

ORDINANCE NO.: 2013-110

Amending the 1998 Code of Ordinances of the City of Columbia, South Carolina, Chapter 17, Planning, Land Development and Zoning, Article III, Division 3, Board of Zoning Appeals, Sec. 17-112 Powers and duties, (2) Special exceptions (a) Duties; (b) Procedures in consideration of special exception applications; and (c) Criteria for special exceptions

BE IT ORDAINED by the Mayor and Council this 1st day of October, 2013, that the 1998 Code of Ordinances of the City of Columbia, South Carolina, Chapter 17, Planning, Land Development and Zoning, Article III, Division 3, Board of Zoning Appeals, Sec. 17-112 Powers and duties, (2) Special exceptions (a) Duties, (b) Procedures in consideration of special exception applications, and (c) Criteria for special exceptions, are amended to read as follows:

Sec. 17-112. Powers and duties.

The board of zoning appeals shall have the following powers and duties:

(1) *Administrative review.* The board of zoning appeals shall hear and decide appeals when it is alleged that there is error in any order, requirement, decision or determination made by the zoning administrator in the enforcement of this article, provided that those appeals must be taken within 30 days after the order, requirement, decision or determination which is alleged to be in error is made.

(2) *Special exceptions.*

a. *Duties.* Duties of the board are as follows:

1. Hear and decide only the applications for special exceptions as the board of zoning appeals is specifically authorized to pass upon by terms of this article;
2. Decide the questions as are involved in determining whether special exceptions should be granted; and,
3. Prescribe appropriate conditions and safeguards in conformity with this article including, but not limited to items like the following: (1) hours of operation; (2) landscaping; and (3) screening of activities or structures.

b. *Procedures in consideration of special exception applications.*

1. A written application for a special exception shall be submitted indicating the section of this article under which the special exception is sought and stating the grounds on which it is requested.
2. Notice of public hearing shall be posted on the property for which special exception is sought and shall be published at least 15 days prior to the public hearing in a newspaper of general circulation in the city.
3. The public hearing shall be held. Any party may appear in person, or by agent or attorney.
4. The board of zoning appeals shall not vary the conditions and/or provisions of sections 17-259 through 17-274 and 17-283 that establish specific standards that must be met prior to the establishment of several principal uses that require a special exception.
5. The board of zoning appeals may prescribe a time limit within which the action for which the special exception is required shall be begun or completed, or both.

c. *Criteria for special exceptions.* In addition to definitive standards applicable to the proposed use in this article, the board of zoning appeals shall approve an application for special exception only upon a finding that the following criteria are met:

1. The proposed special exception will not have a substantial adverse impact on vehicular traffic or vehicular and pedestrian safety and adequate provisions are made in the proposed exception for parking and for loading and unloading.
2. The proposed special exception will not have a substantial adverse impact on adjoining properties in terms of environmental factors such as noise, lights, glare, vibration, fumes, odors, obstruction of air or light, and litter;
3. The proposed special exception will not have a substantial adverse impact on the aesthetic character of the area, to include a review of the orientation and spacing of buildings;

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4. The proposed special exception will not have a substantial adverse impact on public safety or create nuisance conditions detrimental to the public interest or conditions likely to result in increased law enforcement response;
5. The establishment of the proposed special exception does not create a concentration or proliferation of the same or similar types of special exception use, which concentration may be detrimental to the development or redevelopment of the area in which the special exception use is proposed to be developed;
6. The proposed special exception is consistent with the character and intent of the underlying district as indicated in the zoning district description, with any applicable zoning overlay district goals and requirements;
7. The proposed special exception is appropriate for its location and compatible with the permitted uses adjacent to and in the vicinity of the property; and
8. The proposed special exception will not adversely affect the public interest.

d. *Effect of failure to meet conditions.*

1. Violation of conditions and safeguards prescribed in conformity with this article, when made a part of the terms under which a special exception is granted, shall be deemed a violation of this article, punishable under the penalties established in this article.
2. Failure to begin or complete, or begin and complete, an action for which a special exception is required, within the time limit specified, when such time limit is made a part of the terms under which the special exception is granted, shall void the special exception.

The remainder of the section shall remain unchanged.

This ordinance becomes effective upon second reading.

Requested by:

Krista Hampton, Development Services Director



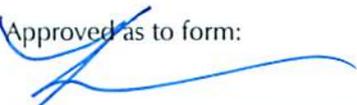
Mayor

Approved by:



City Manager

Approved as to form:



City Attorney

Introduced: 9/17/2013

Final Reading: 10/1/2013

ATTEST:


City Clerk