

Minutes

Planning and Zoning Committee Meeting

March 1, 2023

3:30pm

The York County Planning and Zoning Committee met on the above date at 3:30pm., in the large conference Room at the Heckle Complex, 1070 Heckle Boulevard, Rock Hill, SC, with the following members present; Council member, Debi Cloninger, Council member Allison Love and Council member William “Bump” Roddey. Also present were, County Manager, David Hudspeth, County Attorney Michael Kendree and Clerk to Council, Karen Brogdon.

Jonathan Buono, Diane Dil, Josh Reinhardt, and Jamie Catoe also attended.

Discussion regarding Section 155.1327 Technical Studies: County Attorney, Michael Kendree explained that this amendment would expand beyond the limited context that is required now to any rezoning application by expanding the application of the studies and adding a new provision that spells out the implementation of the technical studies conclusion. This is separate and distinct from the Traffic Impact Analysis (TIA).

Motion was made by Council member Allison Love and seconded by Council member William “Bump” Roddey to approve the modifications recommended to the technical studies ordinance. Motion Carried. Council member William “Bump” Roddey voted in opposition.

Discussion regarding permitting schools in AGC, AGC-I, and OI: Jonathan Buono, Planning & Development Director explained that this proposed modification would allow schools by right in ACG, AGC-I, and OI and this modification would also address the existing non-conforming issues.

No action needed by the committee members.

Discussion regarding proposed tree conservation changes: Mr. Buono explained the modifications to the existing ordinance:

- Land designated as tree save to meet the requirements of the part shall:
 - Be maintained in a natural condition in perpetuity;
 - Be permanently protected through deed restrictions, covenants, or other legal instruments to provide for the continued protection of threes within the designated area;
 - Prohibit the removal of any trees in fair or better condition. Removal of such trees from tree save areas will require mitigation by planting of new trees equal to at least 100% of the cumulative DBH of the trees removed.
- Non-residential Tree Save Requirements, New non-residential developments must retain a minimum of 15% of the existing on site tree canopy as tree save area.
- Mitigation for Removal of Grand Trees

- Mitigation required. Land development activity that results in the removal of grand trees, including those subject to the administrative approval or a waiver, shall provide replacement or mitigation through one of the following methods, or a combination thereof;
 - Preserving additional tree save area above the minimum required in 154.195(A), at a rate of 150sf per inch of DBH of the trees removed;
 - Planting new trees at a rate of 0.75:1 per inch of DBH of the trees removed; or
 - In cases where the total amount of additional tree save or planting is impractical or would compromise the health of preserved or planted trees, as determined by the Planning & Development Services Director, the Director may approve a fee-in-lieu of mitigation by payment to the York County Tree Fund.
 - The amount of the fee-in-lieu payment shall be based upon a bid, contract, or similar instrument to plant trees in a manner consistent with the York County Design Manual, subject to the approval by the Director, at a rate of 0.75:1 per inch of DBH of the trees removed.
 - No more than half of the cumulative DBH of the trees removed may be mitigated through a fee-in-lieu payment. The balance of required mitigation shall be fulfilled through other methods.
 - The fee-in-lieu subject to this subparagraph shall be deposited into the York County Tree Fund and used for the purposes identified in 154.206: York County Tree Fund Established

Table*Error! Reference source not found.*-2: Example Calculations of Grand Tree Mitigation Methods

<u>Cumulative DBH of Removed Trees: 80 in</u>		
<u>Method A: Additional Tree Save</u>		<u>80 in x 150 sf/in = 12,000 sf</u>
<u>Method B: New Tree Plantings</u>		<u>80 in x 0.75 = 60 in (planting DBH)</u>
<u>Method C: Fee-in-lieu</u>		<u>40 in¹ x 0.75 = 30 in (cost estimate of planting paid to Tree Fund)</u>
<u>Example Combination</u>	<u>Method A (20 in)</u>	<u>20 in x 150 sf/in = 3,000 sf tree save</u>
	<u>Method B (20 in)</u>	<u>20 in x 0.75 = 15 in (planting DBH)</u>
	<u>Method C (40 in)</u>	<u>40 in¹ x 0.75 = 30 in (cost estimate of planting paid to Tree Fund)</u>
	<u>Total DBH mitigated = 80</u>	

Key: in = inches | sf = square feet

¹ The maximum allowable fee-in-lieu payment can mitigate no more than half of the cumulative DBH of the trees removed.

- York County Tree Fund Established
 - The York County Tree Fund will be established as a separate, interest-bearing account managed by the County, and will be used solely for the purposes of:
 - Tree purchase and installation of new trees on public property and rights-of-way;
 - Maintenance of existing tree canopy on public property and rights-of-way;
 - Maintenance of existing tree canopy on public property and rights-of-way;
 - Purchase of real property for the purposes of tree plantings or permanently protecting a wooded area with the application of conservation easement;
 - Purchase conservation credits for public development projects; and
 - Administration of the activities authorized by this Section

Motion was made by Council member Allison Love and seconded by Council member William “Bump” Roddey to approve the tree conservation modifications. Motion Carried.

Discussion regarding event venues: Mr. Buono provided the proposed modifications to allow for event venues:

(A) **Venue Capacity.** The maximum number of users an event venue or large capacity event venue may accommodate at one time shall be limited to the maximum capacity of the venue, as determined by applicable building code, fire code, and/or parking requirements.

(B) **Minimum Lot Size.**

(1) There is no minimum lot size required for event venues located in the GC, OA, and MU Districts.

(1)(2) All ~~large capacity~~ event venues in the AGC, AGC-I, RUD, ~~and RUD-I~~, and RC Districts must be located on a lot of at least ~~ten~~**five** acres in size. Event venues uses, other than large capacity event venues, can be on lots smaller than ten acres with an approved Special Exception.

(B)(C) **Vehicular Access.** Vehicular access to the site shall be adequate in terms of width, vertical clearance, and construction to support emergency vehicles, and shall meet all applicable provisions of the adopted fire code.

(D) **Parking.**

~~(1) Surface Materials. For the purpose of site plan review, event venue and large capacity event venues shall be deemed commercial uses.~~ Parking associated with an event venue or large capacity event venue in any zoning district may be paved or constructed of pervious materials.

~~(2) Rural Surface Materials. In the AGC, AGC-I, RUD, ~~and~~ RUD-I, and RC Districts, parking may be ~~constructed of~~ surfaced with grass or gravel, if properly graded.~~

~~(3) In any case, Handicap Parking. Required~~ handicap parking spaces shall be constructed in accordance with the version of the [Americans with Disabilities Act Standards for Accessible Design](#) (ADA Standards) in effect at the time of the permit application.

~~(4) On-Street Parking Prohibited. Parking associated with an event venue or large capacity event venue shall not occur in a public or private right-of-way or easement.~~

(E) Separation. Outdoor gathering areas, including parking areas, decks, patios, gazebos, fire pits, and docks, shall be located at least 3200 feet from any dwelling units not located on the same parcel as the event venue, whether or not such dwelling units are located in the incorporated or unincorporated area of York County. For the purposes of this Section, measurements shall be taken in a straight line from the portion of the outdoor gathering area nearest the dwelling unit to the dwelling unit.

~~(G)~~**(F) Building Permits.** Building permit applications associated with an event venue or large capacity event venue may be filed concurrently with a zoning compliance application or pursuant to an approved zoning compliance. As required by § 40-3-280 of the South Carolina Code of Laws, all drawings submitted for building permits for buildings of assembly must be sealed by an architect registered in South Carolina.

§ 155.261 OPERATION REGULATIONS.

(A) On-Site Management. An on-site manager shall be present and available for the duration of all events occurring at the event venue or large capacity event venue. Up-to-date contact information for the on-site manager shall be included ~~on the venue's website, on marketing materials for the venue, and~~ in the venue's operational plan. Updated contact information shall be provided to the Zoning Administrator ~~anytime whenever~~ the on-site manager's contact information changes.

(B) Hours of Operation for Outdoor Gathering Areas.

(1) With the exception of parking areas, outdoor gathering areas associated with an event venue or large capacity event venue that are located within 300 feet of a dwelling unit on another lot shall cease operation by 10:00 p.m. This distance shall be measured in a straight line from the edge of the outdoor gathering area nearest the dwelling unit to the dwelling unit.

(2) Amplified music or other sound in any outdoor gathering areas shall cease no later than 11:00 p.m.

~~(G)~~ **Noise Ordinance.** At all times, the facility shall comply with the maximum permitted sound levels identified in Subchapter D, Part 7: *Performance Standards*.

~~(D)(C) **Venue Capacity.** The maximum number of users an event venue or large capacity event venue may accommodate at one time shall be limited to the maximum capacity of the venue, as determined by applicable building code, fire code, and/or parking requirements.~~

§ 155.262 OPERATIONS PLAN.

~~(A)~~ An operational plan for all event venues and large capacity event venues shall be submitted with the ~~permit~~ application, describing generally how the facility will operate.

~~(A)(B)~~ Substantive changes to the operational plan or substantive changes in the actual operation of the venue that vary from the approved plan shall require additional approval by the BZA or the Zoning Administrator, as applicable.

~~(B)(C)~~ The operational plan submitted with the permit application shall include, at a minimum, the following items:

- (1) Maximum capacity of the facility, based on building code, fire code, and/or parking requirements;
- (2) Contact information for the on-site facility manager;
- (3) Whether the venue will operate seasonally or year-round;
- (4) Type(s) of events anticipated/marketed;
- (5) Anticipated annual number of events; and
- (6) How solid waste will be disposed of (private vs. public collection).

York County Code of Ordinances, Zoning Code, Subchapter C, Subpart 5.9: RURAL EVENT VENUES is hereby deleted in its entirety.

York County Code of Ordinances, Zoning Code, Subchapter J, Section 155.1301 DEFINED TERMS is hereby amended to revise, delete, or add the following definitions, as follows:

EVENT VENUE, LARGE CAPACITY. An event venue with a capacity greater than ~~100~~ 150 people, as determined by applicable building code, fire code, and/or parking requirements.

Motion was made by Council member Allison Love and seconded by Council member William “Bump” Roddey to approve the proposed modifications to the event venue ordinance. Motion Carried.

Discussion regarding new gravel roads: Mr. Buono stated that this is a follow up discussion regarding a developer that is interested in creating a large lot subdivision, rural community, minimal noise with gravel roads. Staff has no proposed ordinance at this time.

Motion was made by Council member William “Bump” Roddey and seconded by Council member Allison Love to deny any gravel road options in York County. Motion Carried.

Discussion regarding traffic impact analysis requirements: Diane Dil, Planning Manager explained that Council directed Planning staff to provide a review of the existing Transportation Impact Analysis (TIA) policy and procedures.

Staff recommends expanding the Tier 0 threshold to include the Tier 1 thresholds as well. The ordinance could include language that still requires a Tier 1 study in areas with high vehicle crash incidents or nearby known failing intersections.

The Tier 2 TIA works well in achieving its purpose and staff does not recommend changes to its threshold or procedures. Staff does recommend considering an additional component of the transportation network. Traffic studies in York County examine the external transportation network, while some jurisdictions such as the City of Rock Hill also look at the internal site circulation. This additional examination would help determine the need for and function of internal improvements such as turn lanes or roundabouts.

Motion was made by Council member William “Bump” Roddey and seconded by Council member Allison Love to allow staff to report to the committee with a recommendation to adjust the thresholds for the TIA’s. Motion Carried.

There being no further business a motion to adjourn was made by Council member William “Bump” Roddey and seconded by Council member Allison Love. Meeting Adjourned