



Proposed Text Amendment-Report to City Council

Case No. T-2011-04

Meeting Date: May 29, 2012
Staff Contact: Leah Youngblood, Senior Planner

INFORMATION

Applicable Sections: Article 6: Development and Design Standards
Application Date: October 4, 2011.
Applicant: Rock Hill Planning Commission

BACKGROUND

Last fall, City Council deferred consideration of first reading of an ordinance that would amend the Zoning Ordinance in an effort to make it easier for Walk2Campus-style redevelopment projects to occur in support of the College Town Action Plan. The reason for the deferral was to give staff time to consider certain issues raised by the Council regarding the proposed text.

Purpose of proposed amendments

The proposed amendments seek to allow for consolidated access and shared rear parking lots for residential rental properties in Old Town on adjacent parcels under common ownership. This would help redevelopment projects, such as Walk2Campus, better accommodate the renters' needs while minimizing impact on the surrounding neighborhood and community at large. Because staff would encourage the placement of these parking areas to the rear of the buildings, these proposed text amendments would accommodate parking in a location that has less of an impact to the surrounding neighborhood and community at large than the alternatives of parking in the front yard or on the street, which although not ideal, remains a common practice when multiple tenants of driving age share a home. In areas dominated by rental housing, the proposed amendments offer a solution to an existing problem.

History of related regulations

Council has dealt with this issue in the past, when several years ago it debated text amendments that sought to prohibit parking in the front yard on non-paved surfaces and to limit the amount of paved surfaces a front yard could have. The bulk of those proposed text amendments were ultimately adopted as part of the new Zoning Ordinance in 2005 and remain current today. In prohibiting parking in front yards on unpaved surfaces and by limiting the amount of paved surfaces a front yard could have, those regulations did help address the issue of parking in front yards.

It is important to note that the Ordinance already allows individual property owners and tenants to park on the street or behind their homes. Moreover, the rear parking areas may be surfaced with any material or none at all, and the level of maintenance is up to the individual property owners. In fact, but for the shared driveways component of the proposed amendments, commonly owned adjacent residential properties in Old Town could already do exactly what the proposed amendments would allow on a lot-by-lot basis. And they would be able to do so without any site plan review or screening requirements at all.

Analysis of remaining issue

Through a site plan review process, the proposed amendments would allow shared parking in rear parking areas with gravel or other alternative materials on commonly owned adjacent rental properties in Old Town. This would allow for tenants to park as inconspicuously as possible in an organized, well-maintained, off-street parking area instead of in the front yards (which, while prohibited, still occurs) or on the street.

Since last fall, staff has considered three primary questions related to the proposed amendments: whether a special exception or variance should be required; whether multi-family zoning should be required; and whether the Old Town boundary is too large of a geographical area for these regulations.

Should a special exception or variance be required?

Staff has considered the question of whether these proposed text amendments should incorporate a special exception or variance process, so that the public may have input into whether the parking areas are allowed through the public hearing component of the Zoning Board of Appeals process. After thought, our opinion is that it setting this up as a special exception or a variance is inadvisable.

The reason for this is that in order to establish this activity as a special exception or variance, the Zoning Ordinance would need to completely prohibit everyone's tenants and property owners alike from parking in their rear yards (RVs, boats, etc., included), and then allow parking in rear yards only through the special exception or variance process. That is because we do not see a reasonable basis on which to distinguish between property owners and tenants in this regard, and so the only way to create a special exception or variance process would be to prohibit both types of housing occupants from undertaking the underlying activity.

Therefore, instead of proposing a special exception or variance process, staff has made some changes to the originally proposed text in order to better address potential concerns that some neighbors might have with the rear parking scenario through stricter screening and access drive regulations.

Should multi-family zoning be required?

Staff also considered the question of whether the rear parking area scenario should be allowed only in multi-family zoning districts. In our opinion, that also is inadvisable. The reason is that unless Council wants to prohibit both property owners and tenants from parking in the rear unless they are in a multi-family zoning district, that concept would not work.

In response to a related question whether the use of renting a single-family residence to multiple tenants should be allowed only in multi-family zoning districts it is important to note that the Zoning Ordinance defines family to include up to five persons unrelated by blood, marriage, or legal guardianship (including foster children) living together in a dwelling unit. Thus, after additional analysis, we have determined that unless the home were physically altered to create completely independent living units, we would not classify the act of renting a single-family home

to multiple tenants as multi-family in use at all. This is because as long as the tenants share common areas such as kitchens and living areas, they function as a single-family unit. Accordingly, you will no longer see references to "residences that have an outward appearance of a single-family home but that are multi-family in use" in the proposed amendments. Instead, we describe the use we are seeking to regulate as "residential rental properties in Old Town on adjacent parcels under common ownership."

Is the Old Town boundary too large?

Finally, staff considered the question of whether the Old Town boundary is too large of an area to allow rear parking by a common owner of multiple adjacent lots. In our opinion, it makes more sense to apply this regulation to a geographical area already defined in the Zoning Ordinance instead of creating a new overlay district for this very limited, singular purpose.

Conclusion

After this analysis, we are bringing back to you for further discussion and consideration proposed text amendments that have been changed not with respect to process or geographical scope, but with respect to substance in the stricter screening and access drive requirements. We believe that these regulations, as now proposed, are a viable solution to an existing problem.

EXPLANATION OF AMENDMENTS

Article 6

- ***Shared parking and elimination of driveways allowed:*** The Zoning Ordinance currently allows for shared parking for the same or a more intensive use through an Alternative Parking Plan if the property owners execute and record an agreement for such. (Section 6-100 (J) (2) ((b)). However, it does not address whether shared parking is allowed, and if so, by what means, when the same property owner owns both (or multiple) adjacent lots. The proposed amendments would explicitly allow shared parking in such a circumstance under an Alternative Parking Plan.

Moreover, they would allow Walk2Campus-type developments to eliminate driveways on individual parcels in order to better accommodate shared parking. If the properties are ever sold independently from one another in the future, the new owners would be able to reestablish the driveways.
- ***Alternative parking materials allowed:*** The proposed amendments clarify that staff would be allowed to approve alternative materials including gravel for up to 100% of the rear parking area for residential rental properties in Old Town on adjacent parcels under common ownership.
- ***Parking to rears of structures encouraged; when located in the rear, shared parking areas required to be screened:*** When parking areas are located to the rears of residential rental properties in Old Town on adjacent parcels under common ownership (which staff would encourage), the proposed amendments would required those parking areas to be screened from public view and from the view of neighboring properties.

PUBLIC HEARING

No one spoke during the public hearing about these amendments, which took place in November 2011.

STAFF RECOMMENDATION

Staff recommends approval of the proposed amendments as revised.

PLANNING COMMISSION RECOMMENDATION

The Planning Commission unanimously recommended approval of the originally proposed amendments during a meeting on November 1, 2011. The Planning Commission had no discussion about the proposed amendments during that meeting.

ATTACHMENTS:

- Markup of the Affected Sections of Article 6
- Percentage of renters versus percentage of owner-occupied homes in Old Town compared to the City overall

PLEASE NOTE: In the below, the black text marks the current regulations, the red marks the originally proposed regulations, and the blue marks proposed changes since this came before you last fall.

PROPOSED AMENDMENTS TO SECTION 6-100, SUBSECTIONS (C)(3) AND (J)(2)

6-100 (C) (3) Surfacing

(a) General

All off-street parking and loading areas shall be surfaced with asphalt, concrete, brick, stone, pavers, or an equivalent material, except as provided for in Section 6-100(J)(8), Alternative Materials. These materials shall be maintained in a smooth, well-graded condition. Except for single-family residential development, including but not limited to residential rental properties in Old Town on adjacent parcels under common ownership through ~~as allowed as an Alternative Parking Plan ((Section 6-100(J)(8))~~, gravel shall not be used to satisfy the minimum number of required off-street parking spaces.

Section 6-100 (J) (2) Shared Parking

Requests for shared parking shall comply with all of the following standards:

(a) Same or More Intensive Use

A shared parking area shall be located on a site with the same or more intensive zone district classification than required for the primary uses served.

1. Those wishing to use shared parking as a means of satisfying the off-street parking standards must submit a shared parking request that justifies the feasibility of shared parking. Justification shall include information on the size and type of the proposed development, the composition of tenants, the anticipated rate of parking turnover, and the anticipated peak parking and traffic loads for all uses that will be sharing off-street parking spaces.
 - a. The maximum reduction in the number of parking spaces required for all uses sharing the parking area shall be fifty percent (50%).
 - b. Directional signage which complies with the standards of this Ordinance shall be added to direct the public to the shared parking spaces. It is preferable for the employees of an establishment to utilize these spaces.
2. A shared parking plan shall be enforced through written agreement among all owners of record. An attested copy of the agreement between the owners of record must be recorded. Recordation of the agreement shall take place prior to issuance of a Zoning Permit (see Section 2-300(O)) for any use to be served by the shared parking area. A shared parking agreement may be revoked only if all required off-street parking spaces will be provided in accordance with the requirements of Table 6-100(D)(1), *Minimum Off-Street Parking Standards*.

~~However, for residences under common ownership~~ residential rental properties in Old Town on adjacent parcels under common ownership in Old Town, ~~that have an outward appearance of a single-family home but that have a multi-family use~~, a shared parking plan shall be enforced through the approved Site Plan for the project. As part of this approval, the owner of the properties may eliminate one or more driveways that previously served the single-family residences. However, the associated curb cuts onto the adjacent street must remain so that if the parcels are ever sold independently from one another in the future, the new owners may re-establish the driveways.

6-100 (J) (8) Alternative Materials

The use of pervious or semi-pervious parking area surfacing materials, including but not limited to grass, mulch, ~~grass-crete~~, or recycled materials such as glass, rubber, used asphalt, brick, block and concrete may be approved for up to twentyfive percent (25%) of the required vehicular surface area on a site provided that such areas are properly maintained. Where possible, such materials should be used in areas proximate to and in combination with on-site stormwater control devices.

The use of alternative materials as listed in the paragraph above, or, in the rear of the structure, the use of gravel, may be approved for up to 100% of the required vehicular surface area for residential rental

properties in Old Town on adjacent parcels under common ownership, ~~residences in Old Town that have an outward appearance of a single-family home but that are have a multi-family use,~~ provided that such areas are properly maintained. However, the Planning and Development Director may require the paving of the parking areas and associated driveways in part or in whole to facilitate access to dumpsters, to protect highly-traveled areas such as entrances and exits from disrepair, and/or when parking areas exhibit frequent signs of disrepair.

PROPOSED NEW SUBSECTION AT 6-800 (F) (4)

6-800 (F) (4) (h) Location and Visibility of Parking Areas and Access Drives

~~When p~~**Parking areas for structures in Old Town that have an outward appearance of a single-family home but that have a multi-family use residential rental properties in Old Town on adjacent parcels under common ownership are required to be located to the rear of the structures.**~~-In a few limited situations, such as but not limited to topography, the location of an existing structure too close to the rear property line to accommodate parking there, the presence of a single-family use adjacent to the proposed rear parking area, or to protect a heritage tree(s), the Planning and Development Director may allow parking on another portion of the property besides to the rear of the structure.~~

~~T~~**he visibility of these parking areas from public viewing areas, such as adjacent streets, and from neighboring properties should must be minimized through screening landscaping materials, fencing, or other means.** This screening may take the form of a vegetative or solid material fence (such as but not limited to wood or masonry) that is at least 6 feet tall and at least ninety percent (90%) opaque.

The access drives that serve these parking areas must be internal to the properties served.

**Comparison of Percentage of Renter-Occupied Versus Owner-Occupied Housing Units
in Old Town and the City as a Whole**

Data from 2010 Census

Old Town

Total occupied households = 5,284

Owner-occupied= 2,169 (41%)

Renter-occupied: 3,115 (59%)

Citywide

Total occupied households = 25,705

Owner-occupied= 13,715 (53%)

Renter-occupied=11,990 (47%)