **Negotiated Residential:** Residential developments with lot sizes, setbacks, or other features different than those permitted in the RS or RG districts. These districts may feature one or more residential types.
- B. **Mixed-Use Development:** Mixed-Use projects featuring residential and commercial uses. Such developments require a development agreement if the property features over 25 highland acres and is thus legally permissible to have such an agreement under the South Carolina Local Government Development Act.

7-1.2 Purpose

The purpose of this section is to encourage the development of various types of flexible, negotiated developments under master plans, where the traditional density, bulk, spacing and use regulations of other zoning designations, which may be useful in protecting the character of substantially developed areas, may impose inappropriate and unduly rigid restrictions upon the development of parcels or areas which lend themselves to a unified, planned approach. Negotiated developments are intended

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to promote flexibility in site planning and structure location, to facilitate the provision of utilities and circulation systems, the mixture of uses, as well as to preserve the natural and scenic features of the parcel.

- A. The proposed development should be of such design that it will promote achievement of the stated purposes of the adopted comprehensive plan and is consistent with the plan as well as other adopted plans and policies of the Town of Irmo.
- B. The development will efficiently use available land and will protect and preserve, to the greatest extent possible, and utilize, where appropriate natural features of the land such as trees, streams, wetlands, and topographical features.
- C. The development will be located in an area where transportation, police and fire protection, schools and other community facilities and public utilities, including public water and sewer service, are or will be available and adequate for the uses and densities proposed. The applicant may, where appropriate, make provisions for such facilities or utilities, which are not presently available.

7-1.3 Intent

The intent of negotiated development is to achieve the following:

- A. To encourage the development of communities which provide a range of harmonious land uses (residential, commercial, cultural, educational, etc.) and/or housing types (single family detached, townhomes, etc.).
- B. To promote flexibility in site planning and structure location that facilitates the provision and use of efficient circulation and utility systems and preservation of natural and scenic features that will result in a diversity of scale, style and details that foster a strong sense of community within the development as well as enhancing the immediate area surrounding the development.
- C. To permit the development of such communities where there is demand for housing, a relationship with existing and/or planned employment opportunities, as well as supporting businesses and other services, and adequate community facilities and infrastructure existing or planned within the area.
- D. To provide a mechanism for evaluating alternative zoning regulations as well as other Town ordinance elements of the proposed application on its own merit, emphasizing that these provisions are not to be used to circumvent the intent or use of conventional zoning classifications set forth in this chapter or other applicable variance, waiver or amendment to other ordinances, contrary to state or federal law but to permit innovative and creative design of communities in the Town of Irmo.

7-1.4 Establishment

Any request pertaining to the establishment of a Negotiated Residential or Mixed-Use Development zoning district shall be considered an amendment request to the zoning ordinance and shall be administered and processed in accordance with Article 12. The application for zoning amendment must include a concept plan, a descriptive statement and, if applicable, a bonus density calculation and/or a development agreement.

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The Planning Commission may recommend to the Town Council to approve the plan and application to establish a negotiated district, including specific modifications to the plan, or to deny the application to re-zone to establish a said district. The Town Council shall approve the plan and application to establish the district, include specific modifications to the plan as conditions for approval, or deny the application to re-zone to establish an RN or MD.

If the request for re-zoning to a negotiated district is approved through an ordinance amendment of the Official Zoning Map by Town Council, site development plans and the final plat approval process may proceed. Improvement guarantees may be granted for substantially completed projects per improvement guarantee provisions as may be established by the Town.

After the final plat for the district has been recorded, building and sign permits shall be issued in accordance with the approved plan as a whole, or in phases or portions thereof, per an approved phased development plan as defined in this Ordinance. Said permits shall be issued in the same manner as for building and sign permits generally.

7-1.5 Public Notice

Fifteen (15) days prior to the meeting before the Planning Commission, signs must be erected on site alerting the public to the proposed development. These signs must be at least 4' x 6' and placed along all adjacent roads in a conspicuous location. The signs must feature the following information:

- A. A description of the development
- B. Number of units by type
- C. Minimum lot size
- D. Any amenities
- E. A concept sketch of the development and/or the structures
- F. Dates of all public meetings
- G. Contact information for the Developer and a link to more information. Additional contact information for the Zoning Administrator is encouraged.

Additionally, the Zoning Administrator reserves the right to require a public meeting prior to the Planning Commission meeting for the purposes of receiving public input prior to application submittal.

7-1.6 Amendment

Any changes to the approved characteristics or agreements of a negotiated development shall be classified as either major or minor amendments. Major amendments are considered a rezoning and require the procedures outlined in Article 12. Minor amendments may be made by the Zoning Administrator.

- A. **Major Amendments** – Changes which materially affect the characteristics of the negotiated development shall follow the same procedural requirements as for the amendment originally establishing the negotiated district, including Planning Commission review, public hearing, and Town Council determination. Such changes include, but are not limited to, boundary changes, changes of greater than ten percent (10%) to the minimum/maximum number of

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allowable residential units or commercial square footage, or changes to the uses allowed within the development.

- B. **Minor Amendments** – Changes such as but not limited to the location of certain uses within the overall development, signage and landscaping modifications, etc.
- C. **Determination** - It shall be the duty of zoning administrator to determine whether any specific request shall be considered a major amendment or minor amendment; provided however, that the applicant shall have the right to have any request for change processed as a major amendment.
- D. **Prohibited Amendments** – No Town ordinance shall be eligible for amendment in conjunction with the approval if the proposed amendment would apply to: A standardized code or law adopted by the Town in a form specified by state or federal law; or would adversely impact any officially recognized police, fire, flood, pollution, runoff, seismic, or other rating given to the Town or its citizens; or would amend, purport to amend, alter or purport to alter any state or federal law or regulations otherwise applicable.

7-1.7 Minimum Area Requirements

The minimum size for a negotiated district shall be 3 acres unless it is a continuation of an existing, adjacent negotiated district.

7-1.8 Requirements

All negotiated developments require the following to be maintained by a Home or Property Owner's Association

- A. Sidewalks
- B. Streetlights
- C. Street Trees
- D. Stormwater facilities outside of the Right of Way
- E. Customized Street Signs
- F. Crosswalks
- G. Amenities

Note: Private streets are prohibited in any developments unless by County law they cannot be brought into the County maintenance program, which may include road types such as rear access alleys or in a townhome development. A failure to seek County approval in a timely fashion does not preclude this requirement. Any streets which must be private by County law are required to meet all Town of Irmo ordinances concerning private streets, including but not limited to manner of construction, bonding, maintenance, and long-term financial support. At the time of this ordinance, the Town of Irmo has no streets department or method for funding street repairs and maintenance. No private roads will be taken in by the Town of Irmo for maintenance.

7-1.9 Failure to Begin, Failure to Complete, or Failure to Make Progress

The descriptive statement as approved by Town Council and duly recorded shall set forth the development for the project including phasing of development of non-residential uses in relationship to residential use. The Town Council may require the posting of a bond with a corporate surety to

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guarantee that the schedule as set forth in the descriptive statement will be materially adhered to in order to guarantee construction of streets, utilities, and other facilities and amenities or to allow for rectification of improper development characteristics such as failure to develop areas designated as common open spaces. If there is failure to begin, or failure to complete, or failure to make adequate progress as agreed in the descriptive statement, the Town Council may enforce and collect upon such bonds or sureties as described above, or may rezone the district and thus terminate the right of the applicant to continue development, or may initiate action to charge developers with specific violation of the zoning ordinance subject to the penalties set forth or any appropriate combination of the above remedies may be taken. If the development is not initiated within two years of its establishment, the planning commission shall initiate the rezoning of the property to an appropriate zoning district classification.

7-1.10 Vested Rights

A vested right is the right to undertake and complete the development of a negotiated district under the terms and conditions provided in this Section. A vested right is established for two (2) years upon the approval of the rezoning, including phased development plans as provided herein. The period of the vested right may be longer depending upon the terms of any development agreement. A vested right may be extended at the end of the vesting period for an additional twelve (12) months, or thirty-six (36) months for a phased development plan, upon request by the applicant and a determination by the Planning Commission that there is just cause for extension and that the public interest is not adversely affected. A validly issued building permit does not expire or is not revoked upon expiration of a vested right, except for public safety reasons.

Any vested right is subject to revocation by the Town Council upon determination, after notice and public hearing, that there was a material misrepresentation by the landowner or substantial noncompliance with the terms and conditions of the original or amended approval.

A vested right is subject to later enacted Federal, State, or local laws adopted to protect public health, safety, and welfare, including but not limited to: building, fire, plumbing, electrical, and mechanical codes; street design, stormwater management, buffers, and other development standards; and nonconforming structure and use regulations which do not provide for the grandfathering of the vested right. The issuance of a building permit vests the specific construction project authorized by the building permit to the building, fire, plumbing, electrical, and mechanical codes in force at the time of the issuance of the building permit.

A change in the zoning district designation or land use regulations made after vesting that affects real property does not operate to affect, prevent, or delay development of the real property under a vested site-specific development plan or vested phased development plan without consent of the landowner. The Town Council must not require a landowner to waive his vested right as a condition of approval of a site-specific Negotiated Residential or Mixed-Use Development Plan including a phased development plan.

A vested right pursuant to this Section is not a personal right but attaches to and runs with the applicable real property. The landowner and all successors to the landowner who secure a vested right pursuant to this Section may rely upon and exercise the vested right for its duration. The vested right is subject to applicable Federal, State, and local laws adopted to protect public health, safety, and welfare, including but not limited to: building, fire, plumbing, electrical, and mechanical codes; street design, stormwater management, buffers, and other development standards; and certain

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nonconforming structure and use regulations that do not provide for the grandfathering of the vested right.

7-1.11 Single-Family Residential Density

In an effort to achieve a higher level of quality and architectural interest in the Town's residential stock, the Town Council and Planning Commission have created a density bonus system by which single-family residential units may achieve higher densities in exchange for a variety of desirable design elements. In this system, single-family detached homes begin at a base minimum lot size of 12,500 square feet. Developers then have the opportunity to apply a number of density bonuses to the project, resulting in lots that may reach a minimum of 6,000 square feet in size. While single-family detached lot sizes below 6,000 s.f. may be considered, Town Council strongly encourages minimums of 6,000 s.f., 50' lot widths and setbacks of 25' (front), 15' (rear) and 7½' (side) with a maximum density of six detached residential units per gross acre. Town Council reserves the right to allow smaller residential lots when the developer is proposing projects such as conservation subdivisions, tiny homes, affordable housing, senior housing, or other concepts that meet the approval of Town Council.

Items eligible for a density bonus may include, but are not limited to the following:

- Neighborhood Revitalization Program
- Commercial development
- Improved exterior façade textures and materials
- Rear access alleys/rear entry garages
- Minimal repetition of floor plan
- Wider side setbacks

Density bonus information may be obtained from the town website or the Zoning Administrator. Standard bonuses may be applied to single-family detached houses, while modified bonuses may be applied to duplex and townhouse units. All bonuses will be negotiated between the developer and the Town, with final approval coming from Town Council as part of the acceptance of the development plan.

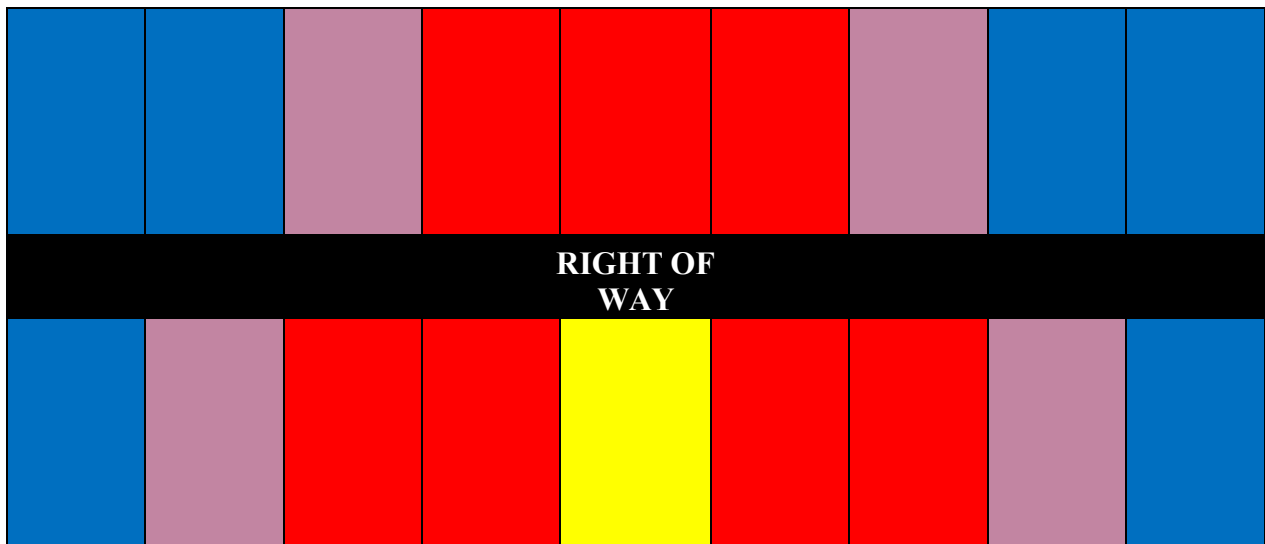
7-1.12 Architectural and Design Requirements

Residential structures in the negotiated districts are required to meet the following design requirements:

- A. The front façade and sides of the building must be covered in a cementitious material, such as Hardiplank, brick, or stone. If the rear of the building faces a road, it too must be covered in similar material. Trim may still be made of vinyl. Single-family detached, duplexes, and townhomes must all meet this standard.

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- B. Houses placed along, but which do not front onto, the streets exterior to the development are required to be buffered from those streets with a Type B Buffer or a Type A Buffer and an opaque screen. This buffer and screen is to be maintained by the HOA.
- C. Houses on corner lots or which otherwise have a side wall facing towards the public must have architectural details on that side, such as, but not limited to, a porch, bay windows, shutters (if they appear on the front of the house), or more windows than otherwise on that house plan. As an alternative, at least one canopy tree, one understory tree, and multiple shrubbery plantings may be placed along that side of the house. The additions are to be approved by the Zoning Administrator.
- D. In developments with fifty (50) or more single-family detached homes, house placement must meet the “Rule of Seven,” such that houses are not adjacent to houses with the same plan, façade, and similar color. All facades and colors are to be approved by the Zoning Administrator to determine variety.



**Subject Lot
Floor Plan
“A”
Elevation
“A”**

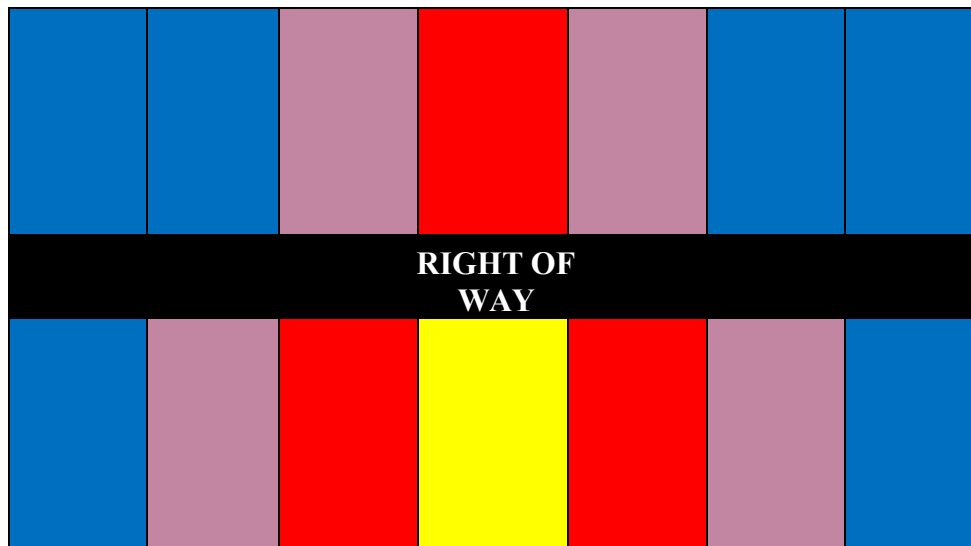
**Other Than
Floor Plan
“A”
& Elevation
“A”**

**Other
Than
Building
Elevation
“A”, Any
Floor Plan**

**Any Floor
Plan and/or
Elevation**

In developments with 49 or fewer single-family detached homes, house placement must meet the “Rule of Five.” All facades are to be approved by the Zoning Administrator to determine variety.

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- E. Townhomes must meet the conditional requirements outlined in Article 2. Additional requirements include:
- i. At least four (4) facades per six-unit structure. Structures with fewer units may have fewer facades with Zoning Administrator approval.
 - ii. At least four (4) colors per six-unit structure. Structures with fewer units may have fewer colors with Zoning Administrator approval.
- F. All single family detached homes and duplexes must feature at least two 2½” trees in the front yard of each residence, at least one of which must be a canopy tree. Additionally, five 24” shrubs are required in each front yard. A comprehensive street tree program may be substituted for one tree in each yard. All plantings must be from the approved tree list found elsewhere in the Zoning Ordinance.
- G. The main boulevard(s) of all residential negotiated developments shall be wider to accommodate on-street parking. Moreover, on-street parking shall be restricted to one side of the street throughout the development, to be enforced by the Homeowner’s Association.
- H. The floor area of the heated air space of detached single family homes in the development shall be at least 25% of the gross lot size for all lots under 8,000 s.f. For example, a 6,000 s.f. lot must feature a home with at least 1,500 s.f. of heated floor space. For lots over 8,000 s.f., the minimum heated floor area of the house must be 2,000 s.f.

Section 7-2 Conservation Design

Negotiated developments can be designed to maximize open space and green space. This zoning can be used to accomplish a Conservation Design in which residential and/or commercial development can be incorporated into predominantly undivided permanent open space, thereby permanently protecting agriculturally, environmentally, or ecologically significant areas within the parcel. The remaining developable land is subdivided into buildable lots or utilized as a group development, typically with more density in the developed portion of the project than

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would be found in a traditional development within a general zoning district. Conservation Design standards are found in the Land Development Design Standards Article of this Ordinance.

Section 7-3 Mixed-Use Development Districts

7-3.1 Permitted Uses

Mixed-use negotiated districts may permit a mixture of different types of housing with compatible commercial uses, shopping centers, office parks, and other mixed-used developments. Flexibility in design, character, and quality of development and preservation of natural and scenic features are made possible through the approval of a plan which describes the specific uses, densities, setbacks, and other requirements for a planned development. The approved plan constitutes the district regulations for a specific planned mixed-use development. Any use or combination of uses meeting the objectives of this Section may be established in a district through a zoning map amendment ordinance as provided for in this Ordinance. Once approved, the proposed use(s) and no others shall be permitted. Said uses shall be identified and listed based on classification; i.e., retail, office, wholesale, residential multi-family, residential single-family detached, manufacturing, etc. The list of approved uses shall be binding on the applicant and any successor in title so long as the zoning applies to the land, unless otherwise amended by ordinance. The applicant may specify that standard zoning district regulations shall apply to specific use areas within the project. For example, in an area designated for retail commercial, the applicant may specify that all General Commercial (GC) zoning district regulations shall apply.

7-3.2 Development Standards for Mixed-Use Developments

The applicant may propose alternate regulations specific for the proposed negotiated district regarding signage, parking, buffers, screening, open spaces, and landscaping, etc.; which, if approved, shall become the regulations for the district. If no alternate regulations are proposed, the regulations for the primary zoning districts per this Ordinance shall apply. The following principles shall be considered in creating negotiated development standards:

- A. **Residential Dimension Requirements** – Residential density, building setbacks, and building heights shall be determined by the scale of the project in relation to its surroundings and its impact on existing and proposed support facilities such as transportation, water and sewer systems, recreational facilities, etc.
- B. **Overall Site Design** – Overall site design shall be harmonious in terms of landscaping, enclosure of principal and accessory uses, size of structures, street patterns, and compatibility of uses.
- C. **Parking and Loading** – Unless alternate standards are specified in an approved development plan, off-street parking and loading spaces for the various uses proposed for the district shall comply with the standards for off-street parking and interior landscaping of this Ordinance.
- D. **Buffer Areas** – Buffer areas shall be required for peripheral uses and shall be provided in accordance with the requirements for adjacent uses prescribed in this Ordinance, unless

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alternate standards are specified in an approved development plan. There are no specific buffer area requirements for internal use, but buffers should mitigate impacts of intensity of uses and/or to serve as transitions between uses.

- E. **Landscaping and Common Open Space** – Landscaping and open space requirements for each development shall comply with the provisions of this Ordinance, unless alternate standards are specified in an approved development plan.
- F. **Signage** – Signage shall be in harmony, in scale with, and reflective of the proposed development. Unless alternate standards are specified in an approved development plan, signage shall comply with the standard signage regulations of this Ordinance.

Section 7-4 Concept Plan Requirements

A site plan showing the proposed development of the area (zone) shall be a prerequisite to approval of a negotiated district. The site plan shall adhere to the minimum area and development standards requirements of this Section and shall address or show the following:

- A. The proposed title of the project, project designer, and the developer.
- B. The boundaries of the property involved; the general location of all existing easements, property lines, existing streets, and buildings; and other existing physical features on the project site.
- C. The general location and dimensions of proposed streets.
- D. Area by land use (i.e., retail, single-family detached residential, multi-family, townhouses, office, park, green space, etc.).
- E. Specific allowable uses for each area.
- F. A tabulation of the number of acres in each use area.
- G. Maximum densities expressed in dwelling units per net acre for residential uses, and floor/area ratio for non-residential uses.
- H. Building setbacks.
- I. Maximum building heights.
- J. The position of the proposed development in relation to its surroundings. Current land use (commercial, residential, vacant, etc.) and zoning of the subject site and adjacent property and a site location (vicinity) map shall be provided.
- K. Proposed plan for development in phases, as applicable
- L. Alternate design standard plans to include, as applicable:
 - 1. Parking and loading.
 - 2. Buffers, landscaping, and common open space.

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3. Street design.
4. Signage plan.

The Planning Commission may establish additional requirements for site plan approval, and in special cases, may waive a particular requirement if, in the opinion of the Commission, the inclusion of that requirement is not essential to a proper assessment of the project.

Section 7-5 Descriptive Statement Requirements

The descriptive statement accompanies the concept plan and any required development agreement or bonus density calculations. This document will outline the nature of the development, to include the following:

- General description of the project
- Maximum number of residential units by type
- Maximum square footage of commercial or other non-residential use
- Setbacks and dimensional requirements for each use
- Listing of allowable commercial uses
- Description of any amenities
- Any concept drawings of the development or the commercial and/or residential structures located therein

Section 7-6 Development Agreement

Development agreements are required for any negotiated development for which such an agreement is allowable by state law.

Development agreements and their requirements are described in full in the South Carolina Local Government Development Agreement Act, Title 6, Chapter 31 of the South Carolina Code of Laws.

Section 13-2 Selected Definitions

Remove the definitions of the following:

- Dwelling, patio house
- Dwelling, zero lot line
- Patio Home

STATE OF SOUTH CAROLINA)

RESOLUTION 24-03

TOWN OF IRMO)

A RESOLUTION TO SUPPORT INSTANT RUNOFF VOTING AS AN ALTERNATIVE METHOD OF NOMINATING CANDIDATES FOR AND DETERMINING THE RESULTS OF NONPARTISAN ELECTIONS.

WHEREAS, the Town of Irmo, South Carolina conducts municipal primary, general, and Special elections pursuant to South Carolina Code of Laws; and

WHEREAS, the Town of Irmo, South Carolina has an interest in using the most efficient and cost-effective method of nominating candidates for and determining the results of its Nonpartisan elections allowed by the South Carolina Code of Laws; and

WHEREAS, under current South Carolina Code of Laws Section Title 5, Section 15-16-60 reads that each municipality in this State shall adopt by ordinance one of three legislatively provided as alternative methods of nominating candidates for and determining the results of its Nonpartisan elections.

- (1) The nonpartisan plurality method prescribed in Section 5-15-61;
- (2) The nonpartisan election and runoff election method prescribed in Section 5-15-62;
- (3) The nonpartisan primary election and general election method prescribed in Section 5-15-63; and

WHEREAS, nonpartisan instant runoff voting results in the election of candidates who have the highest vote totals in accordance with Section 5-15-61, but it is not expressly provided for as one of the three legislatively alternative methods of nominating candidates for and determining the results of its nonpartisan elections; and

WHEREAS, nonpartisan instant runoff voting may already be legal for towns to use under Section 5-15-61, but its addition as another alternative method for nominating candidates and determining the results of nonpartisan elections would facilitate the adoption and use of nonpartisan instant runoff voting in Irmo and in similarly situated towns; and

WHEREAS, be it ordained by the Town of Irmo, South Carolina, in council duly assembled and by the authority thereof that this assembly supports the addition of nonpartisan instant runoff voting to South Carolina Code of Law Title 5, Chapter 15 as a fourth legislatively alternative method of nominating candidates for and determining the results of its nonpartisan elections.

William O. Danielson, *Mayor*

ATTEST:

Renee Caviness, Municipal Clerk



Staff Report

DATE: Council Meeting: February 20, 2024
TO: Irmo Town Council
FROM: Courtney Dennis, Town Administrator
SUBJECT: Animal Control
ACTION REQUESTED: Consideration of Resolution 24-04 adopting recent amendments to the Lexington County Animal Control Ordinance

Background

Since 2001, the Town of Irmo has relied on both Lexington and Richland County to provide Animal Control Services and initiatives for our residents. Our residents must adhere to the county animal control ordinances along with other town ordinances included in Chapter 6 of the Irmo Town Code.

For Lexington County to continue to provide animal services and initiatives, the Irmo Town Council must adopt the amended Lexington County Ordinance 23-10.

Recommendation

Staff recommends the approval of Resolution 24-04 adopting the recent changes made by Lexington County to their Animal Control Ordinance.

STATE OF SOUTH CAROLINA)
TOWN OF IRMO)

RESOLUTION 24-04

RESOLUTION ADOPTING THE LEXINGTON COUNTY ANIMAL CONTROL ORDINANCE CHANGES.

WHEREAS, the Town of Irmo adopted Chapter 10 of the Lexington County Animal Control Ordinance on October 3, 2017; and

WHEREAS, Lexington County has recently adopted Ordinance 23-10 amending Chapter 10 of the Lexington County Animal Control Ordinance; and

WHEREAS, the changes include:

- Lexington County Animal Services will no longer allow Commercial Breeding Kennel/Catteries unless they are considered a *Fancier* (Sec 10-32) & (Sec 10-31)
- Lexington County Animal Services requires that a microchip is implanted in any dog based off Dog Identification (Sec 10-33)
- Lexington County Animal Services will be removing tethered animals from our community unless meeting the requirements of Tethering and Shelter (Sec 10-42a-t)
- Lexington County Animal Services will enforce any dog kept outside in general MUST be sterilized (10-42h) unless meeting the exemptions found in (10-3 8b)

BE IT FURTHER RESOLVED that the Town of Irmo fully supports the Lexington County Animal Control Ordinance and accepts these changes and agrees to continue the partnership with the County for all animal control initiatives.

William O. Danielson, Mayor

ATTEST:

Renee Caviness, Municipal Clerk



COUNTY OF LEXINGTON

LEXINGTON COUNTY COUNCIL
212 SOUTH LAKE DRIVE, SUITE 601
LEXINGTON, SOUTH CAROLINA 29072
Countycouncil@lex-co.com

TELEPHONE: (803) 785-8103 / FAX: (803) 785-8101

January 3, 2024

Beth A. Carrigg
District 7
Chairwoman

Darrell C. Hudson
District 3
Vice Chairman

Scotty R. Whetstone
District 1
Parliamentarian

Paul L. Brigham, Jr.
District 2

Debra B. Summers
District 4

Gene B. Jones
District 5

Charlene Wessinger
District 6

Glen M. Conwell
District 8

M. Todd Cullum
District 9

Mayor Bill Danielson
Town of Irmo
P.O. Box 406
Irmo, SC 29036

Re: Lexington County Animal Control Ordinance 23-10

Dear Mayor Danielson:

On October 24, 2023, Lexington County Council approved Ordinance 23-10 to amend the Lexington County Animal Control Ordinance. The amended ordinance includes the implementation of new program initiatives. These initiatives include the following:

- Lexington County Animal Services will no longer allow Commercial Breeding Kennel/Catteries unless they are considered a *Fancier* (Sec 10-32) & (Sec 10-31)
- Lexington County Animal Services requires that a microchip is implanted in any dog based off Dog Identification (Sec 10-33)
- Lexington County Animal Services will be removing tethered animals from our community unless meeting requirements of Tethering and Shelter (Sec 10-42a-f)
- Lexington County Animal Services will enforce any dog kept outside in general MUST be sterilized (10-42h) unless meeting the exemptions found in (10-38b)

A copy of the new ordinance with changes identified is included with this letter.

If you wish to participate with these new Lexington County Animal Services initiatives, your municipality will need to adopt Lexington County Animal Control Ordinance 23-10 as amended.

Upon adoption by your municipality of the County's amended Animal Control Ordinance, please provide to County Council signed documentation (as in the past) acknowledging your adoption of the ordinance, by reference

of the County of Lexington's Animal Control Ordinance, into the Town's Code of Ordinances. The implementation of this program will begin immediately upon adoption.

If you have any questions, please contact Brittany Jones, Animal Services Director, at 803-785-8149.

Kindest regards,

A handwritten signature in blue ink, consisting of several overlapping loops and a long horizontal stroke extending to the right.

Beth A. Carrigg, Chairwoman
Lexington County Council

BAC/jch

Enclosure

Cc: Members, Lexington County Council
Lynn Sturkie, County Administrator
Brittany Jones, Animal Services Director



ORDINANCE 23-10

An Ordinance Amending the Lexington County Animal Control Ordinance, Chapter 10, Animals, Article II, Animal Control, Division I, Generally; Amending Section 10-31 - Definitions, Section 10-32 - Commercial Breeding Kennels/Catteries, Section 10-33 - Dog Identification, Section 10-38 - Redemption, Mandatory Sterilization and Microchipping of Certain Cats and Dogs, and Section 10-42 - Tethering and Shelter.

WHEREAS, it has become apparent that that the County needs to provide some regulation by the County for “Tethering” as defined herein; and

WHEREAS, the County desires to establish guidelines for the humane tethering of pets;

NOW, THEREFORE BE IT ORDAINED, that certain sections of the Animal Control Ordinance are hereby amended as follows:

CHAPTER 10. – ANIMALS.

ARTICLE I. – IN GENERAL.

SECS. 10-1—10-30. – RESERVED.

ARTICLE II. – ANIMAL CONTROL. DIVISION

1. – GENERALLY.

SEC. 10-31. – DEFINITIONS.

SEC. 10-32. – COMMERCIAL BREEDING KENNELS/CATTERIES.

SEC. 10-33. – DOG IDENTIFICATION.

SEC. 10-34. – RESTRAINT AND CONFINEMENT.

SEC. 10-35. – ABANDONMENT AND MALTREATMENT.

SEC. 10-36. – IMPOUNDMENT, REMOVAL OF NUISANCE CATS AND VOLUNTARY OWNER SURRENDERS.

SEC. 10-37 – DANGEROUS DOGS.

SEC. 10-38. – REDEMPTION, MANDATORY STERILIZATION AND MICROCHIPPING OF CERTAIN CATS AND DOGS.

SEC. 10-39. – ADOPTION.

- SEC. 10-40. – INJURED, DISEASED AND DEAD ANIMALS.
- SEC. 10-41. - PET REGULATIONS—COMMERCIAL PURPOSES.
- SEC. 10-42. – TETHERING AND SHELTER.
- SEC. 10-43. – ENFORCEMENT OF ARTICLE.
- SEC. 10-44. - PENALTY FOR VIOLATION OF ARTICLE. SECS. 10-45-10-60. - RESERVED.

DIVISION 2. – RABIES CONTROL

- SEC. 10-61. – INOCULATION; CERTIFICATE; TAGS.
- SEC. 10-62. – OWNERS REQUIRED TO NOTIFY AUTHORITIES OF SUSPECTED RABID ANIMALS.
- SEC. 10-63. – ANIMAL CONTROL OFFICER TO ARRANGE FOR CONFINEMENT OF ANIMAL THAT HAS BITTEN A PERSON.
- SEC. 10-64. – REQUIRED PERIOD OF CONFINEMENT OF ANIMAL THAT HAS BITTEN A PERSON; EXAMINATION DURING CONFINEMENT.
- SEC. 10-65. – NOTICE TO OWNER OF ANIMAL, OTHER THAN DOG OR CAT THAT HAS ATTACKED OR BITTEN A PERSON.
- SEC. 10-66. – CONFINEMENT OF ANIMALS BITTEN BY KNOWN OR SUSPECTED RABID ANIMALS.
- SECS. 10-68 – 10-90. – RESERVED.

DIVISION 3. – EXOTIC ANIMALS

- SEC. 10-91. – DEFINITION OF *EXOTIC ANIMALS*.
- SEC. 10-92. – PROHIBITION.
- SEC. 10-93. – PROVISIONS.
- SEC. 10-94. – PENALTY.

DIVISION 4. – LIVESTOCK AND POULTRY

- SEC. 10-95. PERMITTING LIVESTOCK AND POULTRY TO RUN ESTRAY UNLAWFUL.
- SEC. 10-96. NEGLECT OF LIVESTOCK OR POULTRY.
- SEC. 10-97. IMPOUNDMENT OF LIVESTOCK OR POULTRY.
- SEC. 10-98 REDEMPTION OF IMPOUNDED LIVESTOCK OR POULTRY.
- SEC. 10-99. DISPOSITION OF LIVESTOCK OR POULTRY FOUND ESTRAY.

ARTICLE II. – ANIMAL CONTROL. DIVISION 1. – GENERALLY.

SEC. 10-31. – DEFINITIONS.

The following words, terms and phrases, when used in this Article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Abandonment means a situation in which the owner/caretaker of a pet does not provide for humane disposal of the pet, or transfer ownership to a responsible person or who does not provide or arrange for adequate food, water, shelter and care. This section does not include the responsible release of cats participating in the Community Cat Program.

Animal means a living vertebrate creature except a homo-sapien.

Animal Control Officer means a person employed by the County as an Enforcement Officer of the provisions in this Article.

Animal shelter means any premises so designated by County Council for the purpose of impounding, care, rescue, adoption, and humane euthanasia of all pets held under the authority of this chapter.

Approved dog breeder means a person who meets the requirements set forth by Lexington County Animal Services to implement breed standard and healthy conditions.

Attack dog means a dog that has been trained to attack persons independently or upon verbal command or hand signal.

At-large means any dog that is not under restraint. Any dog not so restrained will be deemed unlawfully running at-large.

Caretaker means any non-custodial party that routinely provides any *community cat* sustenance or allows the cat to remain on or about premises occupied by said person for a period of less than five (5) days.

Cattery means any person engaging in the business of breeding, buying, selling or boarding of cats.

Commercial boarding kennel/cattery means any establishment for the commercial boarding, grooming, sale or training of dogs/cats for which a fee is charged. An animal hospital maintained by a licensed veterinarian as part of the practice of veterinary medicine for the treatment of animals shall not be considered a "*commercial boarding kennel/cattery*."

Commercial breeding kennel/cattery means any person, partnership or corporation or other legal entity that owns, keeps, harbors or is custodian of pets kept or used for stud for which a fee is charged and/or for breeding purposes for which a fee is charged for **any unregistered** offspring. *Commercial breeding kennel/cattery* shall not include:

- (1) Livestock and other farm animals used in customary and normal agricultural husbandry practices;
and
- (2) A fancier's kennel/cattery.

Community Cat Program means the terms of an agreement with a pet facility that maintains measures to reduce the number of stray cats within the County by trapping, neutering/spaying, ear tipping and returning the cat to the area in which it was trapped.

Community Cat means a cat that is socialized to humans which lives indoors and outdoors (sometimes called free roaming) and/or a feral cat, which means a cat that is un-socialized or un-accustomed to human interaction. Socialized cats referred to in this section may or may not be owned by a custodial party.

Custodian means any person having custody or custodial power.

Dangerous dog means any dog evidencing characteristics usually associated with a history or an abnormal inclination to attack other pets or persons without provocation.

Estray any livestock or poultry found wandering or abandoned in the public ways or in the lands of any person other than its owner or custodian.

Exposure to rabies means any person or pet that has been bitten by or exposed to any pet known to have been infected with rabies. The Department of Health and Environmental Control or a licensed veterinarian shall make this determination.

Fancier means a person who breeds dogs (of a particular breed) with the purpose of preserving, maintaining and bettering that breed. In order to preserve the breed, a dog breeder must abide by the written breed standard and conform to it under a kennel club or regularly participate in tracking, exhibition in shows, such as field, obedience or performance trials at American Kennel Club (AKC), United Kennel Club (UKC) or Cat Fancier Association (CFA) licensed shows.

Fancier's kennel means a private kennel maintained by a fancier to keep or train dogs or cats.

Guard dog means any dog that is reasonably expected to perform as a guardian of its owner/custodian and/or the property upon and within which the dog is located, and is owned by a licensed security service or commercial establishment.

Hybrid means the offspring of wild animals crossbred with domesticated dogs and cats.

Kennel means any person engaging in the business of breeding, buying, selling or the boarding of dogs.

Livestock means classes and breeds of animals, domesticated or feral, commonly raised or owned for use, sale, or display. This is to include but not limited to equine, swine, sheep, goats, llama, alpaca or cattle of any description.

Maltreatment means the act of any person who deprives any pet of necessary sustenance or inflicts unnecessary pain and/or suffering upon any pet, or causes these things to be done. This shall include failure of a pet owner to provide, or seek, medical care that would prevent unnecessary pain and/or suffering upon any pet.

Neglect means failure of an owner or custodian to provide an appropriate level of sustenance or medical care to any livestock or poultry.

Nuisance Cat means a cat shall be considered a nuisance if an owner/lawful user of any property notifies Lexington County Animal Services that the cat habitually trespasses upon their property and damages their property, causes an unreasonable annoyance to the property owner/lawful user while upon their property, or that harms a person or *pet* on public or private property.

Owner means any person who:

- (1) Has a right of property in an animal.
- (2) Keeps or harbors an animal or who has it in their care or acts as its custodian.
- (3) Permits a pet to remain on or about any premises occupied by said person for a period of five (5) or more days.

Poultry means all avian species including wildfowl, domesticated or feral, commonly raised or owned for use, sale, or display. This is to include but not limited to any goose, duck, chicken, emu, ostrich, guinea or other fowl.

Service dog means any dog recognized by the Americans with Disabilities Act that is individually trained to do work or perform tasks for the benefit of an individual with a disability, including a physical, sensory, psychiatric, intellectual, or other mental disability. Emotional support animals, comfort animals, and therapy dogs are not recognized as service dogs.

Owner Surrender means any pet the owner voluntarily relinquishes to Lexington County Animal Services. This includes relinquishing all rights and any information regarding the disposition of the pet.

Pet means dog or cat, including *community cats*.

Pet shop means any person, partnership, or corporation, whether operated separately or in connection with another business enterprise or other legal entity that buys or brokers any species of animal for resale as pets.

Public nuisance means any dog found at-large or making loud or objectionable sounds.

Restraint means a situation in which a dog is:

- (1) Controlled by a leash when outside the property limits of its owner/custodian whereas the dog is unable to make physical contact with, or attack, other people or animals.
- (2) Under the control and obedient to the owner/custodian's commands within the property limits of the owner/custodian.
- (3) Confined in a secure enclosure or clearly marked invisible fencing designed for confinement.

Roam free means when a *community cat* is allowed to travel freely and unrestrained on and off the property of the owner or care giver.

Shelter shall be defined as a structure appropriately sized for the dog to stand or lie in a normal manner. The structure must have a roof, three (3) sides, appropriate sized opening for ingress and egress, and a dry floor so as to protect the dog from the elements of weather.

Sterilized pet means any pet that has had surgery to remove the reproductive organs.

Tethering means to fasten, chain, tie, secure, or restrain a pet to any dog house, tree, fence, or any other stationary object or structure.

SEC. 10-32. - COMMERCIAL BREEDING KENNELS/CATTERIES.

Lexington County only permits the breeding and selling of offspring from recognized and approved dog breeders.

- (a) No person shall own or operate a *commercial breeding kennel/cattery* within the County. **Any commercial breeder not recognized by fancier breed registration guidelines shall not breed in Lexington County.**
- (b) The Animal Services Director may suspend, or revoke, any Certificate of Inspection as a result of noncompliance with the provisions of this chapter.
- (c) The inspection of a **fancier's kennel** shall be constructed, maintained and operated in compliance with the current standards and procedures promulgated by Lexington County Animal Services and the Humane Society of the United States. Anyone who owns or operates a registered **fancier kennel** within the County, must agree to follow-up inspections of the registered location of the Certificate of Inspection.

SEC. 10-33. – DOG IDENTIFICATION.

Every owner/custodian is required to see that an identification tag is securely fastened to his or her dog's collar or harness or a microchip registered with the owner's name, phone number, and address has been implanted in the dog. **An identification tag that clearly indicates the name and phone number of the owner can be placed on the dog, although will not substitute for a microchip.**

SEC. 10-34. - RESTRAINT AND CONFINEMENT.

- (a) The owner/custodian shall keep their dog under restraint at all times.
- (b) Invisible fencing must be clearly marked and labeled (i.e. sign on mailbox post, tree).
- (c) No dog shall be permitted to be on school grounds or in a shopping area or similar public place unless on a leash at all times and is under the physical control of the owner or custodian whereas the dog is unable to make physical contact with, or attack, other people or animals.
- (d) No person owning or harboring or having the care or the custody of a dangerous dog may permit the dog to go unconfined on their premises. A dangerous dog is unconfined if the dog is not confined securely indoors or confined in a securely enclosed fence or securely enclosed and locked pen or run area upon the person's premises. The pen or run area must be clearly marked as containing a dangerous dog and must be designed to prevent the entry of the general public, including children, and to prevent the escape or release of the dog. The dog must not be removed from such building or enclosure unless the dog is securely muzzled and under restraint.
- (e) Every female dog in heat shall be kept confined in a building or secure enclosure or in a veterinary hospital or boarding kennel in such a manner so as not to create a nuisance by attracting other pets.
- (f) Any person reporting a violation of sections (a)-(e) and requesting a summons issued, must identify himself to the Animal Control Officer or must sign an Animal Complaint Form.

- (g) It shall be unlawful for any person to keep upon their premises any dog that is deemed a public nuisance. Any person reporting a violation of section (g), must identify himself to the Animal Control Officer and must sign a Public Nuisance Log.
- (h) If an Animal Control Officer observes a dog at-large, they may pursue the dog onto private property.
- (i) The owner of every dog shall be responsible for the removal of any excreta deposited by the dog on public walkways, recreation areas, or private property.
- (j) No dog shall be kept on a property that the owner/custodian does not occupy on a permanent basis.
- (k) No *community cat* shall be permitted to roam free by an owner or caretaker, unless the cat has been spayed or neutered and has been inoculated against rabies. Any violation of section (k) will be determined based on an investigation by an Animal Control Officer.
- (l) It shall be unlawful to be the owner or custodian of any cat impounded as a *nuisance cat* for the second (2nd) or subsequent offenses. Anyone who attempts to reclaim a cat impounded for the second (2nd) or subsequent offenses, shall be issued a summons to appear at which time the Court will determine the disposition of the cat.

SEC. 10-35. – ABANDONMENT AND MALTREATMENT.

- (a) It shall be unlawful for the owner/custodian of any pet in the County to abandon it. This section does not prohibit the responsible release of *community cats* participating in the *Community Cat Program*.
- (b) It shall be unlawful for anyone in the County to treat any pet in a cruel and/or inhumane manner, which is defined as *maltreatment* in Section 10-31 of this chapter.

SEC. 10-36. – IMPOUNDMENT, REMOVAL OF NUISANCE CATS AND VOLUNTARY OWNER SURRENDERS.

- (a) Immediately after impounding any pet, the Animal Control Officer shall make a reasonable effort to notify the owner/custodian or caretaker of its impoundment and to inform the owner/custodian or caretaker of the conditions whereby they can regain custody of the pet.
- (b) Any dog or cat impounded under the provisions of this Article and not claimed by its owner within five (5) business days becomes the property of Lexington County Animal Services and may be placed into an Adoption Program, transferred to an animal rescue organization, or humanely euthanized by Animal Services. A litter of unidentifiable dogs or cats four (4) months of age or younger may be turned over to any organization established for the purpose of caring for animals immediately, so long as the litter is turned over for life-saving purposes.
- (c) Lexington County Animal Services accepts *owner surrender dogs* upon completion of the Owner Surrender Process set forth by the Animal Services Director. Once a dog is surrendered, no information regarding the disposition will be provided.
- (d) Any cat that has been determined to be a *Nuisance Cat* may be removed from the property affected upon completion of the Nuisance Cat Process set forth by the Animal Services Director. This removal may be done by the owner/lawful user, an Animal Control Officer, or other authorized party. Unless approved by the Animal Services Director, *nuisance cats* will not be accepted by the Lexington County Animal Shelter until completion of the Nuisance Cat Process. Any *nuisance cat* impounded at the Lexington County Animal Shelter shall be subject to the provisions under Section 10-38 of this Article.
- (e) Lexington County Animal Service does not accept *owner surrender cats*.

SEC. 10-37. - DANGEROUS DOGS.

- (a) The Animal Services Director shall have the authority to determine if a dog is a dangerous dog. Animal Services must notify the owner/custodian of the dog in writing that the dog must be registered with Animal Services as dangerous.
- (b) The owner shall notify Animal Services if any changes occur with the following:
 - (1) Ownership of the dog.
 - (2) Name, address and telephone number of a new owner/custodian, at which time Lexington County Animal Services will notify the new owner/custodian of the dangerous dog's status, and also notify Animal Services in the jurisdiction of the location in which the dog is housed.
 - (3) Address change of the owner/custodian or any change in the location in which the dog is housed.
 - (4) Any change in the health status of the dog.

- (5) Death of the dog.
- (c) If the dog is outdoors and attended, the dog shall be muzzled, on a leash and under the control of the owner/custodian.
- (d) If the dog is outdoors and unattended, the dog must be locked in an escape-proof kennel. The minimum standards for an escape-proof kennel shall include the following:
 - (1) Fencing materials shall not have openings with a diameter of more than two (2) inches; in the case of a wooden fence, the gaps shall not be more than two (2) inches.
 - (2) Any gates within such pen or structure shall be padlocked and of such design to prevent the entry of children or the escape of the dog.
 - (3) The required pen or structure shall have secure sides and a secure top. If the pen or structure has no bottom secured to the sides, the sides shall be imbedded into the ground or concrete.
 - (4) The pen or structure shall protect the dog from the elements.
 - (5) A universal sign denoting a dangerous dog or animal shall be displayed on all four (4) sides of the pen or structure.
- (e) It shall be illegal for anyone to own or be the custodian of a hybrid.

SEC. 10-38. - REDEMPTION. MANDATORY STERILIZATION AND MICROCHIPPING OF CERTAIN PETS.

- (a) The owner or caretaker shall be entitled to resume possession of an impounded pet, except as provided in this section in the cases of certain pets, upon providing proof of a Valid Rabies Inoculation for the year in which the pet is being held and proper identification requirements and the payment of redemption fees set forth in this section.
- (b) Any owner wishing to redeem their dog that has been impounded due to a violation of restraint and confinement or an owner or caretaker of a *nuisance cat*, must agree in to provide written proof of the pet being sterilized within thirty (30) days of redemption, unless one of the following:
 - (1) Any owner or caretaker of a pet who can furnish a statement by a licensed veterinarian that for medical reasons the spay or neuter procedure is not appropriate at this time.
 - (2) Any owner or caretaker of one (1) or more purebred pet who can furnish proof of participation in at least three (3) nationally recognized conformation or obedience shows within the past 12 months. This is to include pets registered through the American Kennel Club (AKC), United Kennel Club (UKC) or any other organization approved at the discretion of the Animal Services Director.
 - (3) Any dog trained and certified to be a *service dog* for its owner. Proof of training and certification may be requested and reviewed by the Animal Services Director.
 - (4) Any dog trained and certified to be a used for hunting is exempt from this section. Proof of training and certification may be requested and reviewed by the Animal Services Director.
 - (5) Any dog used for hunting purposes for which proof of training and certification cannot be provided is exempt from mandatory sterilization upon the first (1st) offense of this section. Any such dog will be subject to mandatory sterilization upon second (2nd) impoundment for Violation of Restraint and Confinement.
 - (6) ~~Anyone who claims their pet is used for commercial breeding purposes within Lexington County. Anyone who claims this exception shall be considered the pet's owner. For this exception to be valid, the pet owner must have a current Breeder Registration Certificate under section 10-32 of this chapter or apply for one within 30 days of redemption.~~
- (c) Any owner wishing to redeem their dog that has been impounded due to a violation of restraint and confinement or an owner or caretaker of a *nuisance cat* and the pet does not have a microchip implanted, must agree in writing to having a microchip implanted at the cost of \$10.
- (d) In the case of a *dangerous dog* that the owner has failed to control properly and which has been impounded, redemption may be made only with the consent of the Animal Services Director.
- (e) The owner of an *impounded dog* must request the redemption of their dog in person. In certain cases, the dog may not be released by Animal Services unless authorized by an Animal Control Officer, or the Animal Services Director, with assurance from the owner that proper care and custody will be maintained. This may include an inspection of the premises where the dog will be housed to ensure steps are taken to properly care for and maintain custody of the dog.

- (f) Any fees in this subsection collected by Animal Services shall be turned over to the County Treasurer, who shall make a monthly accounting of such funds. Such fees, when collected, shall go toward defraying the expense of operating the Animal Shelter. The fees in this section may be waived at the discretion of the Animal Services Director. The fees shall be as follows:
 - (1) Dogs: An initial fee of \$15.00 will be charged for impoundment for a period of one (1) to five (5) days. The additional sum of \$5.00 will be charged for each day the dog is kept beyond five (5) days. Upon a second (2nd) offense, a fee of \$30.00 will be charged. Upon a third (3rd) offense, if the Animal Services Director allows the dog to be reclaimed, a fee of \$50.00 will be charged.
 - (2) Cats: An initial fee of \$15.00 will be charged for impoundment for a period of one (1) to five (5) days. The additional sum of \$5.00 will be charged for each day the cat is kept beyond five (5) days. Any cat impounded as a *nuisance cat* for the second (2nd) or subsequent times shall not be reclaimed until a Court Hearing where Lexington County Animal Services (LCAS) will request the Court to determine the disposition of the cat.
- (g) If an owner or caretaker redeeming a pet cannot show proof of inoculation against rabies for the year in which the pet is being held, the owner or caretaker shall be required to pay \$10.00 for the Rabies Inoculation.
- (h) Lexington County Animal Services may hold a pet pending Court for any violation of this chapter at the discretion of the Animal Services Director. Lexington County Animal Services may request the Court to order the surrender of any pet where the Animal Services Director determines it is in the best interest of the pet or the public. If the Court grants the request, the pet will become property of the Lexington County Animal Services who will determine the appropriate disposition of the pet.

SEC. 10-39. - ADOPTION.

- (a) Any pet impounded under the provisions of this Article may, at the end of the Legal Detention Period, may be adopted by a person deemed to be a responsible and suitable owner, who will agree to comply with the provisions of this Article. All required fees must be paid at the time of adoption in addition to an Adoption Fee. Those individuals adopting puppies or kittens too young to receive Rabies Inoculation will pay the cost for this procedure at the time of adoption and be given an appointment for a later time to have this procedure accomplished.
- (b) No unsterilized pet, which has been impounded by Animal Services, shall be allowed to be adopted unless it has been sterilized.

SEC. 10-40. - INJURED, DISEASED AND DEAD ANIMALS.

- (a) Anyone who strikes a pet with a motor vehicle or bicycle and injures or kills the pet must notify Animal Services or the Sheriff's Department immediately. The Animal Control Officer or the Sheriff's Department will then take the necessary steps to provide for the proper treatment or disposal of the pet.
- (b) Any animal received or impounded by Animal Services in critical condition from wounds, injuries or disease may be humanely euthanized at the discretion of the Animal Services Director and/or the Animal Services Veterinarian if the owner/custodian or caretaker cannot be contacted. If the animal is suffering great pain, or has a confirmed infectious disease placing other animals at risk, it may be humanely euthanized immediately.
- (c) The owner/custodian or caretaker of any pet, which dies, shall immediately provide for its burial or cremation if they know of its death and the location of its remains. If they fail to do so within three (3) hours, the Animal Control Officer shall arrange for the disposal and the owner/custodian or caretaker shall be required to pay the cost thereof, not to exceed \$50.00.
- (d) The Animal Control Officer shall cause to be collected all dead domestic animals found on public grounds or roadways of the County. If the animal is identifiable, the Animal Control Officer will notify the owner/custodian of the animal as soon as practical. Citizens may call Lexington County Public Works at 803-785-8364 if the animal is on a County road or South Carolina Transportation Maintenance 803-359-4103 if the animal is on a State road.

SEC. 10-41. - PET REGULATIONS—COMMERCIAL PURPOSES.

- (a) No person shall sell, trade, barter, auction, lease, rent, give away, or display for commercial purpose, of any pet, on a roadside, public right-of-way, public property, commercial parking lot or sidewalk, fair or carnival.
- (b) No person shall offer a pet as an inducement to purchase a product, commodity or service.

- (c) A flea market pet sale vendor must:
 - (1) Possess a registration with Lexington County Animal Services that will be valid for ninety (90) days from date of issue.
 - (2) Display, at all times, the Lexington County Animal Services' approved Registration Application at the booth.
 - (3) Allow Kennel and Booth Inspections by Lexington County Animal Services upon request.
- (d) Licensed pet shops, commercial kennels, County Animal Shelters, and licensed pet rescue organizations may be exempt from the requirements of this section with prior written approval from the Animal Services Director or designee. The written approval document must be kept on site and produced upon request to Law Enforcement and Code Enforcement personnel.

SEC. 10-42. – TETHERING AND SHELTER.

- (a) It shall be unlawful to tether an animal while outdoors **exceeding 2 hours at a time** except when;
 - (1) **On an attended leash.**
 - (2) **Law Enforcement training.**
 - (3) **Veterinary practice or treatment.**
 - (4) **Meeting requirements of a camping or recreational area.**
- (b) **It shall be unlawful to tether an animal during the 2 hour time frame if all of the below requirements are not met;**
 - (1) **The animal must not be tethered to any stationary object; tree, post, house etc.**
 - (2) The animal must be over the age of six (6) months.
 - (3) The tether is connected to the animal with a collar or a body harness made of nylon, leather, or other durable non-metallic material
 - (4) The tether has a minimum of twelve-feet in length and a swivel-type termination at both ends.
 - (5) The total tether weight does not exceed ten (10) percent of the animal's body weight.
 - (6) The animal has access to fresh water and shelter as defined in this article.
 - (7) The animal is not sick or injured.
 - (8) Any pulley, running line or trolley system to which a tether is attached shall be no less than twelve (12) feet in length between stopping points. The dog shall be free from entanglement with any trees, shrubbery, posts, object or structure.
- (c) No dog, tethered or untethered, shall be left outside unattended for 30 minutes or longer during a two (2) hour period when:
 - (1) The temperatures are below 40° Fahrenheit for a sustained two (2) hour period, unless adequate bedding and shelter as defined in this chapter are provided to protect the animal from the elements.
 - (2) The temperatures are above 90° Fahrenheit for a sustained two (2) hour period, unless adequate shade is provided to protect the animal from the elements. Shelter as defined in this chapter may be used as shade if there is adequate relief from the heat or has additional shade covering.
- (d) No dog, tethered or untethered, shall be left outside unattended for a period of two (2) continuous hours without access to *shelter* as defined in this chapter regardless of temperature.
- (e) No dog, tethered or untethered, shall be kept in an area that exposes them to items that would cause unnecessary risk of harm, excessive animal waste, trash, standing water/mud, entanglement, uncontrolled parasite or rodent infestation.
- (f) **Any dog kept outside which is not restrained in accordance with the provisions of this section must be kept inside a residential structure or in a fenced area or pen which is suitable for the size of the dog as determined by the animal control officer.**
- (g) **Any dog kept outside meeting the guidelines of this article must be sterilized. To include the exemptions under Sec. 10-38(b) 1-5 Redemption. Mandatory Sterilization and Microchipping of Certain Pets.**

This section shall not apply to animals tethered as part of training for hunting or sport dogs, animals involved in public events (dog shows, exhibitions, etc.) or animals at campgrounds located within the areas of Lexington County.

Nothing in this section shall be construed to prohibit a person from walking an animal on a hand-held leash and is under control of the person walking them.

SEC. 10-43. - ENFORCEMENT OF ARTICLE.

- (a) The provisions of this Article shall be enforced by Animal Services under the supervision of the Animal Services Director in all unincorporated areas of the County except wherein the governing body of any municipality, by resolution filed with the Clerk, so indicates that it desires the provisions of this Article be enforced within the jurisdictional limits of the respective municipality.
- (b) Lexington County Animal Control Officers shall be appointed as County Code Enforcement Officers or duly commissioned Class I or Class III Officers Certified by the South Carolina Criminal Justice Academy.
- (c) If the Animal Control Officers are unable to respond to complaints due to other commitments, the County Sheriff's Department or other authorized Law Enforcement Agency may respond to complaints.
- (d) Persons empowered to enforce this Article shall have the authority to destroy any pet, which appears to be dangerous, and may endanger their safety or the safety of other persons or animals. Further, after reasonable attempts to capture and/or restrain unsuccessfully a dog in violation of section 10-34, restraint and confinement (by physical means and/or trapping), as a last resort, petition the Magistrate to have the dog humanely euthanized.
- (e) The Animal Control Officers will, if necessary, obtain a Search Warrant to enter any premises upon which it is suspected a violation of this Article exists. The Officer may demand to examine such pet and take possession of the pet when, in their opinion, it requires removal from the premises.
- (f) No person shall interfere with, hinder or molest the Animal Services' Staff in the execution of their duties, or seek to release any pet in the custody of Animal Services.
- (g) When a pet is found in violation of any provision of this Article, Animal Control Officers, at their discretion, may:
 - (1) Impound the pet.
 - (2) Issue notice of violation.
 - (3) Issue court summons.

SEC. 10-44. - PENALTY FOR VIOLATION OF ARTICLE.

The violation of any section of this Article shall constitute a misdemeanor and shall be punishable under Magistrate's Court jurisdiction.

SECS. 10-45 -10-60. - RESERVED.

DIVISION 2. - RABIES CONTROL

SEC. 10-61. - INOCULATION; CERTIFICATE; TAGS.

- (a) No person shall own, keep or harbor any pet within the County over the age of twelve (12) weeks, unless such pet has been inoculated against rabies as provided in this section; unless the owner or caretaker of the pet can furnish a statement by a licensed veterinarian that for medical reasons, the inoculation is not appropriate at this time.
- (b) Every owner/custodian or caretaker of a pet will have their pet inoculated against rabies in such a manner as to provide continual protection.
- (c) A State Board of Health Certificate of pet Rabies Vaccination will be issued by a licensed graduate veterinarian for each pet stating the name and address of the owner or caretaker, the name, breed, color and markings, age, sex of the pet and the veterinary or Pharmaceutical Control Number of the vaccination.
- (d) Coincident with the issuance of the Certificate, the licensed graduate veterinarian shall also furnish a serially numbered metal license tag bearing the same number and year as the Certificate. The metal license tag shall bear the name of the veterinarian who administered the vaccination and shall at all times be attached to a collar or harness worn by the pet for which the Certificate and tag has been issued.
- (e) The owner/custodian or caretaker shall have a valid Certificate of Rabies Immunization readily available for inspection by competent authority at all times.
- (f) If a rabies tag is lost, the owner/custodian or caretaker will obtain a duplicate tag without delay.
- (g) If there is a change in ownership of a pet during the valid period of immunization, the new owner may have the current Certificate of Immunization transferred to their name.
- (h) A Certificate of Rabies Immunization issued by a licensed veterinarian from another state will be accepted as valid evidence.

SEC. 10-62. - OWNERS REQUIRED TO NOTIFY AUTHORITIES OF SUSPECTED RABID ANIMALS.

Whenever a pet or other animal is affected by rabies or suspected of being affected by rabies or has been bitten by an animal known or suspected to be affected by rabies, the owner of the animal or any person having knowledge thereof shall forthwith notify Animal Services and the Department of Health and Environmental Control stating precisely where the animal may be found.

SEC. 10-63. - ANIMAL CONTROL OFFICER TO ARRANGE FOR CONFINEMENT OF ANIMAL THAT HAS BITTEN A PERSON.

The Animal Control Officer, in conjunction with the Department of Health and Environmental Control, shall arrange for the supervised confinement of any pet or other animal, which has bitten a person. Such confinement may be on the premises of the owner/custodian, at the discretion of the investigating Animal Control Officer and if the owner/custodian will sign an agreement assuming total responsibility for the safe confinement of the pet or other animal. In cases where the officer determines that confinement on the premises of the owner/custodian is not in the best interest of the animal's health or public safety, confinement shall be at the County Animal Shelter, a private animal shelter, veterinary hospital or humane society shelter at the owner's expense.

SEC. 10-64. - REQUIRED PERIOD OF CONFINEMENT OF ANIMAL THAT HAS BITTEN A PERSON; EXAMINATION DURING CONFINEMENT.

Any pet or other animal, which has bitten a person, must be confined for a period of at least ten (10) days. The Department of Health and Environmental Control or the County Animal Officer will be permitted by the owner/custodian of such pet or animal to examine the animal at any time, and daily if desired, within the ten (10) day period of confinement to determine whether such animal shows symptoms of rabies. No person shall obstruct or interfere with the County Animal Officer or the Department of Health and Environmental Control in making such examination.

SEC. 10-65. - NOTICE TO OWNER OF ANIMAL, OTHER THAN DOG OR CAT THAT HAS ATTACKED OR BITTEN A PERSON.

In the case of a pet other than a dog or cat which has attacked or bitten a person, the Department of Health and Environmental Control shall serve notice upon the owner/custodian of such pet that the owner/custodian shall have the animal humanely euthanized immediately and have the brain submitted for rabies examination.

SEC. 10-66. - CONFINEMENT OF ANIMALS BITTEN BY KNOWN OR SUSPECTED RABID ANIMALS.

The Department of Health and Environmental Control shall serve notice in writing upon the owner/custodian of a pet or other animal known to have been bitten by an animal known or suspected of being affected by rabies requiring the owner/custodian to confine such animal for a period of not less than six (6) months; except that, animals properly treated with Antirabic Vaccine shall be confined for a period of not less than three (3) months.

SEC. 10-67. - KILLING OR REMOVING FROM JURISDICTION SUSPECTED RABID ANIMALS PROHIBITED; EXCEPTION.

No person shall kill, or cause to be killed, any rabid pet or other animal, or one suspected of having been exposed to rabies or which has bitten a person, nor remove such pet or animal from the jurisdiction of the County without written permission of the Department of Health and Environmental Control. An exception to the preceding requirement is in the event of the possibility of the animal's escape or additional biting in which case the animal is to be killed and the Department of Health and Environmental Control contacted immediately.

SECS. 10-68—10-90. - RESERVED.

DIVISION 3. - EXOTIC ANIMALS

SEC. 10-91. - DEFINITION OF EXOTIC ANIMALS.

Exotic animal means those species of animals that are exotic to humans. *Exotic animals* include:

- (1) Class Mammalia.
 - (a) Order Artiodactyla (only hippopotamuses and giraffes).

- (b) Order Carnivora (only those specified below):
 - (1) Family Felidae [(all species except domestic cats) this includes lions, tigers, cougars, leopards, ocelots, servals].
 - (2) Family Canidae (only wolves, coyotes and jackals).
 - (3) Family Ursidae (all bears).
 - (4) Family Hyaenidae (hyenas).
- (c) Order Perissodactyla (only rhinoceroses).
- (d) Order Primates (only gorillas).
- (e) Order Proboscidae (elephants).
- (2) Class Reptilia.
 - (a) Order Squamata (only varanidae family animals specified below):
 - (1) Family Varanidae (only water monitors and crocodile monitors).
 - (b) Order Crocodilia (such as crocodiles, alligators, caimans, gavials, etc.); all species.

SEC. 10-92. - PROHIBITION.

It shall be unlawful to keep, maintain, or have in his or her possession or control within the unincorporated portion of Lexington County any *exotic animal* as defined herein.

SEC. 10-93. - PROVISIONS.

The provisions of Section 10-92 shall not apply to Riverbanks Zoo and Lexington County approved circuses that are within the unincorporated area of the County.

SEC. 10-94. - PENALTY.

Any person violating the provisions of Section 10-92 shall be subject to the maximum penalty as authorized by the Magistrate's Court and as further set forth in the general penalty, Section 1-8 of the Lexington County Code of Ordinances. Lexington County Animal Services may take immediate possession of an *exotic animal* and transfer the *exotic animal* to a rescue group outside of Lexington County.

DIVISION 4. – LIVESTOCK AND POULTRY

SEC. 10-95. PERMITTING LIVESTOCK AND POULTRY TO RUN ESTRAY UNLAWFUL.

- (a) It shall be unlawful for any owner, custodian or person to willfully or negligently permit any live stock or poultry to run estray. Any owner, custodian or person violating the provisions of this article shall constitute a misdemeanor and shall be punishable under magistrate's court jurisdiction.
- (b) If an Animal Control Officer observes livestock or poultry estray, they may pursue the livestock or poultry onto private property.

SEC. 10-96. NEGLECT OF LIVESTOCK OR POULTRY.

- (a) It shall be unlawful for any owner or custodian to neglect any live stock or poultry. A person violating the provisions of this article shall constitute a misdemeanor and shall be punishable under magistrate's court jurisdiction.

SEC. 10-97. IMPOUNDMENT OF LIVESTOCK OR POULTRY.

- (a) Any livestock or poultry impounded by the County of Lexington shall be held at the County impound facility unless such impoundment is impractical for safety or medical concerns. Animals impounded at any alternate facilities by, or at the direction of, the County of Lexington shall be considered to be under the care and control of the County.
- (b) Immediately after impounding any livestock or poultry, the Animal Control Officer or designated personnel shall make a reasonable effort to notify the owner/custodian or caretaker of its impoundment and to inform the owner/custodian or caretaker of the conditions whereby they can regain custody of the animal.

SEC. 10-98 REDEMPTION OF IMPOUNDED LIVESTOCK OR POULTRY.

- (a) Upon payment of redemption fees, the owner or custodian shall be entitled to resume possession of an impounded livestock or poultry held as estray, except in cases where the continued impoundment is determined to be in the best interest of the animal's health or public safety.
- (b) Lexington County Animal Services may hold any livestock or poultry pending Court for any violation of this section at the discretion of the Animal Services Director. Lexington County Animal Services may request the Court to order the surrender of any livestock or poultry where the Animal Services Director determines it is in the best interest of the animal or the public. If the Court grants the request, the livestock or poultry will become property of the Lexington County Animal Services who will determine the appropriate disposition of the animal.
- (c) The redemptions fees for livestock and poultry will be determined by the Animal Services Director. These fees will be determined based on the type of animal, length of impoundment, and care provided. Any fees in this subsection collected by Animal Services shall be turned over to the County Treasurer, who shall make a monthly accounting of such funds.

SEC. 10-99. DISPOSITION OF LIVESTOCK OR POULTRY FOUND ESTRAY.

- (a) Any livestock or poultry impounded under the provisions of this Article and not claimed by its owner within five (5) business days becomes the property of Lexington County Animal Services and may be placed into an adoption program, transferred to an animal rescue organization, or humanely euthanized by Animal Services.

This Ordinance shall become effective upon adoption.

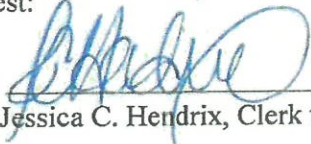
Enacted on this 24 day of October, 2023.

LEXINGTON COUNTY, SOUTH CAROLINA

{SEAL}

By: 
Beth A. Carrigg, Council Chairwoman

Attest:

By: 
Jessica C. Hendrix, Clerk to Council

First Reading: August 22, 2023
Public Hearing: September 26, 2023
Second Reading: October 10, 2023
Third & Final Reading: October 24, 2023
Filed with Clerk of Court: _____



Staff Report

DATE: Council Meeting: February 20, 2024
TO: Irmo Town Council
FROM: Courtney Dennis, Town Administrator
SUBJECT: New Traffic Radar Signs
ACTION REQUESTED: Approval to purchase six (6) traffic radar signs

Town growth has led to increased motorist traffic, with neighborhoods becoming thoroughfares and motorists seeking alternate routes to avoid congestion, resulting in higher speeds in less-traveled areas.

The police department continuously receives complaints about speeding motorists primarily in residential areas. Their routine response includes Directed Patrols, speed enforcement operations, and the deployment of the Speed Trailer to address those complaints.

The Irmo Police Department is proposing the purchase of six (6) Speed Display Signs from All Traffic Solutions utilizing contract pricing through a cooperative purchasing agreement. These signs will be equipped with solar power and data collection capabilities. These signs will be deployed strategically in high-speed complaint areas.

Six (6) All Traffic Solutions Speed Signs total **\$23,802**.





Staff Report

Vehicle Purchase

DATE: Council Meeting: February 20, 2024
TO: Irmo Town Council
FROM: Courtney Dennis, Town Administrator
SUBJECT: Public Works - Vehicles
ACTION REQUESTED: Approval to purchase two (2) new vehicles for Public Works

Included in the current FY23-24 budget is the purchase of two (2) trucks for Public Works. This purchase will replace two aging vehicles in the fleet.

Vehicles to be replaced:

2010 Ford F-250 - 136,600 miles (transmission issues)

2011 Ford F-250 - 113,100 miles

Director Cline has been searching for replacement vehicles and has found two in stock under state contract pricing at Ford of Spartanburg.

2023 Ford F-250 - \$50,693

2024 Ford F-250 - \$51,718

Total: \$102,411