



YORK COUNTY
PLANNING COMMISSION
AGENDA • FEBRUARY 10, 2025



Planning Commission

York County Government Center
6 South Congress Street
York, SC 29745

6:00 PM

Call to Order/Invocation

Approval of the Agenda

Adoption of Minutes

1. Planning Commission - Planning Commission - Jan 13, 2025 6:00 PM

New Business

1. Rezoning 25-01 - Oz Custom Built Homes Inc (Applicant/Owner); requesting to rezone three parcels totaling 7.46 acres from RSF-40 to RMX-10. The subject parcels are located on Lurecliff Place, Fort Mill. The properties are referenced as tax map numbers 718-00-00-009, -062, -073; Council District 1 - Audette.
2. Rezoning 25-02 JCI Homes LLC (Applicant/Owner); requesting to rezone a 1.01-acre parcel from RMX-10 to OI. The subject parcel is located at 1850 Dobys Bridge Road, Fort Mill. The property is referenced as tax map number 738-00-00-042; Council District 7 - Cloninger.
3. Rezoning 25-03; York County Council has initiated the rezoning of 6 parcels within 3 multifamily communities from OI or RMX-20 to the newly created RMX-6 zoning district, thus removing their nonconforming status.
4. Planning Commission to review and provide a recommendation to amend Chapter 154: Land Development Code to revise the definition of a minor subdivision.
5. Planning Commission to review and provide a recommendation to amend Chapter 155: Zoning Code to revise the nonconforming section as it relates to nonconforming lots, nonconforming residential uses, and nonconforming nonresidential uses.

Other Business

1. Rezoning Tracking Sheet

“York County is committed to assuring accessibility with reasonable accommodation, of county services, facilities, employment and programs for all individuals, in compliance with federal law. Please contact the County Manager’s Office at 803-684-8511 if you need assistance.”

Executive Session:

Matters for Consideration Following Executive Session

Adjournment

“York County is committed to assuring accessibility with reasonable accommodation, of county services, facilities, employment and programs for all individuals, in compliance with federal law. Please contact the County Manager’s Office at 803-684-8511 if you need assistance.”



YORK COUNTY
PLANNING COMMISSION
MINUTES • JANUARY 13, 2025
DRAFT



Planning Commission

York County Government Center
 6 South Congress Street
 York, SC 29745

6:00 PM

Planning Commission to Elect Officers for 2025

Present, Chairman, District 6 Matthew Velkovich, District 1 Kate Kraxberger, District 2 John Segura, District 3 Aubrie Paraham, Vice Chair District 4 Antonio Mickel, District 5 Mike Duralia, District 7 Tom Bach, Planning Manager Diane Dil, Zoning Administrator Rachel Grothe, Long Rang Planner Thomas Newlin, Deputy Assistant Attorney Laura Dover, Secretary Bonnie Marsiglia

The meeting was called to order at 6:00 p.m. by Matt Velkovich.

Matt called nominations. Tom Bach nominated Matt Velkovich for Chair. Kate Kraxberger seconded the nomination. This was unanimously approved.

Matt Velkovich nominated Antonio Mickel for Vice Chair. Kate Kraxberger seconded the nomination that was unanimously approved.

Approval of the Agenda

The agenda was approved with a motion by Tom Bach and a second by John Segura.

Adoption of Minutes

1. Approval of December 9, 2024 Planning Commission Minutes

The minutes from December 9, 2024 were unanimously approved with a motion by Kate Kraxberger and a second by Antonio Mickel.

Old Business

1. The York County Planning Commission to receive information, and review and provide a recommendation on an Ordinance adopting a Public Education Facilities Impact Fee to be imposed on all new residential development in the Fort Mill School District No. 4 pursuant to York County Ordinance No. 2718: Impact Fee Procedures.

The Commissioners discussed level of service "LOS" calculation factors, projected enrollments, cost of housing, and affordable housing with the help of Leanne Lordo, Associate Superintendent Finance & Operations/CFO with Fort Mill School District and Kristy Spears, District School Board Chair.

Matt Velkovich motioned to approve the ordinance. Kate Kraxberger seconded the motion. The motion was approved unanimously 7/0.

APPROVED Unanimous
 MOVANT: Matt Velkovich
 SECOND: Kate Kraxberger
 AYES: Velkovich, Kraxberger, Segura, Parham, Mickel, Duralia, Bach

2. Planning Commission to consider adopting a Resolution recommending an Ordinance enabling the Public Education Facilities Impact Fee to be imposed on all new residential development in the Fort Mill No. 4 School District for adoption by the York County Council.

APPROVED Unanimous
 MOVANT: Mike Duralia
 SECOND: Tom Bach
 AYES: Duralia, Bach, Kraxberger, Segura, Parham, Mickel, Velkovich

New Business

1. Rezoning 24-63 Thomas McCall (Applicant/Owner); requesting to rezone two parcels that total 6.73 acres from UD and RMX-20 to RUD. The subject parcels are located on Dulin Road in the Clover community. The properties are referenced as tax map numbers 373-00-00-027; -167; Council District 2 - Litten.

Thomas Newlin presented the request. Tom Bach motioned for approval. John Segura seconded the motion that was passed unanimously 7/0.

APPROVED Unanimous
 MOVANT: Tom Bach
 SECOND: John Segura
 AYES: Bach, Segura, Kraxberger, Parham, Mickel, Duralia, Velkovich

2. Rezoning 24-64 Nick and Kathrin Brown (Applicant/Owner); requesting to rezone two parcels totaling 12 acres from RMX-20 to RUD. The subject parcels are located at 4817 Mt. Gallant Road, Rock Hill. The properties are referenced as tax map numbers 546-00-00-027; -209; Council District 6 - Huckabee.

Thomas Newlin presented the request. The Commissioners had a questions on ownership and if the applicant was looking to combine the parcels. Kate Kraxberger motioned for approval. John Segura seconded the motion that was passed unanimously 7/0.

APPROVED Unanimous

MOVANT: Kate Kraxberger
 SECOND: John Segura
 AYES: Kraxberger, Segura, Parham, Mickel, Duralia, Velkovich, Bach

3. Rezoning 24-65 Vernie Paulette Melton Hall (Applicant/Owner); requesting to rezone a 1.54-acre parcel from UD to RSF-30. The subject parcel is located at 104 Ervin Street, Clover. The property is referenced as tax map number 363-00-00-114; Council District 2 - Litten.

Thomas Newlin presented the request. The Commissioners had questions regarding lot splitting and easements Tom Bach motioned for approval. Antonio Mickel seconded the motion that was passed unanimously 7/0.

APPROVED Unanimous
 MOVANT: Tom Bach
 SECOND: Antonio Mickel
 AYES: Bach, Mickel, Kraxberger, Parham, Duralia, Velkovich, Bach

4. Rezoning 24-66 Ognibene North America, LLC (Applicant) SRE SC-3, LLC (Owner); requesting to rezone a 16.77-acre parcel from LI to ID. The subject parcel is located on Wilson Business Parkway, Fort Mill. The property is referenced as tax map number 716-00-00-066; Council District 1 - Audette.

Thomas Newlin presented the request. There was discussion on deed restrictions and uses. Matt Velkovich made a motion to approve with the added condition that if the deed restriction is to be changed, that it also has to be approved by County Council in addition to the staff recommended condition.

Executive Session

At 6:54 p.m. Mike Duralia requested to go into Executive Session for legal advice on this. John Segura seconded the motion approved unanimously. At 7:05 p.m. the Commissioners returned from Executive Session with no action taken.

Matt Velkovich amended his motion. Matt recommended approval with a restrictive covenant agreement that lists only the uses allowed and that any change would be subject to the existing ordinances in place at the time and would require the applicant to apply for zoning compliance with the County, also that the covenant be recorded with the York County Register of Deeds within 90 days of the rezoning approval. Kate Kraxberger seconded the motion that was passed unanimously 7/0.

APPROVED Unanimous
 MOVANT: Matt Velkovich
 SECOND: Kate Kraxberger

AYES: Velkovich, Kraxberger, Segura, Parham, Mickel, Duralia, Bach

5. Rezoning 24-67 Georgia Pappas (Applicant) GTA Properties, LLC (Owner); requesting to rezone a 4.86-acre parcel from UD to GC. The subject parcel is located at 3071 Highway 21, Fort Mill. The property is referenced as tax map numbers 721-00-00-015; Council District 7 - Cloninger.

Thomas Newlin presented the request. Tom Bach motioned for approval. Aubrie Parham seconded the motion that was passed unanimously 7/0.

APPROVED Unanimous
 MOVANT: Tom Bach
 SECOND: Aubrie Parham
 AYES: Bach, Parham, Kraxberger, Segura, Mickel, Duralia, Velkovich,

6. Rezoning 24-68 Robert Ward (Applicant) Robert Ward and Logan Ward (Owners); requesting to rezone a 1.26-acre parcel from UD to RMX-20. The subject parcel is located at 3330 Pikeview Road, Fort Mill. The property is referenced as tax map number 726-00-00-041; Council District 7 - Cloninger.

Thomas Newlin presented the request. Kate Kraxberger motioned for approval. Matt Velkovich seconded the motion that was passed 6/1.

APPROVED 6 to 1
 MOVANT: Kate Kraxberger
 SECOND: Matt Velkovich
 AYES: Kraxberger, Velkovich, Segura, Parham, Mickel, Duralia
 NAYS: Bach

7. Planning Commission to review and provide a recommendation to amend Chapter 155: Zoning Code to increase the maximum size allowed for accessory structures on lots less than one acre.

Rachel Grothe present the accessory structures zoning code text amendment with example. There was discussion regarding the term "building footprint" and wanting to make sure it is in the code. Matt Velkovich motioned for approval. Antonio Mickel seconded the motion that was unanimously approved 7/0.

APPROVED Unanimous
 MOVANT: Matt Velkovich
 SECOND: Antonio Mickel
 AYES: Velkovich, Mickel, Kraxberger, Segura, Parham, Duralia, Bach

8. Planning Commission to review and provide a recommendation to amend Chapter 155: Zoning Code to establish a new administrative adjustments procedure, which could be requested by an applicant when a project cannot meet, or exceeds, a quantitative standard of the code.

Diane Dil presented the zoning code text amendment for administrative adjustments with example. There was discussion as to the types of things the Administrative Adjustment could be applied to. Mike Duralia motioned to approve. Matt Velkovich seconded the motion that was unanimously approved 7/0.

APPROVED	Unanimous
MOVANT:	Mike Duralia
SECOND:	Matt Velkovich
AYES:	Duralia, Velkovich, Kraxberger, Segura, Parham, Mickel, Bach

Other Business

1. Rezoning Tracking Sheet

Executive Session

Matters for Consideration Following Executive Session

Adjournment

The meeting was adjourned at 7:53 p.m. with a motion by Antonio Mickel and second by Aubrie Parham.

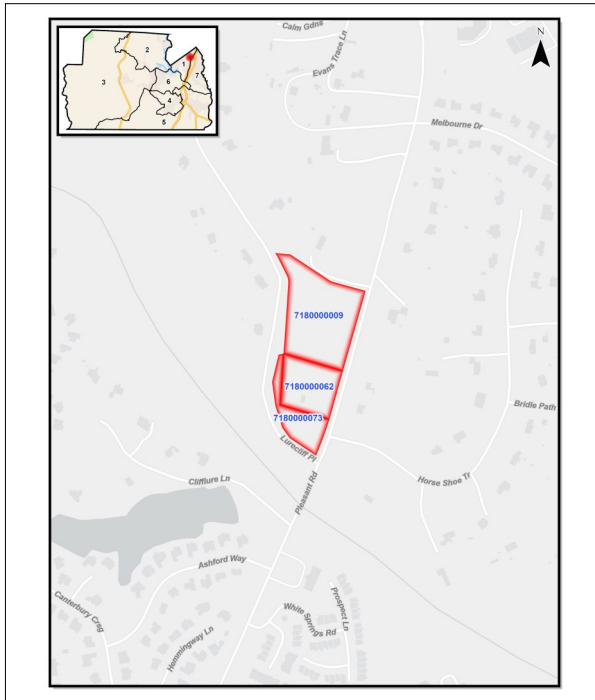
PLANNING COMMISSION

**REZONING 25-01 - OZ CUSTOM BUILT HOMES INC (APPLICANT/OWNER);
REQUESTING TO REZONE THREE PARCELS TOTALING 7.46 ACRES FROM RSF-
40 TO RMX-10. THE SUBJECT PARCELS ARE LOCATED ON LURECLIFF PLACE,
FORT MILL. THE PROPERTIES ARE REFERENCED AS TAX MAP NUMBERS 718-
00-00-009, -062, -073; COUNCIL DISTRICT 1 - AUDETTE.**



Planning Commission February 10, 2025

Case: 25-01
Staff Report



REQUEST SUMMARY

Applicant: Oz Custom Built Homes Inc.

Property Owner: Oz Custom Built Homes Inc.

Tax Map Number: 718-00-00-073, 718-00-00-062, 718-00-00-009

Address: 1208, 1220 Lurecliff Pl, Fort Mill

Council District: 1—Audette

Requested Action: Rezone 7.46 acres from RSF-40 to RMX-10

Staff Planner: Thomas Newlin

Staff Recommendation: Deny

PROJECT DESCRIPTION

The applicant is requesting to rezone three parcels; 1.28 acres, 1.98 acres, and 4.03 acres, from Residential Single Family 40 (RSF-40) to Residential Mixed 10 (RMX-10) to build fifteen single family detached homes.

CONSISTENCY WITH THE COMPREHENSIVE PLAN

The subject parcels are designated with the *Single Family Residential* future land use in the *York Forward 2035 Comprehensive Plan*. This designation is described as places composed primarily of single-family detached homes on large lots in residential subdivisions that exhibit a rural or suburban character. Small-scale office and civic uses are located at major street intersections or adjacent to similar uses and are designed to blend in with the residential character of the area.

The rezoning request is not consistent with the Future Land Use Map and *York Forward 2035 Comprehensive Plan*. The proposed RMX-10 zone is several magnitudes more dense than the current and surrounding RSF-40 zone; and would allow duplex, triplex, and quadplex style dwelling units in an area otherwise characterized by detached large lot single family residential homes. Since the RMX-10 zoning district is not present in the area and the request is not supported by the Comprehensive Plan, this action could be considered spot zoning.

Staff Analysis

PROPERTY DESCRIPTION

The three parcels encompass a total area of 7.46 acres. The parcels compose the space between Lurecliff Place and Pleasant Rd. All three are vacant aside from ample tree cover and a stream that runs along the eastern side. There was a dwelling and associated accessory buildings on parcel TM# 718-062, but they have been demolished.

Table 1: Property Context

PROXIMITY	CURRENT LAND USE	CURRENT ZONING	2035 LAND USE PLAN RECOMMENDATION
NORTH	Residential	RSF-40	Single Family Residential
SOUTH	Residential	RSF-40	Single Family Residential
EAST	Residential	RSF-40	Single Family Residential
WEST	Residential	RSF-40	Single Family Residential

ZONING AND LAND USE HISTORY

- ◆ May 3, 1973 Recorded plat of subject parcel TM# 718-073 (PB 50, PG 119)
- ◆ September 21, 1976 Recorded deed of subject parcel TM# 718-073 (DB 536, PG 883)
- ◆ July 7, 1978 Recorded plat of subject parcel TM# 718-009 (PB 55, PG 212)
- ◆ May 8, 1979 Recorded deed of subject parcel TM# 718-009 (DB 593, PG 578)
- ◆ July 22 1986: Subject parcel was originally zoned RSF-40.
- ◆ August 10, 1995 Recorded plat of subject parcel TM# 718-062 (PB A-26, PG 9)
- ◆ September 12, 1995 Recorded deed of subject parcel TM# 718-062 (DB 1337, PG 190)
- ◆ November 2, 2023 Recorded current deed of subject parcels TM# 718-073, -062, -009 (DB 20975, PG 252)
- ◆ November 30, 2023: Recorded current plat of subject parcels TM# 718-073, -062, -009 (PB 171, PG 470).

REZONING REQUEST

The applicant is requesting to rezone approximately 7.46 acres from RSF-40 to RMX-10.

- ◆ *Current Zoning District: Residential Single Family 40 (RSF-40). This district accommodates detached single-family residential uses and compatible institutional and non-residential land uses on lots generally with a minimum area of 40,00 square feet, is designed to preserve and protect the character of existing large-lot residential subdivisions in areas transitioning from rural to suburban development patterns, and is intended to encourage residential development that complements the character of large-lot residential subdivisions.*
- ◆ *Proposed Zoning District: Residential Mixed 10 (RMX-10). This district is designed to allow a diversity of housing types at moderate densities based on residential land use, on lots generally with a minimum area of 10,000 square feet, is applied principally to undeveloped parcels where housing type and density flexibility will complement the character of existing residential neighborhoods, and where public water and sewer is readily available.*

Table 2: Zoning District Comparison

	ZONING DISTRICT: RSF-40	ZONING DISTRICT: RMX-10
MINIMUM LOT SIZE	40,000 SF	10,000 SF
PERMITTED LAND USES	Residential, single family detached	Single family detached, duplex, triplex, quadplex

Exhibit A - Existing Zoning Map

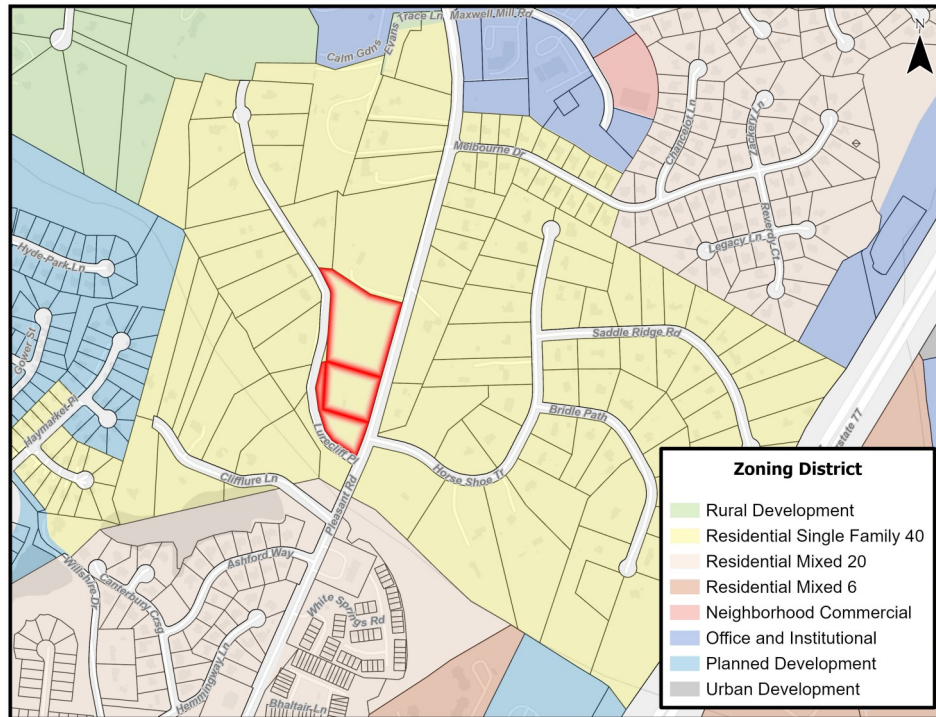
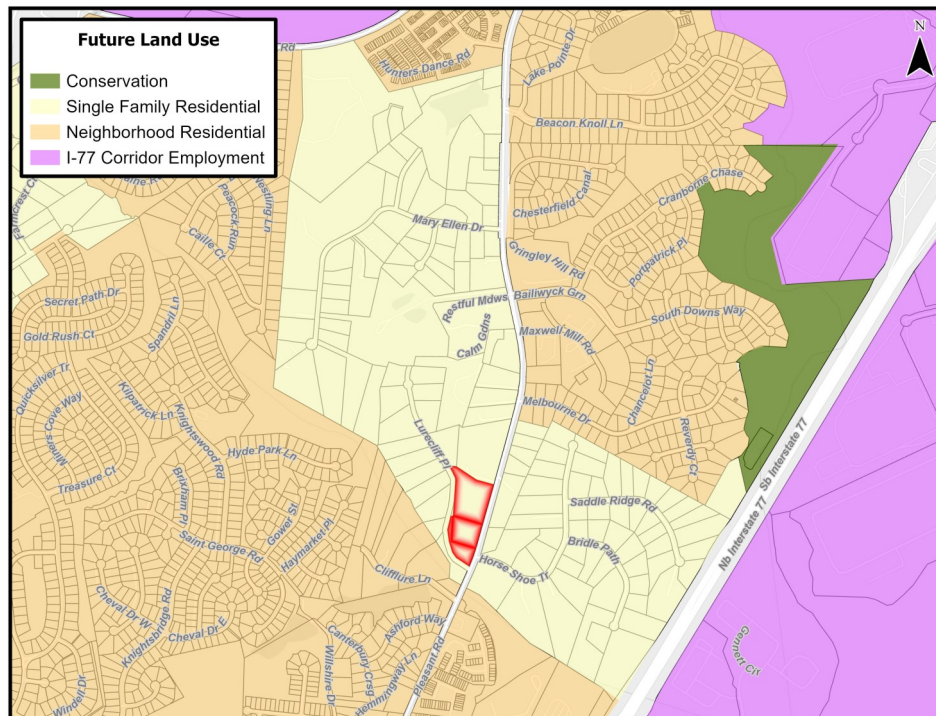


Exhibit B - 2035 Land Use Plan



FINDINGS

Per Section 155.1139 of the York County Code of Ordinances, the Planning Commission must consider the following factors when making a recommendation on any proposed amendment to the zoning map.

A. The relationship between the request and the Comprehensive Plan and Future Land Use Map.

The subject parcels are designated with the *Single Family Residential* future land use in the *York Forward 2035* Comprehensive Plan. This designation is described as places composed primarily of single-family detached homes on large lots in residential subdivisions that exhibit a rural or suburban character. Small-scale office and civic uses are located at major street intersections or adjacent to similar uses and are designed to blend in with the residential character of the area.

B. Whether the request is consistent with the Comprehensive Plan and Future Land Use Map.

The rezoning request is not consistent with the Future Land Use Map and *York Forward 2035* Comprehensive Plan. The proposed RMX-10 zone is several magnitudes more dense than the current and surrounding RSF-40 zone; and would allow duplex, triplex, and quadplex style dwelling units in an area otherwise characterized by detached large lot single family residential homes. This could be considered spot zoning.

C. Whether the allowed uses in the requested zoning district would be compatible with surrounding land uses.

While both the proposed RMX-10 and present RSF-40 zones exclude all uses outside of residential, RMX-10 does allow attached housing types incompatible with the character and scale of the detached large lot homes allowed in RSF-40.

D. Whether the scale of the proposed development is compatible with the surrounding land uses or the intended future land uses.

The scale of the proposed development is incompatible with the surrounding and intended future land uses. This area is presently zoned RSF-40 for large lot residential uses and encompasses many lots that exceed the 40,000 SF minimum required by the district. The proposed RMX-10 district would allow for lots a quarter of that size, and would allow for a density not expected at the center of a *Single Family Residential* future land use designated area.

E. Whether adequate capacity at public school facilities exists or is planned to serve the needs of the proposed development.

The applicant intends to build fifteen new homes and therefore would have some impact on public school facilities. Based on the School Impact Fee Study prepared by TichlerBise in 2024, the proposed 15 unit residential development would generate 3.54 elementary school students, 2.04 middle school students, and 2.59 high school students.

F. Whether the proposed project will request to connect to public water and sewer service and what entity would provide these utilities.

The properties are located within the York County utility service area and intends to utilize public water and sewer.

G. The relationship of the request to the existing road network, current road capacity, and the most recent annual average daily trip counts.

The parcels to be rezoned have frontage on Pleasant Road and Lurecliff Place. Pleasant Road is maintained by SCDOT as S-21 and has an average daily volume of 9,200 trips per day. Pleasant Road is designated as a minor arterial roadway and is currently a paved two-lane roadway with a posted speed limit of 45 mph. Lurecliff Place is maintained by York County, and no count data is available. Lurecliff Place is designated as a local roadway and is currently a narrow, paved roadway with a posted speed limit of 25 mph. It is recommended that all site access should be located on Lurecliff Place.

The applicant is proposing to construct 15 single-family detached dwellings. A traffic study will not be required based on the number of proposed dwellings.

H. Whether the inclusion of certain conditions of approval for the request would better achieve the goals of the Comprehensive Plan.

Staff does not recommend any conditions as part of this request.

NEXT STEPS

The rezoning request is anticipated to follow the process below:

- | | |
|------------------------------------|----------------|
| ◆ Public Hearing: | March 3, 2025 |
| ◆ County Council (First Reading): | March 3, 2025 |
| ◆ County Council (Second Reading): | March 17, 2025 |
| ◆ County Council (Third Reading): | April 7, 2025 |

PLANNING AND DEVELOPMENT STAFF CONTACT

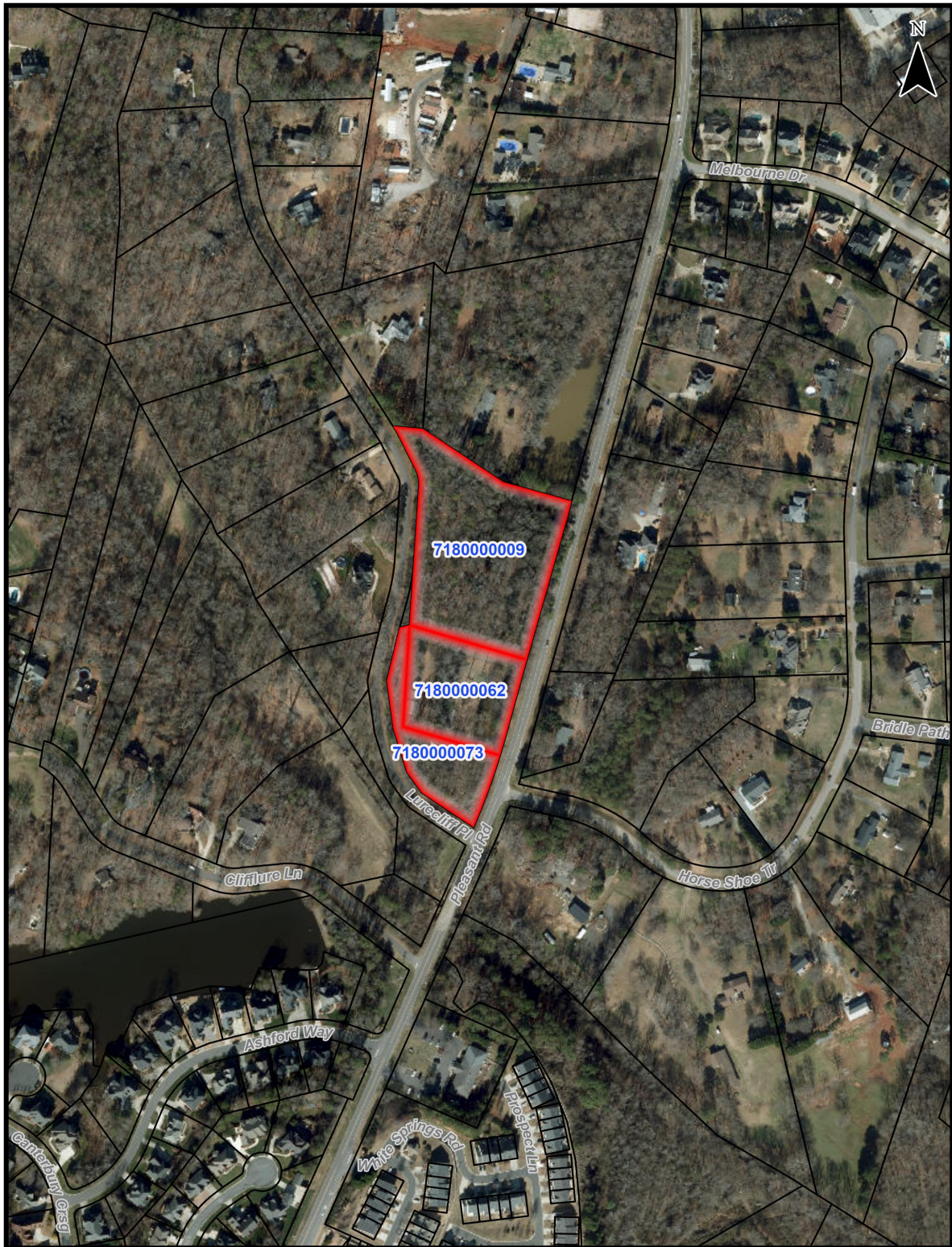
Thomas Newlin

Long Range Planner

(803) 909-7233

Thomas.Newlin@yorkcountygov.com

Exhibit C - Aerial Map

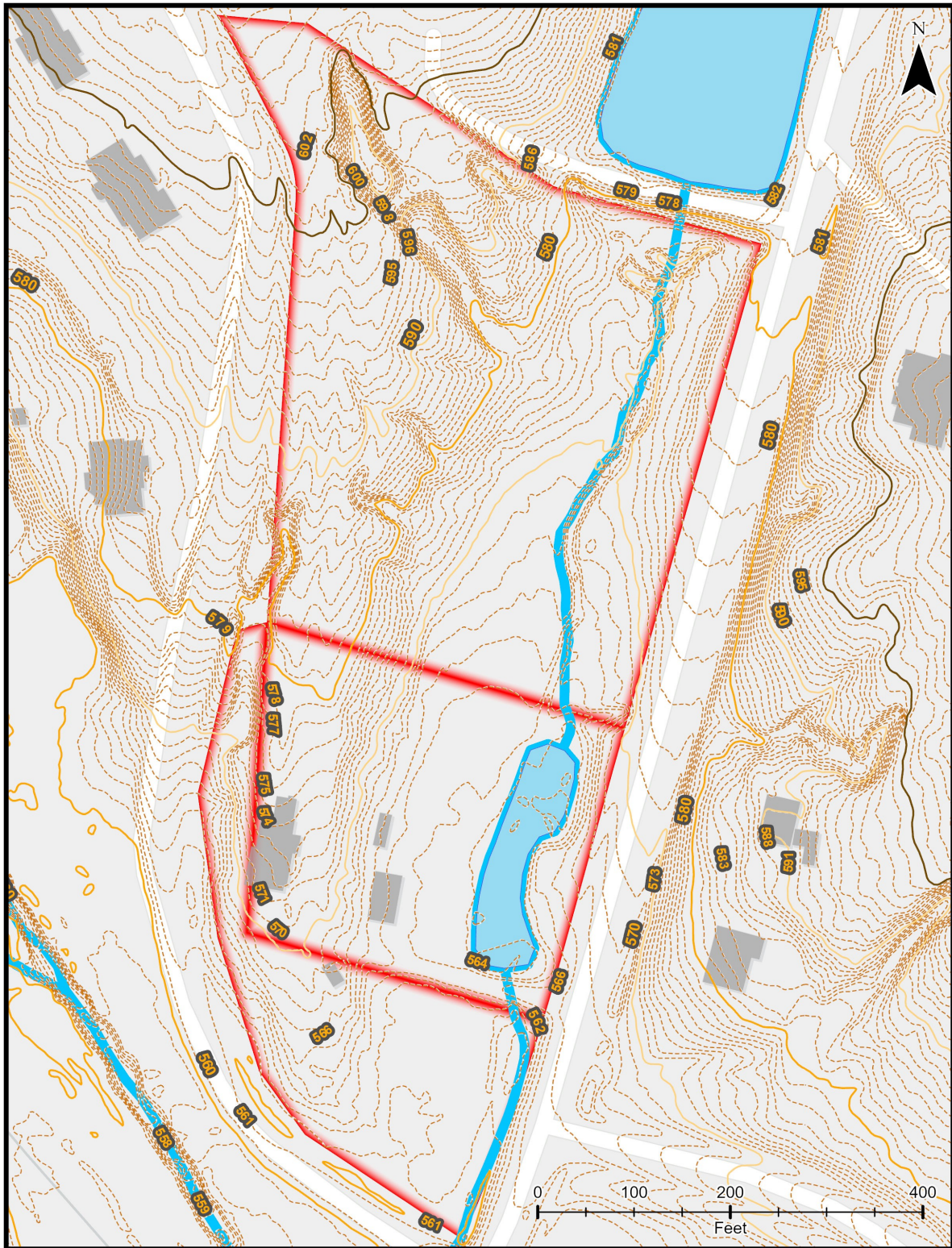


Attachment: 25-01 PC Packet (9101 : 25-01)

Exhibit D - Aerial Map—Parcel

Attachment: 25-01 PC Packet (9101 : 25-01)

Exhibit E - Environmental Map



Attachment: 25-01 PC Packet (9101 : 25-01)

Exhibit F - Site Plan

[illegible]

SUPPLEMENTAL QUESTIONS

1. Please describe the purpose of the rezoning request and the project that is being proposed.

Purpose is to provide a high end price point of single family homes for empty nesters and working professionals.

2. Are there existing structures on the site?

Yes ☐

No ☒

If yes, please describe: Existing home has been demolished

If this request is granted, will the existing structure(s) remain?

Yes ☐

No ☒

If this request is granted, will the use of the structure(s) change?

Yes ☐

No ☒

If yes, structure(s) must meet all current building and fire codes.

3. Does this request propose to utilize public water and sewer?

Yes ☒

No ☐

If yes, municipal utility providers may require signed annexation agreements as a condition of providing services. Please contact your municipal service provider prior to submitting your application.

CERTIFICATION

I hereby certify that I have read this application and the information supplied herein is true and correct to the best of my knowledge. I agree to comply with all applicable County ordinances and state laws related to the use and development of the land. I further certify that I am the property owner, or his/her authorized agent, of the subject site(s). I understand that falsifying any information herein may result in rejection or denial of this request.

APPLICANT(S)

Scott McEath

1/6/2025

DATE

I (we) certify that I (we) are the owners of the property involved in this application and further that I (we) designate the person signing as applicant to represent me (us) in this rezoning application.

PROPERTY OWNER(S)

Scott McEath

1/6/2025

DATE

I certify that any relevant restrictive covenants will be adhered to concerning this rezoning request. To assist verification, I have attached the relevant restrictive covenant information.

not applicable

APPLICANT(S)

DATE

YOU MUST SUBMIT THE ORIGINAL OR DIGITAL SIGNATURES ABOVE. COPIED OR SCANNED IMAGES WILL NOT BE ACCEPTED. ATTACH OWNER'S NOTARIZED WRITTEN AUTHORIZATION IF OWNER'S SIGNATURE CANNOT BE OBTAINED. ALL PROPERTY OWNERS MUST SIGN ABOVE.

REZONING APPLICATION CHECKLIST

The attached application form must be filled out completely and must include the following supporting materials before a request can be accepted and considered complete:

- ☐ **Pre-application meeting (optional)**
- ☒ **Application fee**
- ☒ **Plat or recent survey (if no recorded plat)**
- ☒ **Deed**
- ☒ **Preliminary site plan** (include the following items as applicable)
 - Proposed and existing structures with square footage
 - Parking areas
 - Open space areas
- ☐ **Sketch plan and detailed development plan** (Special Districts Only)
- ☐ **Restrictive covenants** (provide the latest recorded copy, if applicable)

****Staff may request additional information as part of the application****

OFFICE USE ONLY

AMOUNT PAID: _____ CHECK #: _____ CASH AMOUNT: _____

DATE RECEIVED: _____ RECEIPT #: _____

APPLICATION RECEIVED BY: _____

APPLICATION REVIEWED BY: _____

Any information provided on this document may be subject to the SC Freedom of Information Act and may be disclosed to third parties in accordance with applicable law.

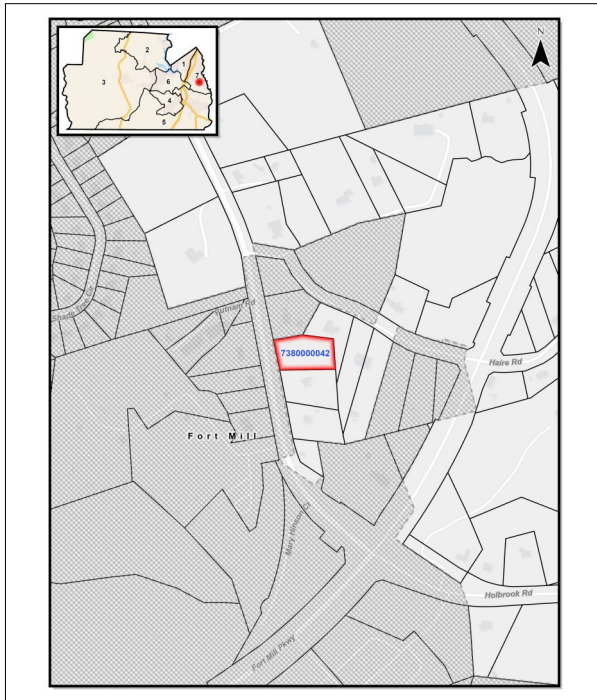
PLANNING COMMISSION

REZONING 25-02 JCI HOMES LLC (APPLICANT/OWNER); REQUESTING TO REZONE A 1.01-ACRE PARCEL FROM RMX-10 TO OI. THE SUBJECT PARCEL IS LOCATED AT 1850 DOBYS BRIDGE ROAD, FORT MILL. THE PROPERTY IS REFERENCED AS TAX MAP NUMBER 738-00-00-042; COUNCIL DISTRICT 7 - CLONINGER.



Planning Commission February 10, 2025

Case: 25-02
Staff Report



REQUEST SUMMARY

Applicant: JCI Homes LLC

Property Owner: JCI Homes LLC

Tax Map Number: 738-00-00-042

Address: 1850 Dobys Bridge Rd, Fort Mill

Council District: 7—Cloninger

Requested Action: Rezone 1.01 acres from RMX-10 to OI.

Staff Planner: Thomas Newlin

Staff Recommendation: Approve

PROJECT DESCRIPTION

The applicant is requesting to rezone a 1.01-acre parcel from Residential Mixed 10 (RMX-10) to Office and Institutional (OI). The purpose is to build an 8,000 SF office building.

CONSISTENCY WITH THE COMPREHENSIVE PLAN

The subject parcel is designated with the *Neighborhood Residential* future land use in the *York Forward 2035 Comprehensive Plan*. This designation is described as places comprised of a mix of housing types and residential lot sizes located in close proximity to neighborhood-serving uses at intersections of major streets, where appropriate. Commercial, office, and civic uses may be clustered along major streets and are complementary in appearance to the surrounding neighborhoods. This property neighbors the Town of Fort Mill's jurisdiction, with those properties zoned Highway Commercial. This zone is primarily for commercial activity that serves surrounding neighborhoods and/or citywide clientele and can include retail, offices, and business support services located in areas which are well served by collector and arterial street facilities.

Since the property is located along a major roadway, is within a three-road intersection of Dobys Bridge Road, Fort Mill Parkway, and Haire Road, and is adjacent to a non-residentially zoned parcel within the Town of Fort Mill, the request is consistent with the Comprehensive Plan. Additionally, Dobys Bridge Park and other office and institutional uses are within the vicinity of the subject parcel. Finally, the proposed OI zoning district is one of the least intensive of the non-residential zones, with little capacity to generate nuisances to neighboring residences.

Staff Analysis

PROPERTY DESCRIPTION

The 1.01-acre subject parcel is a vacant lot surrounded by large lot residences across from the Dobys Bridge Park within the Town of Fort Mill. The subject parcel adjacent parcels are within a three-road intersection, enveloped by Dobys Bridge Rd, Haire Rd, and Fort Mill Pkwy.

Table 1: Property Context

PROXIMITY	CURRENT LAND USE	CURRENT ZONING	2035 LAND USE PLAN RECOMMENDATION
NORTH	Residential	RMX-10/HC (Fort Mill)	Neighborhood Residential/Mixed Use (Fort Mill)
SOUTH	Residential	RMX-10/HC (Fort Mill)	Neighborhood Residential/Mixed Use (Fort Mill)
EAST	Residential	RMX-10/HC (Fort Mill)	Neighborhood Residential/Mixed Use (Fort Mill)
WEST	Vacant/Municipal Park	GR (Fort Mill)	Parks, Recreation and Open Space (Fort Mill)

ZONING AND LAND USE HISTORY

- ◆ February 4, 1974: Recorded current plat of subject parcel TM# 738-042 (DB 46, PG 163)
- ◆ July 22, 1986: Subject parcel was originally zoned RMX-10.
- ◆ February 21, 2024: Recorded current deed of subject parcel TM# 738-042 (PB 21169, PG 29)

REZONING REQUEST

The applicant is requesting to rezone approximately 1.01 acres from RSF-40 to RMX-10.

- ◆ *Current Zoning District: Residential Mixed 10 (RMX-10). This district is designed to allow a diversity of housing types at moderate densities based on residential land use, on lots generally with a minimum area of 10,000 square feet, is applied principally to undeveloped parcels where housing type and density flexibility will complement the character of existing residential neighborhoods, and where public water and sewer is readily available.*
- ◆ *Proposed Zoning District: Office and Institutional (OI). This district is is designed to provide land area for office and institutional development and may be appropriate as a transitional district between industrial and commercial areas or between commercial and residential areas.*

Table 2: Zoning District Comparison

	ZONING DISTRICT: RMX-10	ZONING DISTRICT: OI
MINIMUM LOT SIZE	10,000 SF	None
PERMITTED LAND USES	Single family detached, duplex, triplex, quadplex	Banks, professional offices, day-care

Exhibit A - Existing Zoning Map

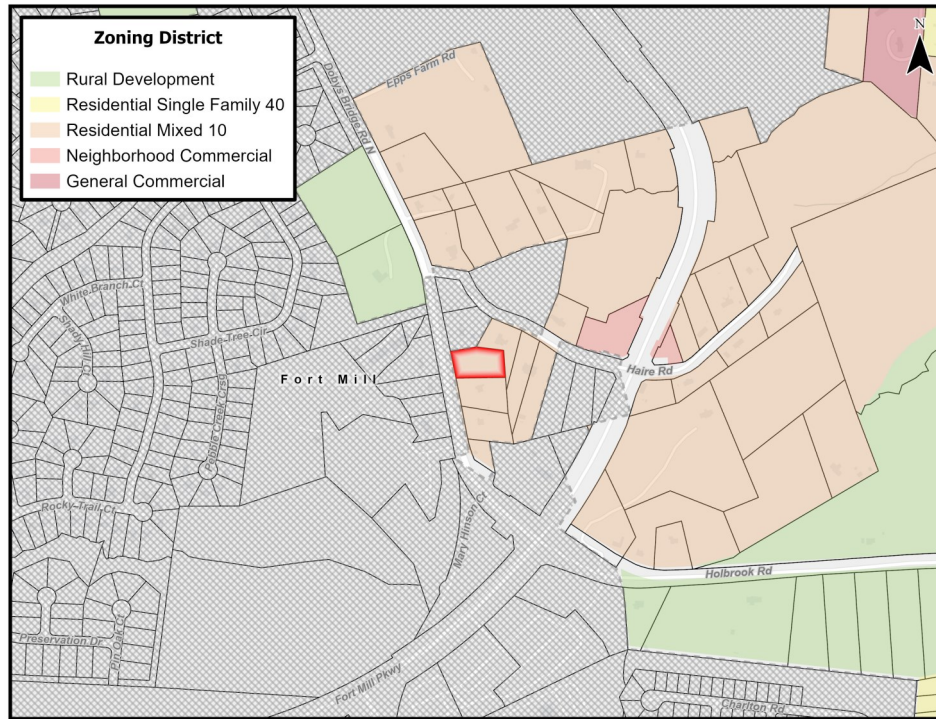
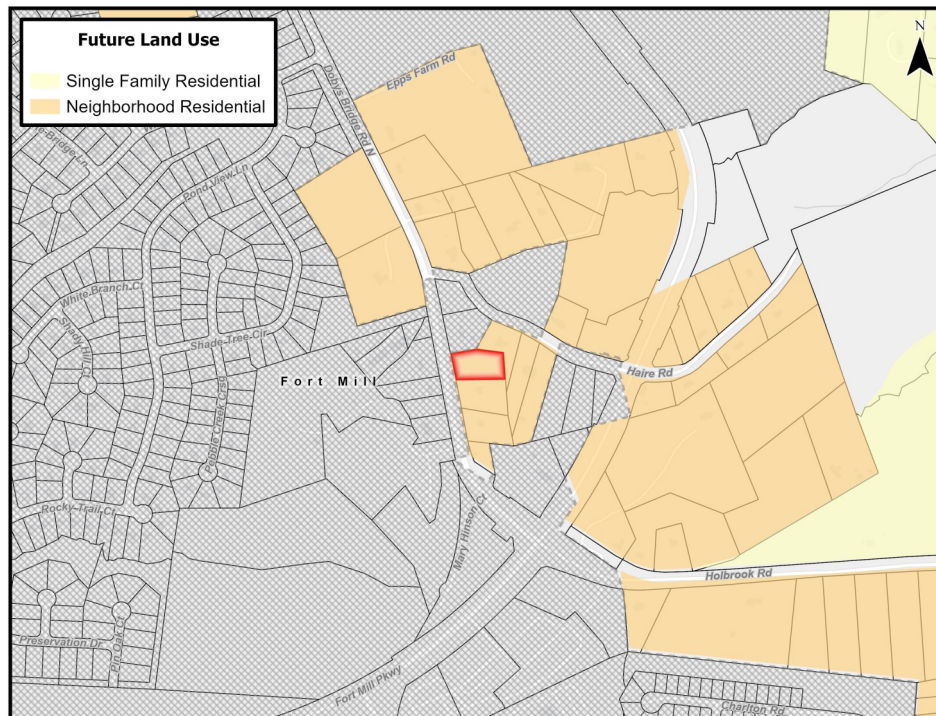


Exhibit B - 2035 Land Use Plan



FINDINGS

Per Section 155.1139 of the York County Code of Ordinances, the Planning Commission must consider the following factors when making a recommendation on any proposed amendment to the zoning map.

A. The relationship between the request and the Comprehensive Plan and Future Land Use Map.

The subject parcel is designated with the *Neighborhood Residential* future land use in the *York Forward 2035* Comprehensive Plan. This designation is described as places comprised of a mix of housing types and residential lot sizes located in close proximity to neighborhood-serving uses at intersections on major streets, where appropriate. Neighborhoods are designed with a connected street network, sidewalks, and bike paths to allow residents to access area amenities both on foot or by bicycle.

B. Whether the request is consistent with the Comprehensive Plan and Future Land Use Map.

Since the property is located along a major roadway, is within a three-road intersection of Dobys Bridge Road, Fort Mill Parkway, and Haire Road, and is currently adjacent to a non-residentially zoned parcel within the Town of Fort Mill, the request is consistent with the Comprehensive Plan. Additionally, Dobys Bridge Park and other office and institutional uses are within the vicinity of the subject parcel.

C. Whether the allowed uses in the requested zoning district would be compatible with surrounding land uses.

The allowed uses of the proposed zoning district are compatible with the surrounding land uses. The adjacent parcels, across both York County's and the Town of Fort Mill's jurisdictions, are either zoned for commercial or residential uses. The proposed OI district makes use of an otherwise vacant space and provides opportunity for a small-scale economic development project, while also not allowing intense uses that could become a nuisance to nearby residences.

D. Whether the scale of the proposed development is compatible with the surrounding land uses or the intended future land uses.

With plans to construct an 8,000 SF building, the scale of the proposed development is compatible with the surrounding and intended future land uses.

E. Whether adequate capacity at public school facilities exists or is planned to serve the needs of the proposed development.

The applicant does not intend to build any residences, therefore there will be no impact on public school facilities.

F. Whether the proposed project will request to connect to public water and sewer service and what entity would provide these utilities.

The property is located in the Town of Fort Mill's utility service area, but will use private well and septic.

G. The relationship of the request to the existing road network, current road capacity, and the most recent annual average daily trip counts.

The parcel to be rezoned has frontage on Dobys Bridge Road, which is maintained by SCDOT as S-36. Dobys Bridge is designated as a minor arterial roadway with an average daily volume

of 6,900 trips per day. Dobys Bridge Road is currently a paved, two-lane roadway with a posted speed limit of 35 mph.

The applicant is proposing to construct an 8,000 SF office building. The proposed development is not expected to generate enough traffic to negatively impact the current transportation network.

H. Whether the inclusion of certain conditions of approval for the request would better achieve the goals of the Comprehensive Plan.

Staff does not recommend any conditions as part of this request.

NEXT STEPS

The rezoning request is anticipated to follow the process below:

- ♦ Public Hearing: March 3, 2025
- ♦ County Council (First Reading): March 3, 2025
- ♦ County Council (Second Reading): March 17, 2025
- ♦ County Council (Third Reading): April 7, 2025

PLANNING AND DEVELOPMENT STAFF CONTACT

Thomas Newlin

Long Range Planner

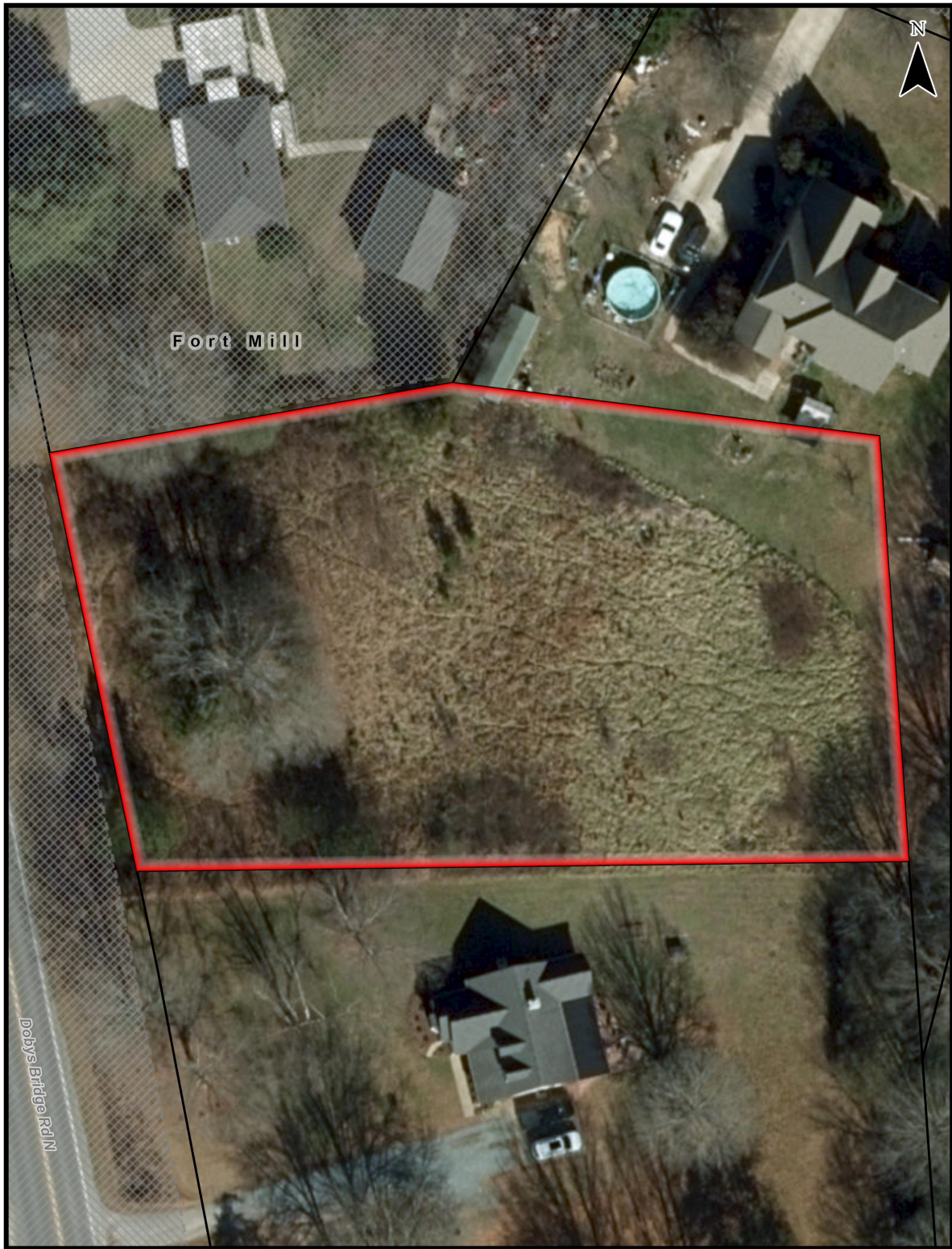
(803) 909-7233

Thomas.Newlin@yorkcountygov.com

Exhibit C - Aerial Map

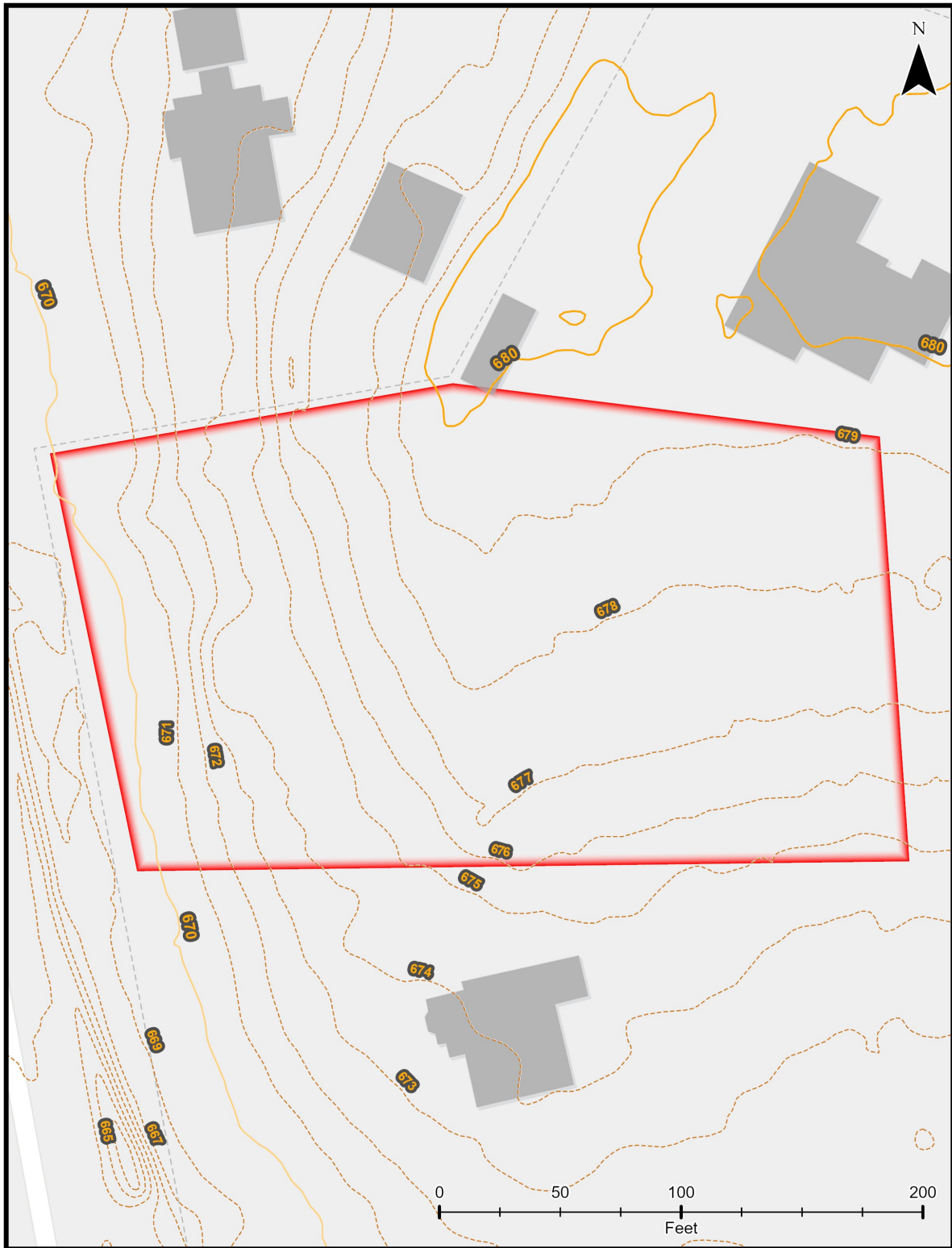
Attachment: 25-02 PC Packet (9102 : 25-02)

Exhibit D - Aerial Map—Parcel



Attachment: 25-02 PC Packet (9102 : 25-02)

Exhibit E - Environmental Map



Attachment: 25-02 PC Packet (9102 : 25-02)



YORK COUNTY REZONING APPLICATION

APPLICANT AND OWNER INFORMATION

APPLICANT NAME(S): JCI Homes LLC, Attn: Julio Moreno Jr.

ADDRESS: 5527 Arden Mill, Dr. Ste. 103-33. Fort Mill, Sc 29715

PHONE: 704-345-1983

WORK

HOME

MOBILE

EMAIL ADDRESS: j.moreno@myjcihomes.com

PROPERTY OWNER NAME(S): JCI Homes, LLC, Attn: Julio Moreno Jr.

ADDRESS: 5527 Arden Mill Dr. Ste. 103-33, Fort Mill, SC 29715

PHONE: 704-345-1983

WORK

HOME

MOBILE

EMAIL ADDRESS: j.moreno@myjcihomes.com

PROPERTY INFORMATION

PROPERTY ADDRESS: 1850 Dobys Bridge Road

PROPERTY TAX MAP #(s): 738-00-00-042

LAND AREA (ACRES) TOTAL: 1.101 AREA TO BE REZONED: 1.101

ZONING CURRENT: RMX-10 PROPOSED: OI

2035 LAND USE PLAN DESIGNATION: NBHRES

CURRENT USE OF PROPERTY: Vacant

PROPOSED USE OF PROPERTY: Office & Business Support Sales & Services

TOTAL AREA OF PROPOSED BUILDINGS (COMMERCIAL): 8,000 sf

TOTAL # OF DWELLING UNITS (RESIDENTIAL): n/a

UTILITY PROVIDERS WATER: Private Well SEWER: Private Septic

SCHOOL DISTRICT: FMDS

COUNTY COUNCIL DISTRICT: 7

Attachment: 25-02 PC Packet (9102 : 25-02)

SUPPLEMENTAL QUESTIONS

1. Please describe the purpose of the rezoning request and the project that is being proposed.

Purpose is to rezone property to OI in order to build an 8,000 sf building that will have offices, and business support sales/services.

2. Are there existing structures on the site?

Yes ☐

No ☒

If yes, please describe: no structures on site

If this request is granted, will the existing structure(s) remain?

Yes ☐

No ☒

If this request is granted, will the use of the structure(s) change?

Yes ☒

No ☐

If yes, structure(s) must meet all current building and fire codes.

3. Does this request propose to utilize public water and sewer?

Yes ☐

No ☒

If yes, municipal utility providers may require signed annexation agreements as a condition of providing services. Please contact your municipal service provider prior to submitting your application.

CERTIFICATION

I hereby certify that I have read this application and the information supplied herein is true and correct to the best of my knowledge. I agree to comply with all applicable County ordinances and state laws related to the use and development of the land. I further certify that I am the property owner, or his/her authorized agent, of the subject site(s). I understand that falsifying any information herein may result in rejection or denial of this request.

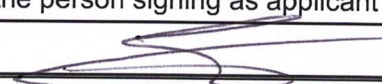


APPLICANT(S)

12/2/2024

DATE

I (we) certify that I (we) are the owners of the property involved in this application and further that I (we) designate the person signing as applicant to represent me (us) in this rezoning application.

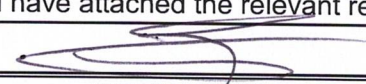


PROPERTY OWNER(S)

12/2/2024

DATE

I certify that any relevant restrictive covenants will be adhered to concerning this rezoning request. To assist verification, I have attached the relevant restrictive covenant information.



APPLICANT(S)

12/2/2024

DATE

YOU MUST SUBMIT THE ORIGINAL OR DIGITAL SIGNATURES ABOVE. COPIED OR SCANNED IMAGES WILL NOT BE ACCEPTED. ATTACH OWNER'S NOTARIZED WRITTEN AUTHORIZATION IF OWNER'S SIGNATURE CANNOT BE OBTAINED. ALL PROPERTY OWNERS MUST SIGN ABOVE.

REZONING APPLICATION CHECKLIST

The attached application form must be filled out completely and must include the following supporting materials before a request can be accepted and considered complete:

- ☒ **Pre-application meeting (optional)**
- ☒ **Application fee**
- ☒ **Plat or recent survey (if no recorded plat)**
- ☒ **Deed**
- ☒ **Preliminary site plan** (include the following items as applicable)
 - Proposed and existing structures with square footage
 - Parking areas
 - Open space areas
- ☐ **Sketch plan and detailed development plan** (Special Districts Only)
- ☐ **Restrictive covenants** (provide the latest recorded copy, if applicable)

****Staff may request additional information as part of the application****

OFFICE USE ONLY

AMOUNT PAID: _____ CHECK #: _____ CASH AMOUNT: _____

DATE RECEIVED: _____ RECEIPT #: _____

APPLICATION RECEIVED BY: _____

APPLICATION REVIEWED BY: _____

Attachment: 25-02 PC Packet (9102 : 25-02)

Any information provided on this document may be subject to the SC Freedom of Information Act and may be disclosed to third parties in accordance with applicable law.

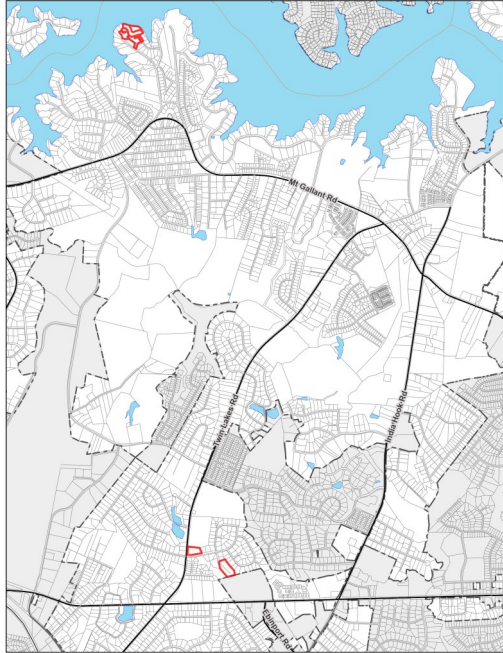
PLANNING COMMISSION

REZONING 25-03; YORK COUNTY COUNCIL HAS INITIATED THE REZONING OF 6 PARCELS WITHIN 3 MULTIFAMILY COMMUNITIES FROM OI OR RMX-20 TO THE NEWLY CREATED RMX-6 ZONING DISTRICT, THUS REMOVING THEIR NONCONFORMING STATUS.



Planning Commission February 10, 2025

Case: 25-03 Staff Report



REQUEST SUMMARY

Applicant: York County Council

Property Owners: See Table 1

Tax Map Number: See Table 1

Location: Rock Hill area

Council District: 6 (Huckabee)

Requested Action: Rezone 5 parcels within 3 multifamily communities from RMX-20 or OI to RMX-6, as part of a council-initiated rezoning project

Staff Planner: Diane Dil, AICP

Staff Recommendation: Approval

PROJECT DESCRIPTION

On March 1 2022, the newly adopted zoning and land development codes became effective, which established a new zoning district called Residential Mixed 6 (RMX-6). This district is designed to allow a diversity of housing types, including multifamily buildings, at variable, moderate densities based on residential land use, on lots generally with a minimum area of 6,000 square feet. The district is appropriate for parcels where development or redevelopment into higher density residential uses will not adversely impact existing residential neighborhoods, and where compatibility and connectivity to existing or proposed commercial development can be achieved.

On January 21, 2025 County Council voted to initiate a rezoning, pursuant to the York County Code of Ordinances Section 155.1137(A)(1), to rezone existing multifamily properties to the newly created Residential Mixed 6 zoning district. The focus of this rezoning is within the Rock Hill area, specifically Council District 6. The process began last year with Council Districts 1, 2, and 7. Table 1, on the following page, includes the list of properties to be rezoned, the community's name and location, and existing zoning district.

This action will not have any effect on the manner in which the properties are currently used, however, it will remove the existing nonconforming status and allow the application of appropriate use, dimensional, and development standards for any future land improvements or expansions.

Property Summary

The table below details the three multifamily communities that are proposed to be rezoned to the RMX-6 zoning district to remove the parcel's nonconforming status.

Table 1: RMX-6 Rezoning Parcels			
TAX MAP #	COMMUNITY NAME	STREET NAME	CURRENT ZONING
5860201001 5860201037 5860201038	Lake Club	Lake Club Drive	RMX-20
5921991912	Devonridge	Devonshire Drive	RMX-20
5921201027	Magnolia Place	Knighton Hill Road	OI

Exhibit A - Zoning — Rock Hill — North

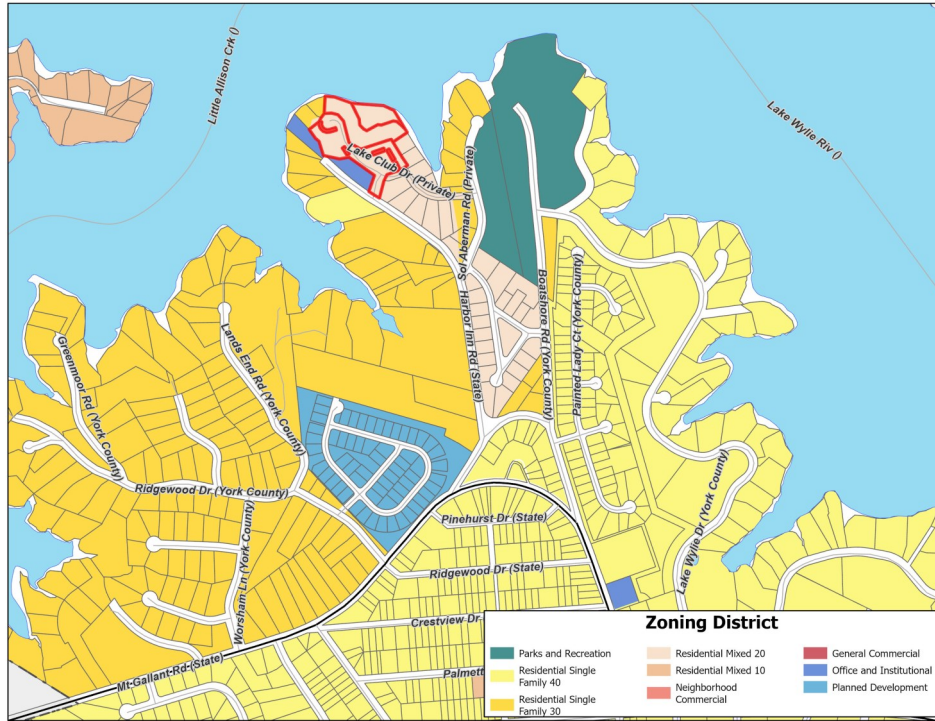


Exhibit B — Future Land Use — Rock Hill — North

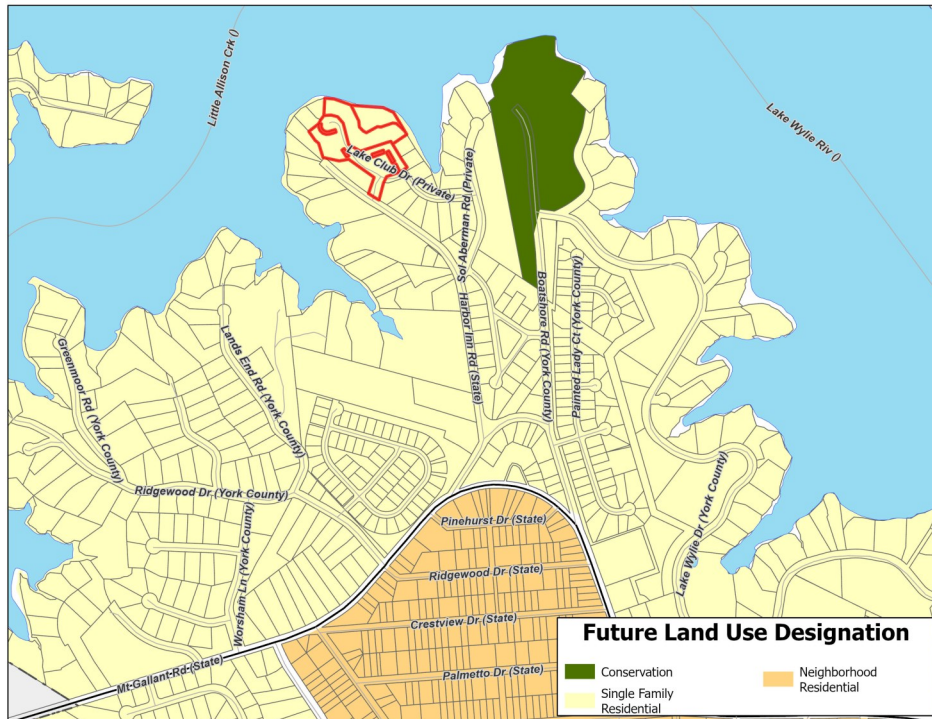


Exhibit C - Zoning — Rock Hill — South

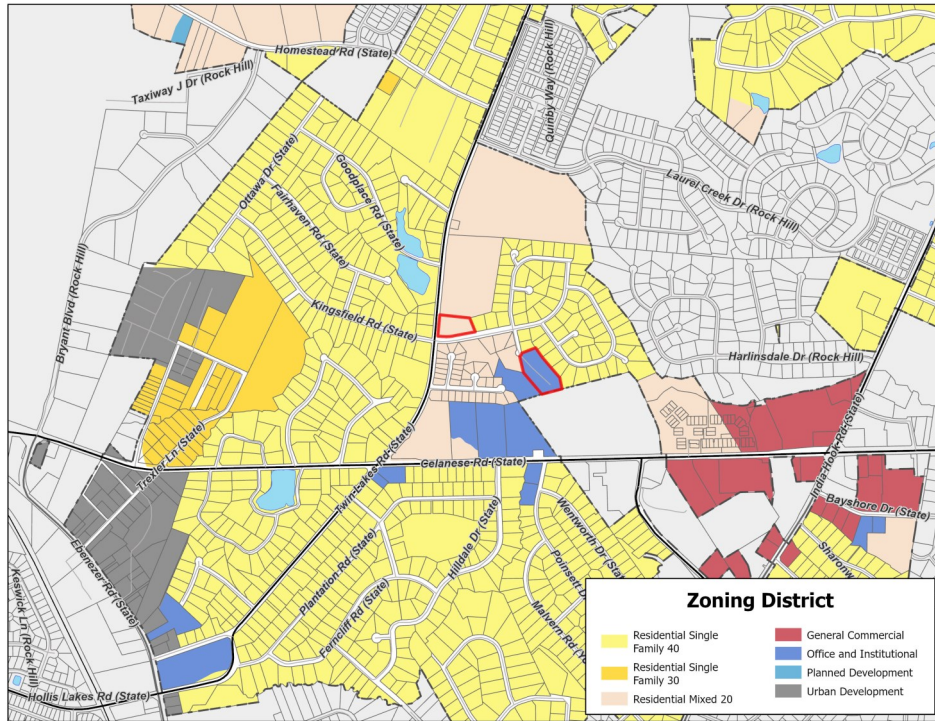


Exhibit D — Future Land Use — Rock Hill — South

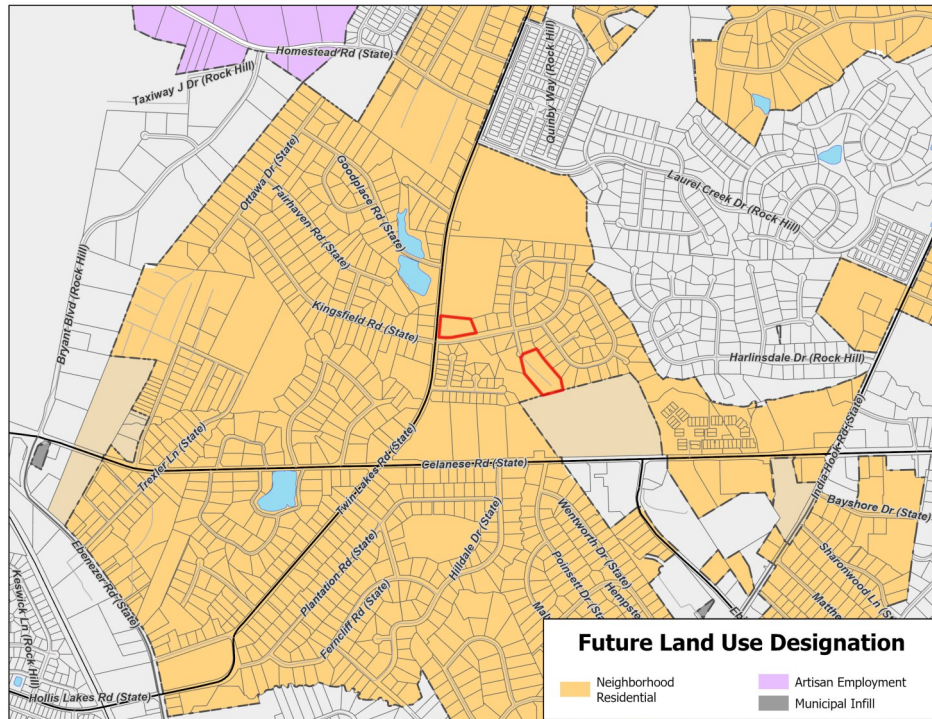
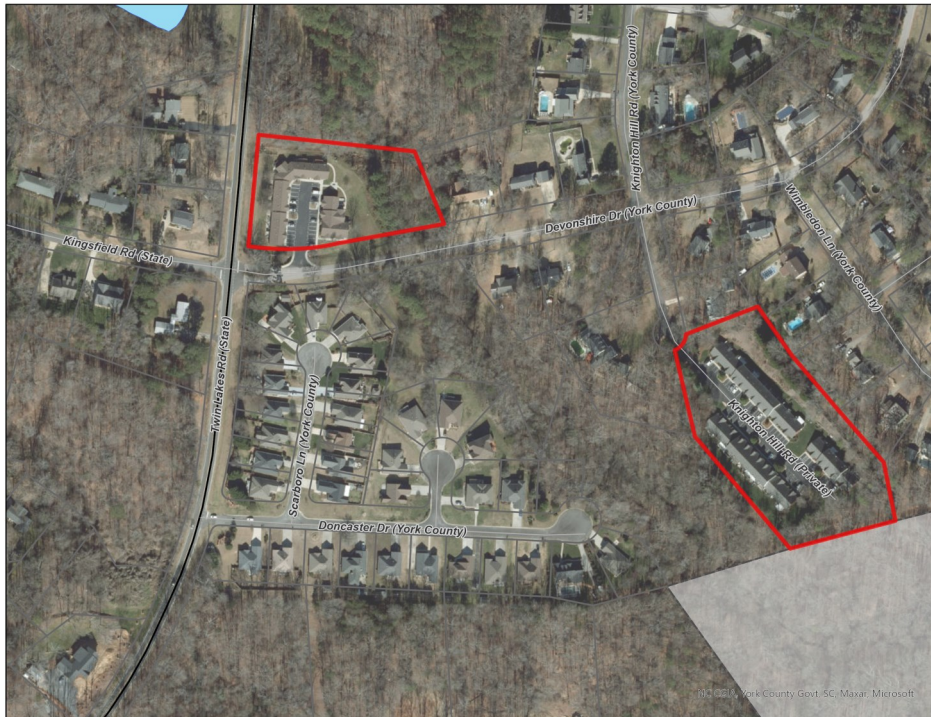


Exhibit E - Aerial — Rock Hill — North



Exhibit F — Aerial — Rock Hill — South



Attachment: 25-03 Staff Report (9103 : 25-03)

FINDINGS

Per Section 155.1139 of the York County Code of Ordinances, the Planning Commission must consider the following factors when making a recommendation on any proposed amendment to the zoning map.

A. The relationship between the request and the Comprehensive Plan and Future Land Use Map.

The Future Land Use Map recommends that higher density multifamily residential uses locate within nodes, such as *Neighborhood Centers*, *Community Centers*, or *Town Centers*. This rezoning action is simply to remove the nonconforming status of parcels with existing multifamily developments.

B. Whether the request is consistent with the Comprehensive Plan and Future Land Use Map.

Since the purpose of the rezoning is to remove a nonconforming status that was created with the adoption of a new zoning ordinance, and since no new construction or development is associated with this request, the conformity with the Comprehensive Plan is not a consideration.

C. Whether the allowed uses in the requested zoning district would be compatible with surrounding land uses.

The residential uses are existing and are compatible with the surrounding land uses.

D. Whether the scale of the proposed development is compatible with the surrounding land uses or the intended future land uses.

All parcels currently contain a multifamily residential use and no new construction will occur, so there will be no change in the scale with the surrounding land uses.

E. Whether adequate capacity at public school facilities exists or is planned to serve the needs of the proposed development.

The number of residential units will not change, therefore there will be no additional impact on the public school facilities.

F. Whether the proposed project will request to connect to public water and sewer service and what entity would provide these utilities.

The subject parcels of this rezoning request are located within the City of Rock Hill water and sewer area and are already connected to this public facility.

G. The relationship of the request to the existing road network, current road capacity, and the most recent annual average daily trip counts.

This rezoning action will not affect the current use of the properties. Any new development will follow all required transportation related development procedures as dictated by the number of trips that will be generated by each new use.

H. Whether the inclusion of certain conditions of approval for the request would better achieve the goals of the Comprehensive Plan.

No conditions are recommended by staff as part of this rezoning request.

NEXT STEPS

The rezoning request is anticipated to follow the process below:

- ◆ Public Hearing: April 7, 2025
- ◆ County Council (First Reading): April 7, 2025
- ◆ County Council (Second Reading): April 21, 2025
- ◆ County Council (Third Reading): May 5, 2025

PLANNING AND DEVELOPMENT STAFF CONTACT

Diane Dil, AICP

Planning Manager

(803) 909-7223

diane.dil@yorkcountygov.com

PLANNING COMMISSION

**PLANNING COMMISSION TO REVIEW AND PROVIDE A RECOMMENDATION TO
AMEND CHAPTER 154: LAND DEVELOPMENT CODE TO REVISE THE
DEFINITION OF A MINOR SUBDIVISION.**



ZONING CODE TEXT AMENDMENT

Minor Subdivision Definition



Staff Report

Planning Commission Meeting:

Monday, February 10, 2025

County Council First Reading:

Monday, March 17, 2025

Background

In meetings with the Planning & Zoning Committee on October 23 and December 19, 2024, staff relayed an ongoing issue with minor and major subdivisions. The definition of a minor subdivision is six or fewer lots with no new streets, but there is no mention of how far back staff should look through property records to determine if an existing lot is part of a minor subdivision. Staff has relied upon similar Land Development Code provisions that require property research and have applied a twenty year timeframe to this analysis. The result has been effective at enacting Council's intent to prevent "piano-key lot" development, but includes parcels that have not been divided for quite some time. In some instances property owners express confusion or frustration that a proposed single lot split constitutes a major subdivision because theirs is the latest in a long line of divisions off of a larger parcel. A codified date to determine if a lot is part of a minor subdivision would provide certainty for property owners and staff about a lot's potential for additional division.

At the conclusion of the December 19 meeting and after considering multiple options, the Committee requested an ordinance adding October 21, 2019 to the minor subdivision definition be brought to County Council for consideration. The matter was brought up again during the January 6, 2025 Council meeting by Planning & Zoning Chair Cloninger, without objection.

Current Regulation

§ 154.490 DEFINED TERMS.

SUBDIVISION. Any division of a tract or parcel of land into two or more lots, building sites, or other divisions for the purpose, whether immediate or future, of sale or building development and shall include any land involving a new public or private street or a change in existing public or private streets.

(1) **MINOR SUBDIVISION.** A subdivision of not more than six lots that does not involve construction of new streets or improvements to an existing street. Resultant

Text Amendment: Minor Subdivision Definition

lots of a minor subdivision, including the parent parcel, cannot be resubdivided into another minor subdivision.

MAJOR SUBDIVISION. Any subdivision of seven or more lots or that involves construction of new streets or improvements to an existing street. These subdivisions require preliminary plats to be reviewed and approved by the Planning and Development Services Department.

Proposed Amendment

The draft text amendment included in this report revises the definition for a “minor subdivision”, to exclude any lot created prior to the adoption of minor subdivisions in the Land Development Code: October 21, 2019. This change provides certainty in the code for property owners and review staff. Parcels created prior to this date are eligible to be divided into minor subdivisions, assuming all other code requirements are met. Any subdivisions of a single parent parcel after this date would be considered a minor subdivision if there are six or fewer total lots.

An additional paragraph is added to the Procedures section to clarify that a parent parcel for a minor subdivision cannot be divided into more than six lots without preliminary plat approval. Approved minor subdivisions would also be stamped as such, making clear to future owners and future staff reviewers the limitations on further division. This preserves the intent of the creation of minor subdivisions, to prevent the proliferation of new lots taking direct access from an existing County road.

Any subdivision of a single parent parcel of seven or more lots would be considered a major subdivision and would need to comply with preliminary plat requirements and procedures.

Jurisdictional Comparison Class

The table below compares how minor subdivisions are regulated in “like” (large South Carolina counties) and “local” jurisdictions. Each note includes the major/minor lot threshold and the timeline applied to this threshold. All jurisdictions except for Richland County and the Town of Clover limit attempts to stack minor subdivisions cumulatively over a series of phases or years. At 50 lots, Richland County’s minor subdivision threshold is too high to discourage this approach, and developers are more likely to build a new road at the upper ends of this range. As the table demonstrates, there are different code strategies employed to discourage cumulative minor subdivisions. Some jurisdictions prohibit the practice altogether, and some others allow for further division after a period of time (ex. Horry County allows ten lots to be created over ten years). Berkeley and Charleston Counties prohibit division of minor subdivision lots created after a certain date. This is the same approach taken in the proposed amendment.

Text Amendment: Minor Subdivision Definition

JURISDICTION		REGULATION NOTES
YORK COUNTY		≤ 6 lots; no timeline
LIKE	Anderson County	≤ 7 lots; over three years
	Berkeley County	≤ 10 lots; from December 2020
	Charleston County	≤ 4 lots; from 1999
	Greenville County	≤ 6 lots; “at once or over time”
	Horry County	≤ 10 lots; over ten years
	Lexington County	1 lot: once a year
	Richland County	< 50 lots; not feasible to limit
	Spartanburg County	≤ 4 lots; “multiple phases or projects” disallowed
LOCAL	Charlotte/Mecklenburg	≤ 3 lots; five total acres over ten years
	Clover	≤ 8 lots; 10 total acres, no limit to cumulative divisions
	Fort Mill	N/A
	Gaston County	≤ 5 lots; no timeline
	Lancaster County	≤ 5 lots or 10 total acres; cannot include previously divided lots
	Rock Hill	no limit; “cannot repeatedly” do minors, no hard date
	Tega Cay	≤ 3 lots; cannot do cumulative divisions
	York	≤ 4 lots; no “potential for future phases”

Staff Recommendation

Codifying a specific date to determine if a proposed division of land is a major or a minor subdivision is an important clarifying measure that will provide certainty and predictability for property owners. Selection of the date that minor subdivisions were adopted into the Land Development Code is a fair one, allowing for lots in existence prior to the distinction to be subdivided while preserving Council’s intent to forestall piano-key development on existing County roads into the future.

Staff recommends adoption of the draft text amendment included in this report.

§ 154.439(A) - Planning Commission Review and Recommendation

The Planning Commission shall review all proposals to amend this Chapter and prepare a report of recommendations for the consideration of County Council.

Draft Text Amendment

Chapter 154: Land Development Code, Subchapter G, Part 2: Minor Subdivisions and Individual Plats, Section 154.287 *Initiation* is hereby amended as follows:

§ 154.287 INITIATION.

(A) **Applicant Eligibility.** An application for approval of a minor subdivision plat or individual land division plat may be initiated by:

- (1) The owner of the lot that is proposed to be subdivided; or
- (2) An agent of the owner of the lot that is proposed to be subdivided, with a notarized authorization from the lot owner.

(B) **Further Division.** In order to discourage the practice of incremental minor subdivisions as a method to circumvent the requirements of a major subdivision in this Chapter, no parent parcel of a minor subdivision may be divided into more than six total lots without review and approval of a preliminary plat as a major subdivision.

~~(B)~~(C) **Application Requirements.** An application for approval of a minor subdivision or individual plat shall be filed with the Planning and Development Services Director on an application form provided by the Planning and Development Services Department. Subchapter L: *Submittal Requirements* provides the required submittals for minor subdivision or individual plat applications.

Chapter 154: Land Development Code, Subchapter J, Part 2: *Definitions* is hereby amended to modify the definition of “subdivision” as follows:

SUBDIVISION. Any division of a tract or parcel of land into two or more lots, building sites, or other divisions for the purpose, whether immediate or future, of sale or building development and shall include any land involving a new public or private street or a change in existing public or private streets.

(1) **MINOR SUBDIVISION.** A subdivision of not more than six lots that does not involve construction of new streets or improvements to an existing street. Lots created prior to October 21, 2019 are not considered part of a minor subdivision. ~~Resultant lots of a minor subdivision, including the parent parcel, cannot be resubdivided into another minor subdivision.~~

(2) **MAJOR SUBDIVISION.** Any subdivision of seven or more lots or that involves construction of new streets or improvements to an existing street. These subdivisions require preliminary plats to be reviewed and approved by the Planning and Development Services Department.

Contributing Staff


 Jonathan Buono, AICP
 Planning & Development Services Director

PLANNING COMMISSION

**PLANNING COMMISSION TO REVIEW AND PROVIDE A RECOMMENDATION TO
AMEND CHAPTER 155: ZONING CODE TO REVISE THE NONCONFORMING
SECTION AS IT RELATES TO NONCONFORMING LOTS, NONCONFORMING
RESIDENTIAL USES, AND NONCONFORMING NONRESIDENTIAL USES.**



ZONING CODE TEXT AMENDMENT

NONCONFORMITIES

Staff Report



Planning Commission Meeting:

Monday, February 10, 2025

County Council First Reading:

Monday, March 17, 2025

Background

At the December 19, 2024 Planning and Zoning Committee of County Council, staff presented on the subject of nonconformities; nonconforming lots, nonconforming residential uses, and nonconforming nonresidential uses. This item was referred to the Committee to consider relaxing some of the regulations.

Currently, nonconforming lots cannot be combined unless the combination will result in a property that is conforming. The committee considered allowing combinations that will make nonconforming lots less nonconforming, for example by adding more land to them.

Presently, a nonconforming residential use cannot be expanded. Further, adding accessory structures to a nonconforming residential use is not permitted. The committee discussed allowing the expansion of nonconforming residential uses, provided the expansion or addition did not increase the number of dwelling units. For the permitting of accessory structures, the committee explored the option of allowing accessory structures on lots with a nonconforming residential use.

Similarly, code does not allow for the expansion of nonconforming nonresidential uses. The committee discussed allowing expansions up to 10%, with anything beyond that requiring a special exception as approved by the Board of Zoning Appeals. Part of their discussion also touched on expansion of nonconforming nonresidential uses within an existing building.

Nonconformities in land use regulation generally “grandfather” an existing use or condition “as-is”, while prohibiting expansion. However, there is room to allow for low-impact expansions to some nonconformities without compromising the intent of existing code.

Current Regulation

§ 155.1161 CREATION OF NONCONFORMING LOTS PROHIBITED.

The subdivision of any land shall not result in a lot area or dimension that does not meet the minimum standards of this Chapter.

§ 155.1191 CONTINUATION AND EXPANSION OF NONCONFORMING USE.

- (A) A nonconforming use may continue as long as it remains otherwise lawful. Any change to a nonconforming use shall be made in accordance with the provisions of this Part.
- (B) A nonconforming use shall not be relocated on the same lot, expanded, enlarged, or increased in intensity.
- (C) Accessory uses and structures related to a nonconforming use shall not be added to any lot that contains a nonconforming use.

Proposed Amendment

Examining York County's nonconforming lot standards, there is an opportunity to "not let the perfect be the enemy of the good". Certainly no harm would be created by allowing an already nonconforming lot to become *less* nonconforming, if not fully conforming. For example, combining two 10,000 square foot lots in the RSF-30 zoning district (minimum lot size of 30,000 square feet) is not currently permitted since the resulting lot does not meet the minimum lot size, unless the property owner first seeks a rezoning to the RMX-20 zoning district. Allowing the combination would lessen the existing nonconformity of two lots and also provides additional flexibility for the property owner.

The Committee also looked at how other jurisdictions treat nonconforming uses – both residential and nonresidential. Currently, both residential and nonresidential nonconformities are consolidated under one section of the code. Staff presented potential revisions that separates the two, creating opportunities to relax both types in different ways.

Property owners that own properties with nonconforming residential uses are currently unable to improve their property through additions to their homes or construction of accessory structures such as decks and sheds. Staff provided two options: no change, or to amend the code to allow property owners the ability to add accessory structures and additions to their existing legal nonconforming uses. A couple of sub-options for allowing additions included placing an overall limit on the expansion area and allowing expansion provided no additional dwelling units are created.

The final subject the Committee tackled was nonconforming nonresidential uses. Once again, the Committee was presented two options; no change, or to amend the code to allow property owners the ability to add a reasonable amount (10 – 20%) of floor area to an existing nonconforming nonresidential use. A couple of a sub-options for allowing expansions included: permitting expansion of the use internal to an existing building and affording expansions greater than an administrative amount an opportunity to pursue a special exception approved by the Board of Zoning Appeals.

Jurisdictional Comparison Class

The tables below compare how “like” (large South Carolina counties) and “local” jurisdictions regulate the three types of nonconformities discussed in this report. As it relates to nonconforming lots, about half the codes are silent on the matter, with the remaining permitting the combination of nonconforming lots. In terms of nonconforming residential uses, the results are split; half the jurisdictions permit some expansion of nonconforming residential uses. Lastly, as it relates to nonconforming nonresidential uses, the majority of jurisdictions allow some form of expansion.

Nonconforming Lots

JURISDICTION		REGULATION NOTES
YORK COUNTY		Not permitted
LIKE	Anderson County	Silent
	Berkeley County	Silent
	Charleston County	Silent
	Greenville County	Silent
	Horry County	Silent
	Lexington County	Silent
	Richland County	Require nonconforming lots to be combined with other lots to create conforming lots.
	Spartanburg County	Silent
LOCAL	Charlotte/Mecklenburg	Adjoining nonconforming lots under a single owner can be recombined into two lots, each consisting of 75% of the required lot area without being classified as nonconforming.
	Clover	Silent
	Fort Mill	Silent
	Gaston County	Silent
	Lancaster County	A nonconforming vacant lot shall not be developed if it can be combined with an adjoining lot under the same ownership in order to create a single conforming or substantially conforming lot.
	Rock Hill	Changes to make lots more conforming are allowed: Nonconforming lots may be made less nonconforming, for example by adding more land to them.
	Tega Cay	Can only be combined if combination will result in a conforming lot.
	York	Nonconforming lots may be developed, provided that yard requirements are reduced no more than 40%. If a variance of greater than 40% is needed, the applicant must apply to the BZA for relief. If, however, the owner of two or more adjoining lots, with insufficient land dimensions, decided to build on or sell off these lots, said lots must be combined to comply with this ordinance.

Nonconforming Uses – Residential

JURISDICTION		REGULATION NOTES
YORK COUNTY		Not permitted
LIKE	Anderson County	Nonconforming SFR structures may be enlarged or extended in any zoning district provided that the new additions conform to the setback requirements provided in the district in which such structures or uses are located.
	Berkeley County	Not permitted
	Charleston County	Silent
	Greenville County	Nonconforming uses of land may be expanded to occupy up to 10% of additional building area or land area.
	Horry County	A nonconforming land use shall not be enlarged or altered in excess of 20% of existing floor area. The expansion can only occur if all applicable district requirements (setbacks, height, etc) are met.
	Lexington County	Allows for existing, developing, and/or approved residential to expand utilizing the previously approved design of the initial development.
	Richland County	Existing nonconforming residential uses and structures in either commercial or industrial districts may be enlarged, extended, or structurally altered, provided that no additional dwelling units result from such enlargement, extension, or alteration.
	Spartanburg County	Not permitted
LOCAL	Charlotte/Mecklenburg	Not permitted
	Clover	Enlargement or expansion of a nonconforming building, use, or structure shall be permitted; provided such enlargement shall meet all applicable setbacks, bufferyard, and off-street parking requirements for the district within which it is located.
	Fort Mill	Not permitted
	Gaston County	A nonconforming SFR or accessory structure may be physically expanded so long as the addition or expansion does not increase the number of dwelling units and so long as the front, side, and rear yard requirements of the underlying zoning district are met.
	Lancaster County	Not permitted
	Rock Hill	Residential uses that are nonconforming are permitted to expand.
	Tega Cay	Existing nonconforming residential uses in a business district may be enlarged or extended as long as no additional dwellings units result.
	York	Not permitted

Nonconforming Uses - Nonresidential

JURISDICTION		REGULATION NOTES
YORK COUNTY		Not permitted
LIKE	Anderson County	Nonconforming uses may, by special exception granted by the Board of Zoning Appeals, be expanded by a max of 500 sq. ft. or 25%.
	Berkeley County	Not permitted
	Charleston County	Not permitted
	Greenville County	Nonconforming uses of land may be expanded to occupy up to 10% of additional building area or land area.
	Horry County	A nonconforming land use shall not be enlarged or altered in excess of 20% of existing floor area. The expansion can only occur if all applicable district requirements (setbacks, height, etc) are met.
	Lexington County	Nonconforming use may be expanded up to 50% and must conform with all applicable Restrictive Development buffering restrictions and all other site development requirements (setback, parking, height, etc).
	Richland County	Nonconforming use of a structure may be enlarged or extended into portions of the structure that existed at the time that the use became nonconforming.
	Spartanburg County	The nonconforming use of a building may be extended throughout those parts of the building which are primarily arranged or designed for such use.
LOCAL	Charlotte/Mecklenburg	Not permitted
	Clover	Enlargement or expansion of a nonconforming building, use, or structure shall be permitted; provided such enlargement shall meet all applicable setbacks, bufferyard, and off-street parking requirements for the district within which it is located.
	Fort Mill	Not permitted
	Gaston County	A nonconforming use may not be physically expanded through additions to the structure, except when a minor modification has been issued by the Zoning Administrator.
	Lancaster County	Not permitted
	Rock Hill	Nonconforming uses can only expand with a special exception granted by the Board of Zoning Appeals if the Board finds that the expansion will have no adverse impacts or otherwise improves the situation.
	Tega Cay	Nonconforming use of a structure may be extended only into portions of the structure which existed at the time the use became nonconforming and which were designed or arranged to accommodate the use.
	York	Not permitted

Staff Recommendation

The loosening of the nonconforming regulations is expected to have a positive impact on both property owners and small businesses, particularly those that have been in place for decades. Allowing nonconforming lots to combine will help to lessen existing nonconformities and will benefit property owners wishing to merge lots. Expanding allowances for both residential and nonresidential nonconforming uses will benefit homeowners looking to install sheds or construct additions to their homes and businesses contemplating modest additions to accommodate plans for growth.

Staff recommends adoption of the draft text amendment included in this report.

§ 155.1109(A) - Planning Commission Review and Recommendation

- (1) The Planning Commission shall review all proposals to amend this Chapter and prepare a report of recommendations.
- (2) The Planning Commission will have 30 days within which to submit its report. If the Planning Commission fails to submit a report to County Council within the 30-day period, it will be deemed to approve the requested amendment.
- (3) In making its report of recommendations, the Planning Commission will consider the following factors:

- (a) The relationship of the proposed text amendment to the Comprehensive Plan and Future Land Use Map;

Staff comment: The proposed text amendments will help “support and strengthen existing businesses” as described in Goal ED-1.2 by allowing for expansion opportunities for existing nonconforming nonresidential uses.

- (b) The relationship of the proposed text amendment to other relevant plans adopted by the County;

Staff comment: The proposed text amendment furthers the Strategic Plan *Grow Economic Opportunities* goal, initiative 3.E, to “identify ordinance amendments favorable to small business”, by allowing modest expansions for small business owners of existing legal nonconforming nonresidential uses. Additionally, the text amendments will drive *Grow Responsibly* initiative 1.F by simplifying and making the County code user friendly in order to approach planning issues with solutions in mind.

- (c) Whether the proposed text amendment is consistent with best practices for community planning and design; and

Staff comment: The proposed text amendment is informed by other comparable jurisdictions, falls within the range of best zoning

practice, and has been vetted and reviewed by the Planning and Zoning Committee.

- (d) Whether public necessity, safety, or general welfare justifies the text amendment.

Staff comment: While the proposed amendments would allow for the expansion of existing nonconformities, those related to nonconforming uses will be modest in size and are not contrary to public necessity, safety, or general welfare. The same is true for nonconforming lots; merging nonconforming lots that will not result in a fully conforming lot will not be contrary to public necessity, safety, or general welfare. These modest allowances do not compromise the intent of code.

Draft Text Amendment

Chapter 155: Zoning Code, Subchapter F: *Nonconformities*, Part 2 *Nonconforming Lots*, § 155.1161 *Creation of Nonconforming Lots Prohibited* is hereby amended as follows:

§ 155.1161 CREATION OF NONCONFORMING LOTS PROHIBITED.

(A) The subdivision of any land shall not result in a lot area or dimension that does not meet the minimum standards of this Chapter.

(B) Existing nonconforming lots may be made less nonconforming through lot combination or recombination.

Chapter 155: Zoning Code, Subchapter F: *Nonconformities*, Part 5 *Nonconforming Uses*, § 155.1191 *Continuation and Expansion of Nonconforming Use* is hereby amended as follows:

§ 155.1191 CONTINUATION OF A NONCONFORMING USE.

(A) A nonconforming use may continue as long as it remains otherwise lawful. Any change to a nonconforming use shall be made in accordance with the provisions of this Part.

(B) A nonconforming use shall not be relocated on the same lot.

(C) A nonconforming use shall not be expanded, enlarged, or increased in intensity, and accessory uses and structures related to a nonconforming use shall not be added to any lot, with the following exceptions:-

~~(C)(D)~~ Accessory uses and structures related to a nonconforming use shall not be added to any lot that contains a nonconforming use.

(1) Residential Uses. A nonconforming single-family residence may be physically expanded or enlarged, and residential accessory uses or structures may be added to the lot, provided there is no increase to the number of dwelling units and required setbacks are met.

(2) Non-residential Uses.

(a) Nonconforming use of an existing building may be expanded internally into other portions of the building.

(b) A nonconforming non-residential use may be physically expanded or enlarged, and accessory uses or structures related to the nonconforming use may be added to the lot, provided that the area or gross floor area of the use is not increased by more than 10% and required setbacks are met.

(c) The Board of Zoning Appeals may consider a special exception request for proposed expansions or enlargements of a nonconforming non-residential use that exceeds 10% of the area or gross floor area of the use, and may approve the request upon a finding that the proposal will not cause adverse impacts.

~~(D)(E)~~ A use that is nonconforming because it was a permitted or conditional use at the time of establishment and now is a special exception use in the zoning district pursuant to Subchapter C: *Use Regulations*:

(1) May continue; and

(2) Shall not be relocated, expanded, enlarged, or increased in intensity without first receiving special exception use approval and zoning compliance approval (see Subchapter E: *Procedures*).

~~(E)(F)~~ A use that is nonconforming because it was a permitted use at the time of establishment and now is a conditional use in the zoning district pursuant to Subchapter C: *Use Regulations*:

(3) May continue; and

Shall not be relocated, expanded, enlarged, or increased in intensity without first receiving zoning compliance approval (see Subchapter E: *Procedures*).

Contributing Staff



Rachel Grothe, MCRP
Zoning Administrator

Approved by:



Jonathan Buono, AICP
Planning & Development Services Director

**PLANNING COMMISSION
REZONING TRACKING SHEET**

Active Rezoning Cases													
Case	Tax Map ID	Applicant / Owner	Council District	Acres	Street	Current Zoning(s)	Proposed Zoning(s)	Comprehensive Plan Designation	Planning Commission	Public Hearing	County Council 1st Reading	County Council 2nd Reading	County Council 3rd Reading
24-52	4640000019	Britt	2	3.02	Paraham Road N	AGC	RUD	Agriculture	9-Dec Approved	6-Jan	6-Jan	21-Jan	3-Feb
24-56	6920000032	Ingram	5	2.35	Wisteria Lane	UD	RSF-30	Neighborhood Res	9-Dec Approve	6-Jan	6-Jan	21-Jan	3-Feb
24-57	2570000008	Brown	3	7.00	Willis Farm Road	AGC	RUD	Agriculture	9-Dec Deny	6-Jan	6-Jan	21-Jan	3-Feb
24-58	5290000061	Respass	4	5.20	Odgen Road	AGC	RUD	Rural Residential	9-Dec Approve	6-Jan	6-Jan	21-Jan	3-Feb
24-59	5610000022	Flowers	2	1.47	Charlotte Hwy	RMX-20	ID	Neighborhood Res	9-Dec Deny	6-Jan	6-Jan	21-Jan	Holding
24-60	5070000041	Egner	5	1.67	McConnells Hwy	GC	RI	Single Family Res/ Rural Center	9-Dec Approve	6-Jan	6-Jan	21-Jan	3-Feb
24-61	7130000143 7130000216	Diblosi	7	0.71	Ritch/Old Nation	RSF-40	RMX-10	Municipal infill	9-Dec Deny	6-Jan	6-Jan deferred		
24-62	See staff report; 48 parcels	York County Council	3		Sandifer Road	AGC/RUD/ RSF-40	AGC-I/ RUD-I	Agriculture	9-Dec Approve	6-Jan	6-Jan	21-Jan	3-Feb
24-63	3730000027 3730000167	McCall	2	6.73	Dulin Road	RMX-20 UD	RUD	Rural Residential	13-Jan Approve	3-Feb	3-Feb	17-Feb	4-Mar
24-64	5460000027 5460000209	Brown	6	12	Mt Gallant Road	RMX-20	RUD	Single Family Residential	13-Jan Approve	3-Feb	3-Feb	17-Feb	4-Mar
24-65	3630000114	Hall	2	1.54	Ervin Street	UD	RSF-30	Single Family Residential	13-Jan Approve	3-Feb	3-Feb	17-Feb	4-Mar
24-66	7160000066	Ognibene	1	16.77	Wilson Business Parkway	LI	ID	I-77 Corridor Employment	13-Jan Approve	3-Feb	3-Feb	17-Feb	4-Mar
24-67	7210000015	Pappas/GTA Properties LLC	7	4.86	Highway 21	UD	GC	I-77 Corridor Employment	13-Jan Approve	3-Feb	3-Feb	17-Feb	4-Mar
24-68	7260000041	Ward	7	1.26	Pikeview Road	UD	RMX-20	Neighborhood Residential	13-Jan Approve	3-Feb	3-Feb	17-Feb	4-Mar
25-01	7180000008 7180000062 7180000073	Oz Custom Built Homes LLC	1	7.45	Lurecliff Place	RSF-40	RMX-10	Single Family Residential	10-Feb	3-Mar	3-Mar	17-Mar	7-Apr
25-02	7380000042	JCI Homes LLC	7	1.10	Dobys Bridge Road	RMX-10	OI	Neighborhood Residential	10-Feb	3-Mar	3-Mar	17-Mar	7-Apr
25-03	See staff report; 6 parcels	York County Council	6		Various	RMX-20 OI	RMX-6	Single Family Res Neigh Res	10-Feb	3-Mar	3-Mar	17-Mar	7-Apr

Shaded fields indicate that the action has been completed at time of publication (January 31, 2025). If the County Council vote is to deny the rezoning request, that is the final action.