



Proposed Text Amendment-Report to City Council

Case No. T-2010-03

Meeting Date: January 10, 2011
Staff Contact: Eric S. Hawkins, AICP, Planner III

INFORMATION

Applicable Sections: Article 3: Zone Districts; Article 4: Use Regulations; Article 5: Density, Intensity & Dimensional Standards; and Article 10: Definitions & Rules for Interpretation

Sponsorship Date: August 10, 2010

Applicant: Rock Hill Planning Commission

BACKGROUND

This proposal was prompted by staff's ongoing review of the zoning ordinance as well as administrative issues that have arisen repeatedly over the last four years. This item was sponsored by the Planning Commission at the August 10, 2010, meeting.

EXPLANATION OF AMENDMENTS

There are three primary reasons for the proposal:

- To remove inconsistencies and conflicting language. We have found instances where zoning district descriptions in Article 3 do not reflect the range of uses that are permitted in those districts in Article 4. There are also inconsistencies between the Use Types listed in the Table of Permitted Uses and the descriptions of those Use Types in Sect. 4-200.
- To clarify the classification of certain uses. There are some uses that are not listed in the Table of Permitted Uses and they do not clearly fall under any of the existing Use Types. There are also some Use Types that are very similar to others, making it difficult to determine the correct classification for these uses. The proposal creates a few new Use Types for unique uses not previously listed and consolidates some Use Types that are similar in nature.
- Address issues that have arisen in regards to how certain uses are regulated. During the course of administering the zoning ordinance over the last four-and-a-half years, several issues have been identified in regards to the range of permitted uses for certain districts, whether uses are permitted outright or as special exceptions in certain districts, and the appropriateness of certain Use Specific Standards. For the most part, the proposal makes certain uses permitted in a wider variety of zoning districts, where these uses are of similar or lower intensity than the range of uses already permitted in those districts. Some uses that are now permitted outright would become special exceptions in certain districts and a limited number of uses would change from permitted to prohibited.

While most of the proposed changes are relatively minor in nature, there are a few items that warrant a closer look:

- Added Wireless Communication Towers as a Special Exception in the RH district. This is in recognition that they may be appropriate in low-density residential areas where large lots provide more separation and views would be screened by mature vegetation. There are very few RH districts in the City, so in most cases, this would require a rezoning and approval of a

Special Exception by the Board of Zoning Appeals prior to construction.

- Added Banquet Facility to the same Use Type as Dinner Theater; added this Use Type as Special Exception in the IG district and removed it from the Multi-Family districts. Banquet Facilities are not currently addressed by the zoning ordinance and there have been several requests for this type of use in the last few years. A definition for Banquet Facility is proposed for Article 10. This will make an allowance for legitimate banquet facilities and prevent someone from opening what is effectively a bar or nightclub by calling it a banquet facility.
- Consolidated Small Loan Company with Check Cashing, Title Loan Lender, & Deferred Presentment Lender. Changed this use to a special exception in the CC district, where it was previously prohibited. These uses are all regulated the same by the State and we are experiencing a proliferation of them. Debt Relief was also added to this use type because they are following on the heels of the Check Cashing and Title Loan companies. A definition for Debt Relief is proposed for Article 10.
- Added Retail Sales Establishment, Outdoor as a use type and established Use Specific Standards for this use. A definition for this use is proposed for Article 10. This is a new Use Type and is intended to govern establishments that sell merchandise that is of a size or nature that it is impractical to display it indoors. Examples include businesses that sell pre-assembled storage buildings, gazebos, or bulk landscape materials.
- Added Mini-Warehouse and Climate Controlled Self-Service Storage use types in place of Self-Service Storage. This is intended to distinguish between the traditional one-story mini-warehouses and the newer, self-contained Climate Controlled Self-Service Storage uses. Climate Controlled Self-Storage is a new Use Type that is currently not clearly regulated by the zoning ordinance. Definitions and Use Specific Standards for these uses are also proposed.
- 4-300.C.8.b: Removed 250' separation requirement for Auto Parts Sales & Installation use. The other use specific standards for this use should address any potential impacts.
- 4-300.C.8.c: Removed 250' separation requirement for Vehicle Sales uses and removed limitation on vehicle display in front setback for Vehicle Sales uses. The Board of Zoning Appeals has granted relief from these standards in several cases, none of which raised any opposition. Virtually all vehicle sales uses in the City display their inventory within the front setback and this is in fact an integral part of their business.
- 4-300.C.8.g: Removed the 250' separation requirement for Car Wash. This use should be permitted in the commercial districts without a separation requirement.

A complete list of the proposed changes and a markup of the affected sections are attached.

PUBLIC NOTIFICATION

Staff hereby certifies that the required public notification actions have been completed as follows:

- Oct. 3 & 17, Nov. 7 & 21- Planning Commission public hearing advertisements published in *The Herald*.

PUBLIC HEARING

The Rock Hill Planning Commission held a public hearing on this application on Dec. 7, 2010. No one from the public spoke on this item.

STAFF RECOMMENDATION

Staff recommends approval of the proposed amendments.

PLANNING COMMISSION DISCUSSION

At their December meeting, the Planning Commission held the following discussion:

Mr. Roper asked if there had been any additional comments since the October workshop. Mr. Hawkins stated that Mr. Greene had expressed concern that separation requirements were needed for self-service type carwash facilities as opposed to full service facilities. Mr. Hawkins noted that a separation requirement could be included in the use specific standards for any unmanned facility or facility with intense outdoor activities.

Mr. Roper asked if this would come back to the Planning Commission or go directly to City Council. Mr. Hawkins stated that it could go to City Council with the additional standards included. The standards would include locating the facility entrance away from residential properties, that anything within 250' of a residential area would be indoor, that it be manned when open, and that there be limited outside activities.

Mr. Roper asked if the term "self serve" was too general. Mr. Hawkins stated that some self serve facilities were indoor facilities, that a new model currently being developed was self serve but had an operator on duty. Self serve may be too general and it would be better to distinguish them by their operational characteristics.

Mr. Greene noted that unmanned facilities had no specific hours, that these have potential to become gathering points, that there was additional noise, and that the facilities were not being kept clean. He added that the 250' separation would be in line because of the additional activity. Mr. Hawkins added that a separation standard would be applied for this type of carwash.

PLANNING COMMISSION RECOMMENDATION

Following the public hearing at their Dec. 7, 2010, meeting, the Planning Commission voted 5-0 to recommend approval of the proposed amendments.

ATTACHMENTS:

- List of Proposed Amendments
- **NOTE:** The markup of Articles 3, 4, 5, & 10 is attached to the ordinance for this item. The markup for Articles 3 and 10 only include the pages that contain changes.

Proposed Amendments to Article 3, 4, 5, & 10 of the RH Zoning Ordinance Case #T-2010-03

Proposed Amendments to Article 3, Zone Districts:

- Changed all out-dated references to the “General Plan” to “Comprehensive Plan” to match current terminology.
- Corrected cross-references to other sections of the ordinance and other City and State regulations. (These don’t show up as red-lines.)
- SF-5 and SF-8 Districts: Removed references to Live/Work Dwellings because the proposed amendments to Article 4 remove them as permitted uses in these two districts.
- LC District: Removed statement that “intensive commercial and business activities” are not allowed in LC. Given the list of uses that are permitted in this district, “intensive” is not an effective descriptor of these commercial uses.
- CC District: Removed reference to uses greater than 20,000 SF. It improperly implies that anything over 20,000 SF is not permitted in LC.
- IB District: Added statement to better describe the allowance of commercial uses that serve the employment generating uses.

Proposed Amendments to Article 4, Use Regulations:

Table 4-100.B, Table of Allowed Uses:

- Re-organized the residential uses in order of intensity from lowest (Single-family Detached) to highest (Mobile Home Park). Note: this is a formatting change only.
- Added Single Family Detached as a permitted use in the Downtown district.
- Removed “Dwelling, Townhouse” and “Dwelling, Two- to Four-family”. Both are forms of Single Family Attached if each unit has a separate lot. If they are sold as condos, it is a Multi-Family use. In order to maintain a similar regulatory framework for these uses, the following is proposed:
 - Added Single-Family Attached as a Special Exception in SF-5 and added use specific standards to allow only Two- to Four-family dwellings in the SF-5 district.
 - Added Multiple-Family as a Special Exception in SF-5 & SF-8 and added use specific standards to limit it to Two- to Four-family dwellings in the SF-5 & SF-8 districts.
 - Changed Multi-family to a Special Exception in OI and LC districts.

These changes are intended to accurately identify multi-family uses vs. single-family attached uses and regulate them accordingly. This does not provide any additional leniency for multi-family uses.

- Added Single-Family Attached as a permitted use in the GC district because it is allowed in the other commercial districts.
- Removed Live-Work from SF-5 & SF-8 because there are no commercial uses permitted in either district. Note: Live-Work is different than Home Occupations. No changes are proposed for Home Occupations.
- Added Dorm & Fraternity/Sorority House as allowed uses in PD-R. These would only be allowed if they are specified as a permitted use in a particular PD plan.
- Consolidated Community Center, Senior Center, & Youth Club Facility, and made them Special Exceptions in the Single Family districts and permitted outright in the LC, CC, & GC districts.
- Removed Museums as a separate use and added them to the Art Gallery use type.
- Consolidated Cultural Facility with Museums & Art Galleries.

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- Added Library as a permitted use in the CC district because it is permitted in the other commercial districts.
- Added Adult Daycare as a permitted use in the same districts as Child Day Care (except for MHP) because they are of the same or lower intensity.
- Changed Child Day Care from a Special Exception to a Permitted use in the OI & LC districts and added it as a Special Exception in the GC district because it is permitted in the less intense NO and NC districts. Day Care is proposed as a Special Exception in the GC district because it may not be appropriate in close proximity to some of the more intense uses that are permitted in the GC district.
- Added In-home Day Care as a permitted use to the OI, NO, & NC districts because all of these districts permit Single-Family Residential.
- Changed Elementary School to Special Exception in the SF districts in order to ensure they are located appropriately.
- Added Middle School and High School as a Special Exception in the SF-2, SF-3, and SF-4 districts. There are Use Specific Standards to ensure that such schools are located appropriately.
- Changed Government Maintenance, Storage, and Distribution Facility to Special Exception in the OI and NC districts to ensure they are located appropriately.
- Added Post Office as a Special Exception in the IG and IH districts, changed it to a Special Exception in the IB district. These uses are compatible with other uses in the Industrial districts, but need to be reviewed as special exceptions to ensure they are located properly.
- Removed Blood/Tissue Collection Facility and Medical & Dental Lab from Health Care Facility category. Both of these can fall under the Medical Office use.
- Changed Medical Treatment Facility from Conditional to not permitted in NO & NC districts and added it as a permitted use in CC district because it is not a neighborhood-oriented use.
- Deleted Psychiatric Treatment Facility- this should fall under Medical Treatment Facility.
- Added Type A and B Halfway Houses to the CC & GC districts as a Special Exception because they are already a Special Exception in the LC district.
- Added Community Garden as a Special Exception in the NC, DTWN, GC & CC districts.
- Consolidated Fire, EMS, & Police uses. Made them a Special Exception in SF-8, MF-8, MF-15, NO, & NC (where they were previously permitted outright) to ensure they are appropriately located.
- Added Helicopter Landing Facility to the RH district as a Special Exception to allow for this use in a rural setting.
- Added Passenger Terminal, Surface Transportation as a permitted use in the CC district because it is permitted in the less intense LC district.
- Added Wireless Communication Towers as a Special Exception in the RH district. This is in recognition that they may be appropriate in low-density residential areas where large lots provide more separation and views would be screened by mature vegetation.
- Added Farm Market as Special Exception in the CC district.
- Changed Animal Grooming from Special Exception to Permitted outright in the GC district and added it as a permitted use in OI and IG; and added it as a Special Exception in NO. These changes were made so that this use would be regulated the same as Indoor Kennels in the commercial districts.
- Removed Indoor Kennel use from the SF-8 district and added it as a Special Exception in RH. If outdoor kennel is permitted in RH, indoor kennel should be permitted also.

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- Removed Bakery from same use type as Dinner Theater. Bakeries may be considered either retail sales, specialty eating establishment, or possibly even industrial, depending on the scale and nature of the particular business.
- Added Banquet Facility to the same Use Type as Dinner Theater; added this Use Type as Special Exception in the IG district and removed it from the Multi-Family districts. Banquet Facilities are not currently addressed by the zoning ordinance and there have been several requests for this type of use in the last few years. A definition for Banquet Facility is proposed for Article 10. This will make an allowance for legitimate banquet facilities and prevent someone from opening what is effectively a bar or nightclub by calling it a banquet facility.
- Consolidated the three Restaurant Use Types into two. There are use-specific standards that apply to restaurants with outdoor seating areas, so they don't need to be listed as a separate use type. This change would create two types of Restaurant: those without drive-through or drive-in service and those with drive-through or drive-in service. Outdoor seating areas are regulated by the Use Specific Standards.
- Removed Drive-thru Restaurant as a Special Exception in the MF-15 district because it is not compatible with multi-family residential uses.
- Changed Conference Center from Permitted outright to a Special Exception in the NO district and made it Permitted outright in LC and GC. This use is currently permitted outright in the CC district and it is compatible with other uses in the LC and GC districts.
- Deleted the Financial Services use in the Office category. The definition for this use sounds the same as a bank, but banks are classified as Financial Institutions in the Retail category. The other types of activities that are listed in the Financial Services definition would be classified as Business Office uses.
- Added Radio & Television Broadcasting Studio as a permitted use in the IG district. These uses are often found in industrial areas and are compatible with industrial uses.
- Added Indoor Firing Range as a new use type. This use was formerly included in the Entertainment Establishment use type.
- Added Private Golf Course as a permitted use in the MF districts because it is compatible with multi-family uses.
- Consolidated Small Loan Company with Check Cashing, Title Loan Lender, & Deferred Presentment Lender. Changed this use to a special exception in the CC district, where it was previously prohibited. These uses are all regulated the same by the State and we are experiencing a proliferation of them. Debt Relief was also added to this use type because they are following on the heels of the Check Cashing and Title Loan companies. A definition for Debt Relief is proposed for Article 10.
- Changed Convenience Store with Gas from a Conditional Use to a Special Exception in the DTWN district and from Conditional to Permitted outright in LC. This use is appropriate for either of these districts.
- Consolidated Drug Store/Pharmacy and Grocery Store with Retail Sales, Indoor. Changed the Use Specific Standards for Drug Store with Drive-Through to apply to any indoor retail use with a drive-thru.
- Changed Entertainment Establishment from Special Exception to Prohibited in the MF-15 district, added it as a permitted use in the OI district, and added it as a Special Exception in the NO district. These are more appropriate for the commercial districts.
- Added Retail Sales Establishment, Outdoor as a use type and established Use Specific Standards for this use. A definition for this use is proposed for Article 10. This is a new Use Type and is intended to govern establishments that sell merchandise that is of a size or nature that it is impractical to display it indoors. Examples include businesses that sell pre-assembled storage buildings, gazebos, or bulk landscape materials.

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- Added Building, Heating, Plumbing, Electrical Contractor as Special Exception in the LC and CC districts. This creates additional opportunity for these uses and the Special Exception review will ensure that they are appropriately located.
- Added Mini-Warehouse and Climate Controlled Self-Service Storage use types in place of Self-Service Storage. This is intended to distinguish between the traditional one-story mini-warehouses and the newer, self-contained Climate Controlled Self-Service Storage uses. Climate Controlled Self-Storage is a new Use Type that is currently not clearly regulated by the zoning ordinance. Definitions and Use Specific Standards for these uses are also proposed.
- Deleted the Research and Development use. This use will fall into the General Manufacturing or possibly Office use category, depending on the nature of the particular business.
- Added Small Engine Repair to the Auto Repair & Service without Painting & Bodywork use type. This is intended to clarify which zoning districts permit small engine repair.

Sect. 4-200, Use Classifications:

- 4-200.C.10: Removed distinction between Major Utilities and Minor Utilities in the list of examples of Utilities uses. The size of the utility facility will determine whether it is a minor or major utility.
- 4-200.D.3.c.2: Removed this item ("The breeding and resale of domesticated animals typically considered as household pets as part of a residential use is a Home Occupation.") Since we do not have a limit on the number of pets someone can have, this can cause problems if someone who is obviously operating a commercial breeding business claims that the animals being bred are their pets.
- 4-200.D.4: Added the following language to the Restaurant use type: "Any accessory uses (i.e. billiards, dancing, etc.) must be clearly subordinate to the restaurant use."
- 4-200.D.10.b: Deleted uses shown under Retail Sales categories that are specifically listed as use types. The previous wording could create confusion as to how to classify several uses.
- 4-200.D.10.b.2: Moved Fitness Center from Indoor Recreation category to Personal Services. This makes them Special Exception in MF & IG districts. Changes from S to C in NC.
- 4-200.D.10.b.4: Added language to clarify that any entertainment establishment that sells alcohol falls under the Bar, Nightclub, Cocktail Lounge use type.
- 4-200.D.11.a: Added "Small Engine Repair" to "Vehicle Sales & Service" category.
- 4-200.E.7: Removed Wholesale Sales use description. This use is now covered under the Wholesaling, Warehouse, & Freight Movement category.

Use Specific Standards:

- Added 4-300.A.1.c for Single Family Attached uses in the SF-5 district: "Single-Family Attached uses in the SF-5 district are limited to a max of 4 units attached." Two- to Four-family dwellings were previously permitted as a Special Exception in the SF-5 district.
- Added 4-300.A.1.d for Multi-Family uses in the SF-5 & SF-8 districts: "Multiple Family uses in the SF-5 & SF-8 districts are limited to a maximum of 4 units per building and one building per lot. Lots must meet dimensional standards of Article 5."
- 4-300.A.2.b: Added dimensional standards for group homes in the Single Family districts. These standards were formerly in Article 5, Table 5-100.A and were not readily apparent.

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- 4-300.B.7, School, Elementary, Junior, or High:
 - Revised language to clarify that the Use Specific standards apply to school sites of any size in a residential district, rather than just schools on sites of 20 acres or less.
 - Added language to clarify that the school must be located on an arterial or collector street that has adequate capacity for the ultimate campus size, not just the initial development size.
 - Added language to require appropriate siting of athletic facilities.
- 4-300.B.9.a, Wireless Communications Tower and/or Antenna, Freestanding:
 - Added 200' height limit for towers in RH.
 - Deleted note 2 in Table 4-300.B.2 because it is no longer applicable if towers will be allowed in the RH district.
 - Added standards for towers in residential districts as Section 4-300.B.9.a.4.p (These were taken from the old zoning ordinance.)
- 4-300.C.2.b: Clarified that the order box and/or pickup window for a restaurant with drive-through has to be at least 100' from residential use or district. (vs. requiring whole restaurant w/ drive-through property to be 100' from residential)
- 4-300.C.2: Added 1,800 square foot size limitation on Restaurants and Specialty Eating Establishments in the Multi-Family districts.
- 4-300.C.5.b, Standards for Indoor Commercial Recreation uses: Clarified that this only applies in the IB district.
- Added 4-300.C.5.c, Use Specific Standards for Indoor Firing Ranges.
- 4-300.C.7.e: Revised the buffer standard for Crematory. The proposal provides a wider buffer (40' vs. 25') than the previously required Type D buffer, but fewer plants are required. (Type D buffer required 9 canopy trees, 10 understory trees, and 55 shrubs/100'.)
- Added 4-300.C.7.o, Use Specific Standards for Outdoor Retail Sales.
- 4-300.C.8.b, Automobile Parts Sales and Installation:
 - Removed 250' separation requirement for Auto Parts Sales & Installation use. The other use specific standards for this use should address any potential impacts.
 - Added provision to allow the use of a vinyl fence to screen vehicle storage areas.
- 4-300.C.8.c: Removed 250' separation requirement for Vehicle Sales uses and removed limitation on vehicle display in front setback for Vehicle Sales uses. The Board of Zoning Appeals has granted relief from these standards in several cases, none of which raised any opposition. Virtually all vehicle sales uses in the City display their inventory within the front setback and this is in fact an integral part of their business.
- 4-300.C.8.g: Modified the 250' separation requirement for Car Wash. Standards are dependent on the characteristics of the carwash.
- 4-300.C.8.h: Modified gas pump location language to indicate "...and street it is addressed from or the primary street, as determined by the Development Services Director." The current language references the street the building is addressed from. On a corner lot, this could be a relatively minor street and could be used as a loop hole to putting pumps out front along the major roadway.
- 4-300.C.8.i: Added a statement exempting fuel pump canopies at truck stops from the 20' height limit if higher clearance is required by Federal or State law. This same language is in the Use Specific Standards for Gas Stations.
- 4.300.C.9.b: Changed the public telephone requirement for Campgrounds in light of cell phone proliferation. The new standard requires one publicly available phone for the campground instead of a pay phone for each 50 spaces.

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- 4.300.D.4: Distinguished two types of Self-Service Storage: Mini-warehouse and Climate Controlled Self-Storage. Added standards for Climate Controlled Self-Service Storage.
- 4.300.D.6.c.3: Added “Not” at the beginning of the Configuration standard for Recycling and Salvage Centers to clarify that the use shall not be located within 50’ of the property line. This was left off by mistake previously.

Accessory Use Standards:

- Table 4-400.B: Changed Storage or Parking of Trucks, Cars, or Major Recreational Equipment to Storage or Parking of Major Recreational Equipment. This makes the language in the table consistent with the language in Section 4-400.D.14 which sets out the standards for this accessory use.

Temporary Uses:

- 4-500.F.2: Added allowance for 1 temporary sales office or model home per 50 lots in the subdivision. This is to allow multiple builders to have a model home in a large subdivision.
- 4-500.F.5.C: Standards for Temporary Sales- Removed standards 3 and 5 related to product similarity to principal business and color compatibility for temp structures because these standards seem unnecessary.

Proposed Amendments to Article 5, Density, Intensity, and Dimensional Standards:

- Removed references to “Group Homes” from Table 5-100.A under the SF-5 and SF-8 districts. Dimensional standards for group homes in the Single Family districts were added to the Use Specific Standards for Group Homes in Section 4-300.A.2.b.
- Removed references to Townhouse and Two- to Four-family Dwellings. These use types are proposed for deletion from the Table of Allowed Uses.
- Removed footnote 3 from Table 5-100.B regarding 20,000 square foot limitation on building size in the LC district. Many uses are permitted in the LC district that are larger than 20,000 square feet.

Proposed Amendments to Article 10, Definitions and Rules for Interpretation:

Definitions:

- Removed tires, mufflers, and brakes from the list of items that fall under the definition of Automobile Parts Sales and Installation. These businesses fall under the Automobile Repair and Servicing definition.
- Added definition for Banquet Facility
- Added definitions for Climate Controlled Self-Service Storage and Mini-Warehouse and removed Self-Service Storage definition.
- Added definition for Debt Relief Company.
- Added separate definitions for Dry-Cleaning Establishment and Dry-Cleaning Plant.
- Revised definition for Dwelling, Multiple-Family.
- Revised definition for Dwelling, Single-Family Attached.
- Added definition for Dwelling, Single-Family Detached.
- Deleted definitions for Dwelling, Townhouse and Dwelling, Two- to Four-Family.

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- Clarified that Crematories are not considered an accessory use to a funeral home. All Crematories must meet the Use Specific Standards, whether they are associated with a funeral home or not.
- Deleted “Industrial Service” definition. It is the same as the definition for “General Industrial Service”.
- Deleted definition for Office, Financial Services.
- Added language to definition for Retail Sales Establishment to clarify that merchandise is primarily displayed indoors.
- Added definition for Retail Sales Establishment, Outdoor.
- Added references to fire chief and firefighters to definition for Substation for Fire and Police.
- Removed examples from definitions for Utility, Major and Utility, Minor.