



MEMORANDUM

TO: York County Council
York County Planning Commission
FROM: Eddie Moore, Development Services Manager
RE: PROPOSED CHANGES TO PARKING, STORAGE, AND USE OF CERTAIN VEHICLES AND CONCEPTUAL PLANS FOR SPECIAL EXCEPTION REQUESTS
DATE: May 9, 2016

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Planning & Development Services has been working to improve the County's ordinances and appreciates your assistance as we work through these important items. We will be continuing to identify items to be addressed in the County's ordinances and listening to feedback from elected and appointed officials, members of the development community, residents, and other stakeholders to continue to improve the County's ordinances to better address the needs of the public.

The staff is presenting the proposed revisions in response to a request from the Zoning Board Appeals and to clarify the level of detail needed for a site plan associated with a special exception application. Last year, the ZBA reviewed an administrative decision regarding parking versus storage of a recreational vehicle in a residential subdivision. The ZBA upheld the administrative decision, but the ZBA asked the staff to clarify the Code to better address the public's concerns and issues. Additionally, the Code currently requires a site plan be reviewed and approved prior to the ZBA hearing a special exception. This provision is technically unenforceable because a site plan cannot be approved until the ZBA grants a special exception.

The following is a tentative adoption schedule:

- May 9, 2016: Planning Commission Recommendation
May 16, 2016: Council First Reading
June 6, 2016: Council Second Reading with Public Hearing
June 20, 2016: Council Third Reading

During the April 14, 2016, Quarterly Development Community Workshop, staff presented the proposed changes, and there were no major concerns and responses raised during the workshop.

The following is a summary of draft recommendations created by Planning & Development Services. The attached proposed changes have been reviewed by the Office of County Attorney. Staff recommends approval of the proposed draft ordinance changes.

CHAPTER 155: ZONING CODE

1. Parking and storage definitions:
a. Provide definitions for "parking" and "storage" of certain vehicles that includes associated timeframes. Current provisions do not establish timeframes for parking and storage of certain vehicles.

2. *Parking, storage, and use of certain vehicles:*

- a. The Zoning Board of Appeals and a Councilmember requested that staff review the parking, storage, and use of certain vehicles and recommend revisions for clarification that would assist staff in administering this portion of the Zoning Code. These revisions will primarily affect residentially zoned property and will assist staff with the enforcement of the following:
  - i. The outside parking and storage of one unlicensed automobile, truck or trailer of any kind is permitted on residential lots, with an existing residential dwelling, in the AGC, AGC-I, RUD, RUD-I, RC-I, RC-II, RD-I, RD-II, and UD zoning districts.
  - ii. The outside parking and storage of recreational vehicles is permitted on residential lots, with an existing residential dwelling, in the AGC, AGC-I, RUD, RUD-I, RC-I, RC-II, RD-I, RD-II, and UD zoning districts, provided, the recreational vehicle is listed in the ownership of the property owner or tenant.
  - iii. One (1) tractor trailer truck and associated trailer/travel container may be parked on a residential lot, with an existing residential dwelling, in the AGC, AGC-I, RUD, RUD-I, RC-I, RC-II, and UD zoning districts, provided, the vehicle tractor trailer truck and associated trailer/travel container is listed in the ownership of the property owner or tenant. The storage of any tractor trailer truck and associated trailer/travel container must be within completely enclosed and roofed structures as permitted herein.

3. *Conceptual site plans for Special Exception requests to be heard by the Zoning Board of Appeals:*

- a. Currently, all Special Exception requests must have a site plan submitted, reviewed, and approved prior to the acceptance and submittal of a Special Exception application. Staff is concerned with this provision, since a site plan for a Special Exception request cannot be approved until the use is approved by the Zoning Board of Appeals.
- b. The Zoning Code defines a site plan as, “A scale drawing showing the relationship between the lot lines and their uses, buildings or structures, existing or proposed on a lot, including such details as parking areas, access points, landscaped area, building areas, setbacks from lot lines, building heights, floor areas, densities, septic tank tile fields, utility lines and currents, or a special or particular use.”
- c. A site plan, prepared with the detail outlined above, is cost prohibitive for a non-developer property owner as part of the Special Exception application.
- d. Staff recommends a “conceptual” site plan with adequate detail be submitted prior to staff accepting the special exception application and presenting the application to the Zoning Board of Appeals. The conceptual site plan will have enough information for the Zoning Board to approve or deny the proposed use. Should the Zoning Board approve a special exception, a formal site plan and building plans, if applicable, are required to be submitted and approved by County staff prior to commencing the use.

Thank you for your attention to this matter and please contact me at [eddie.moore@yorkcountygov.com](mailto:eddie.moore@yorkcountygov.com) or 803-909-7234 with input or questions.

AN ORDINANCE

*TO AMEND THE CODE OF THE COUNTY OF YORK, SOUTH CAROLINA, CHAPTER 155, ENTITLED ZONING CODE, SECTIONS 155.009, GENERAL PROVISIONS: DEFINITIONS; 155.022, AGRICULTURAL CONSERVATION DISTRICT: SPECIAL EXCEPTIONS, SUBSECTION (A); 155.037, AGRICULTURAL CONSERVATION I DISTRICT: SPECIAL EXCEPTIONS, SUBSECTION (A); 155.047, RURAL DEVELOPMENT DISTRICT: SPECIAL EXCEPTIONS, SUBSECTION (A); 155.062, RURAL DEVELOPMENT I DISTRICT: SPECIAL EXCEPTIONS, SUBSECTION (A); 155.077, RESIDENTIAL CONSERVATION I DISTRICT: SPECIAL EXCEPTIONS, SUBSECTION (A); 155.092, RESIDENTIAL CONSERVATION II DISTRICT: SPECIAL EXCEPTIONS, SUBSECTION (A); 155.102, RESIDENTIAL DEVELOPMENT I DISTRICT: SPECIAL EXCEPTIONS, SUBSECTION (A); 155.112, RESIDENTIAL DEVELOPMENT II DISTRICT: SPECIAL EXCEPTIONS, SUBSECTION (A); 155.147, BUSINESS DEVELOPMENT III DISTRICT: SPECIAL EXCEPTIONS, SUBSECTIONS (A) AND (B); 155.162, INDUSTRIAL DEVELOPMENT DISTRICT: SPECIAL EXCEPTIONS, SUBSECTION (A); 155.177, LIGHT INDUSTRIAL DISTRICT: SPECIAL EXCEPTIONS, SUBSECTION (A); 155.192, URBAN DEVELOPMENT DISTRICT: SPECIAL EXCEPTIONS, SUBSECTION (A); AND 155.446, PARKING (OFF-STREET) AND LOADING; IN ORDER TO PROVIDE FOR DEFINITIONS OF PARKING AND STORAGE OF CERTAIN VEHICLES IN THE AGC, RUD, RUD-I, RC-I, RC-II, RD-I, RD-II, AND UD ZONING DISTRICTS; AMEND THE REQUIREMENTS FOR PARKING AND STORAGE OF CERTAIN VEHICLES; TO APPLY PARKING AND STORAGE OF CERTAIN VEHICLES TO AGC-I; TO REQUIRE APPLICANTS FOR SPECIAL EXCEPTIONS TO SUBMIT CONCEPTUAL PLANS RATHER THAN SITE PLANS AND TRAFFIC IMPACT ANALYSIS (TIA) BASED ON THE PROPOSED USE FOR HEARINGS BEFORE THE ZONING BOARD OF APPEALS WITHIN THE AGC, AGC-I, RUD, RUD-I, RC-I, RC-II, RD-I, RD-II, BD-III, ID, LI, AND UD ZONING DISTRICTS; TO REQUIRE APPLICANTS FOR SPECIAL EXCEPTIONS TO SUBMIT SITE PLANS, AND BUILDING PLANS IF NECESSARY, AFTER RECEIVING APPROVAL FROM THE ZONING BOARD OF APPEALS WITHIN THE AGC, AGC-I, RUD, RUD-I, RC-I, RC-II, RD-I, RD-II, BD-III, ID, LI, AND UD ZONING DISTRICTS; TO PROVIDE FOR A PUBLIC HEARING; AND TO PROVIDE FOR OTHER MATTERS RELATING THERETO.*

BE IT ORDAINED AND ENACTED BY THE COUNTY COUNCIL OF YORK COUNTY, SOUTH CAROLINA:

**SECTION 1. Legislative findings.**

As an incident to the adoption of this ordinance, the York County Council, as the governing body of York County, South Carolina, has made the following legislative findings:

1.1 Council is empowered to enact ordinances for the implementation and enforcement of powers granted to Council pursuant to Sections 4-9-30 (9), (14), and (17), S.C. Code Ann., as amended and to exercise such other powers as may be authorized for counties under Sections 6-29-710 et seq., S.C. Code Ann., as amended.

1.2 Council finds that this ordinance will:

(A) Establish definitions and timeframes associated with parking and storing of certain vehicles within the AGC, AGC-I, RUD, RUD-I, RC-I, RC-II, RD-I, RD-II, and UD zoning districts;

(B) Modify the application and submittal requirements for special exceptions to balance the costs associated with such applications versus the amount of detail and information needed by the Zoning Board of Appeals to render decisions;

(C) Ensure that revising the requirement for the need of an approved site plan to a conceptual plan and a Traffic Impact Analysis (TIA) based on the proposed use for special exception approval by the Zoning Board of Appeals will not have an adverse impact on surrounding properties; and

(D) Promote the public health, safety, order, and general welfare.

## **SECTION 2. Code of York County Amended.**

### **GENERAL PROVISIONS:**

#### **Chapter 155, Section 155.009 DEFINITIONS.**

**Chapter 155, Section 155.009 within the York County Code of Ordinances is hereby amended to include the following definition placed in alphabetical order between Parcel and Parking Lot/Area:**

**“PARKING ASSOCIATED WITH § 155.446 (Parking, Storage, and Use of Certain Vehicles). An area intended for the keeping of vehicles for up to seven (7) consecutive days that are in service and used on a regular or recurring basis.”**

**Chapter 155, Section 155.009 within the York County Code of Ordinances is hereby amended to include the following definition placed in alphabetical order between Specified Sexual Activities and Street, Dead End:**

**“STORAGE ASSOCIATED WITH § 155.446 (Parking, Storage, and Use of Certain Vehicles). An area intended for the keeping of vehicles for more than seven (7) days that are not in service or used on a regular or recurring basis.”**

### **AGRICULTURAL CONSERVATION DISTRICT (AGC)**

#### **Chapter 155, Section 155.022 SPECIAL EXCEPTIONS.**

**Chapter 155, Section 155.022(A) within the York County Code of Ordinances is hereby amended to now read as follows:**

“ (A) The following uses may be established in the AGC District, provided the impact of these uses will not substantially reduce or impair the purpose of the Agricultural Conservation District. ~~The uses may be approved by the York County Zoning Board of Appeals on review, provided that a public hearing will be held on the matter giving at least 15 days public notice, including written notification of adjacent property owners, of the time and place of the hearing. The notice will be published in a newspaper of general circulation in York County.~~ Notification and posting requirements of the public hearing are outlined in Section 155.592(F). Based on the hearing and probable impact of the uses on contiguous uses and conditions, the Zoning Board of Appeals may approve, approve with conditions (lot configuration standards, open space and bufferyard requirements, impose restrictions, or increase typical development standards, and the like), or deny the requests. The Zoning Board will use the following criteria for judging the compatibility of the proposal with the surrounding area; are adequate water and sewer facilities provided; will existing public services and public facilities (including, but not limited to, education, recreation, transportation, and water/sewer facilities) be negatively impacted by the proposed use and is the proposed use compatible with surrounding uses. A conceptual site plan with adequate detail (building layout, setbacks, easements, buffers, etc.) must be submitted prior to the Planning Department accepting the special exception application and presenting the application to the Zoning Board of Appeals. Based on the proposed use, a Traffic Impact Analysis (TIA) may be required and must be submitted prior to the Planning Department accepting the special exception application and approved prior to presenting the application to the Zoning Board of Appeals. Should the Zoning Board of Appeals approve a special exception, a formal site plan and building plans, if applicable, are required to be submitted and approved by County staff prior to commencing the uses. The uses must adhere to the development standards and the performance standard requirements contained herein, as well as the following conditions: ~~Site plans must be submitted, reviewed and approved prior to the submittal and acceptance of the special exception application, and the uses must adhere to the development standards and the performance standard requirements contained herein, as well as the following conditions:~~”

### **AGRICULTURAL CONSERVATION I DISTRICT (AGC-I)**

#### **Chapter 155, Section 155.037 SPECIAL EXCEPTIONS.**

**Chapter 155, Section 155.037(A) within the York County Code of Ordinances is hereby amended to now read as follows:**

“ (A) The following uses may be established in the AGC-I District, provided the impact of the uses will not substantially reduce or impair the purpose of the Agricultural Conservation I District. ~~The uses may be approved by the York County Zoning Board of Appeals on review, provided that a public hearing will be held on the matter giving at least 15 days public notice, including written notification of adjacent property owners, of the time and place of the hearing.~~ Notification and posting requirements of the public hearing are outlined in Section 155.592. The notice will be published in a newspaper of general circulation in York County. Based on the hearing and probable impact of the uses on contiguous uses and conditions, the Zoning Board of Appeals may approve, approve with conditions (lot configuration standards, open space and bufferyard requirements, impose restrictions, or increase typical development standards and the like) or deny the requests. The Zoning Board will use the following criteria for judging the compatibility of the proposal with the surrounding area; are adequate water and sewer facilities provided; will existing public services and public facilities (including, but not limited to, education, recreation, transportation and water/sewer facilities) be negatively impacted by the

proposed use; is the proposed use compatible with surrounding uses. A conceptual site plan with adequate detail (building layout, setbacks, easements, buffers, etc.) must be submitted prior to the Planning Department accepting the special exception application and presenting the application to the Zoning Board of Appeals. Based on the proposed use, a Traffic Impact Analysis (TIA) may be required and must be submitted prior to the Planning Department accepting the special exception application and approved prior to presenting the application to the Zoning Board of Appeals. Should the Zoning Board of Appeals approve a special exception, a formal site plan and building plans, if applicable, are required to be submitted and approved by County staff prior to commencing the uses. The uses must adhere to the development standards and the performance standard requirements contained herein, as well as the following conditions: Site plans must be submitted, reviewed and approved prior to the submittal and acceptance of the special exception application, and these uses must adhere to the development standards and the performance standard requirements contained herein, as well as the following conditions.”

### **RURAL DEVELOPMENT DISTRICT (RUD)**

#### **Chapter 155, Section 155.047 SPECIAL EXCEPTIONS.**

**Chapter 155, Section 155.047(A) within the York County Code of Ordinances is hereby amended to now read as follows:**

“ (A) The following uses may be established in the RUD District, provided the impact of the uses will not substantially reduce or impair the purpose of the Rural Development District. ~~The uses may be approved by the York County Zoning Board of Appeals on review, provided that a public hearing will be held on the matter giving at least 15 days public notice, including written notification of adjacent property owners, of the time and place of the hearing. Notification and posting requirements of the public hearing are outlined in Section 155.592.~~ The notice will be published in a newspaper of general circulation in York County. Based on the hearing and probable impact of the uses on contiguous uses and conditions, the Zoning Board of Appeals may approve, approve with conditions (lot configuration standards, open space and bufferyard requirements, impose restrictions, or increase typical development standards, and the like), or deny the requests. The Zoning Board will use the following criteria for judging the compatibility of the proposal with the surrounding area; are adequate water and sewer facilities provided; will existing public services and public facilities (including, but not limited to, education, recreation, transportation, and water/sewer facilities) be negatively impacted by the proposed use; is the proposed use compatible with surrounding uses. A conceptual site plan with adequate detail (building layout, setbacks, easements, buffers, etc.) must be submitted prior to the Planning Department accepting the special exception application and presenting the application to the Zoning Board of Appeals. Based on the proposed use, a Traffic Impact Analysis (TIA) may be required and must be submitted prior to the Planning Department accepting the special exception application and approved prior to presenting the application to the Zoning Board of Appeals. Should the Zoning Board of Appeals approve a special exception, a formal site plan and building plans, if applicable, are required to be submitted and approved by County staff prior to commencing the uses. The uses must adhere to the development standards and the performance standard requirements contained herein, as well as the following conditions: Site plans must be submitted, reviewed and approved prior to the submittal and acceptance of the special exception application, and the uses must adhere to the development standards and the performance standard requirements contained herein, as well as the conditions set forth in division (B) of this section.

**RURAL DEVELOPMENT I DISTRICT (RUD-I)**

**Chapter 155, Section 155.062 SPECIAL EXCEPTIONS.**

**Chapter 155, Section 155.062(A) within the York County Code of Ordinances is hereby amended to now read as follows:**

“ (A) The following uses may be established in the RUD-I District, provided the impact of the uses will not substantially reduce or impair the purpose of the Rural Development I District. ~~The uses may be approved by the York County Zoning Board of Appeals on review, provided that a public hearing will be held on the matter giving at least 15 days public notice, including written notification of adjacent property owners, of the time and place of the hearing. Notification and posting requirements of the public hearing are outlined in Section 155.592.~~ The notice will be published in a newspaper of general circulation in York County. Based on the hearing and probable impact of the uses on contiguous uses and conditions, the Zoning Board of Appeals may approve, approve with conditions (lot configuration standards, open space and bufferyard requirements, impose restrictions, or increase typical development standards, and the like), or deny the requests. The Zoning Board will use the following criteria for judging the compatibility of the proposal with the surrounding area; are adequate water and sewer facilities provided; will existing public services and public facilities (including, but not limited to, education, recreation, transportation, and water/sewer facilities) be negatively impacted by the proposed use; is the proposed use compatible with surrounding uses. A conceptual site plan with adequate detail (building layout, setbacks, easements, buffers, etc.) must be submitted prior to the Planning Department accepting the special exception application and presenting the application to the Zoning Board of Appeals. Based on the proposed use, a Traffic Impact Analysis (TIA) may be required and must be submitted prior to the Planning Department accepting the special exception application and approved prior to presenting the application to the Zoning Board of Appeals. Should the Zoning Board of Appeals approve a special exception, a formal site plan and building plans, if applicable, are required to be submitted and approved by County staff prior to commencing the uses. The uses must adhere to the development standards and the performance standard requirements contained herein, as well as the following conditions: Site plans must be submitted, reviewed and approved prior to the submittal and acceptance of the special exception application, and these uses must adhere to the development standards and the performance standard requirements contained herein, as well as the following conditions.”

**RESIDENTIAL CONSERVATION I DISTRICT (RC-I)**

**Chapter 155, Section 155.077 SPECIAL EXCEPTIONS.**

**Chapter 155, Section 155.077(A) within the York County Code of Ordinances is hereby amended to now read as follows:**

“ (A) The following uses may be established in the RC-I District, provided the impact of the uses will not substantially reduce or impair the purpose of the Residential Conservation I District. ~~The uses may be approved by the York County Zoning Board of Appeals on review, provided that a public hearing will be held on the matter giving at least 15 days public notice, including written notification of adjacent property owners, of the time and place of the hearing. Notification and posting requirements of the public hearing are outlined in Section~~

155.592. The notice will be published in a newspaper of general circulation in York County. Based on the hearing and probable impact of the uses on contiguous uses and conditions, the Zoning Board of Appeals may approve, approve with conditions (lot configuration standards, open space and bufferyard requirements, impose restrictions, or increase typical development standards, and the like), or deny the requests. The Zoning Board will use the following criteria for judging the compatibility of the proposal with the surrounding area; are adequate water and sewer facilities provided; will existing public services and public facilities (including, but not limited to, education, recreation, transportation, and water/sewer facilities) be negatively impacted by the proposed use; is the proposed use compatible with surrounding uses. A conceptual site plan with adequate detail (building layout, setbacks, easements, buffers, etc.) must be submitted prior to the Planning Department accepting the special exception application and presenting the application to the Zoning Board of Appeals. Based on the proposed use, a Traffic Impact Analysis (TIA) may be required and must be submitted prior to the Planning Department accepting the special exception application and approved prior to presenting the application to the Zoning Board of Appeals. Should the Zoning Board of Appeals approve a special exception, a formal site plan and building plans, if applicable, are required to be submitted and approved by County staff prior to commencing the uses. The uses must adhere to the development standards and the performance standard requirements contained herein, as well as the following conditions: Site plans must be submitted, reviewed and approved prior to the submittal and acceptance of the special exception application, and these uses must adhere to the development standards and the performance standard requirements contained herein, as well as the following conditions.”

## **RESIDENTIAL CONSERVATION II DISTRICT (RC-II)**

### **Chapter 155, Section 155.092 SPECIAL EXCEPTIONS.**

**Chapter 155, Section 155.092(A) within the York County Code of Ordinances is hereby amended to now read as follows:**

“ (A) The following uses may be established in the RC-II District, provided the impact of the uses will not substantially reduce or impair the purpose of the Residential Conservation II District. ~~These uses may be approved by the York County Zoning Board of Appeals on review, provided that a public hearing will be held on the matter giving at least 15 days public notice, including written notification of adjacent property owners, of the time and place of the hearing~~ Notification and posting requirements of the public hearing are outlined in Section 155.592. The notice will be published in a newspaper of general circulation in York County. Based on the hearing and probable impact of the uses on contiguous uses and conditions, the Zoning Board of Appeals may approve, approve with conditions (lot configuration standards, open space and bufferyard requirements, impose restrictions, or increase typical development standards, and the like), or deny the requests. The Zoning Board will use the following criteria for judging the compatibility of the proposal with the surrounding area; are adequate water and sewer facilities provided; will existing public services and public facilities (including, but not limited to, education, recreation, transportation, and water/sewer facilities) be negatively impacted by the proposed use; is the proposed use compatible with surrounding uses. A conceptual site plan with adequate detail (building layout, setbacks, easements, buffers, etc.) must be submitted prior to the Planning Department accepting the special exception application and presenting the application to the Zoning Board of Appeals. Based on the proposed use, a Traffic Impact Analysis (TIA) may be required and must be submitted prior to the Planning Department

~~accepting the special exception application and approved prior to presenting the application to the Zoning Board of Appeals. Should the Zoning Board of Appeals approve a special exception, a formal site plan and building plans, if applicable, are required to be submitted and approved by County staff prior to commencing the uses. The uses must adhere to the development standards and the performance standard requirements contained herein, as well as the following conditions: Site plans must be submitted, reviewed and approved prior to the submittal and acceptance of the special exception application, and these uses must adhere to the development standards and the performance standard requirements contained herein, as well as the following conditions.”~~

### **RESIDENTIAL DEVELOPMENT I DISTRICT (RD-I)**

#### **Chapter 155, Section 155.102 SPECIAL EXCEPTIONS.**

**Chapter 155, Section 155.102(A) within the York County Code of Ordinances is hereby amended to now read as follows:**

“ (A) The following uses may be established in the RD-I District, provided the impact of the uses will not substantially reduce or impair the purpose of the Residential Development I District. ~~The uses may be approved by the York County Zoning Board of Appeals on review, provided that a public hearing will be held on the matter giving at least 15 days public notice, including written notification of adjacent property owners, of the time and place of the hearing~~ Notification and posting requirements of the public hearing are outlined in Section 155.592. The notice will be published in a newspaper of general circulation in York County. Based on the hearing and probable impact of the uses on contiguous uses and conditions, the Zoning Board of Appeals may approve, approve with conditions (lot configuration standards, open space and bufferyard requirements, impose restrictions, or increase typical development standards, and the like), or deny the requests. The Zoning Board will use the following criteria for judging the compatibility of the proposal with the surrounding area; are adequate water and sewer facilities provided; will existing public services and public facilities (including, but not limited to, education, recreation, transportation, and water/sewer facilities) be negatively impacted by the proposed use; is the proposed use compatible with surrounding uses. A conceptual site plan with adequate detail (building layout, setbacks, easements, buffers, etc.) must be submitted prior to the Planning Department accepting the special exception application and presenting the application to the Zoning Board of Appeals. Based on the proposed use, a Traffic Impact Analysis (TIA) may be required and must be submitted prior to the Planning Department accepting the special exception application and approved prior to presenting the application to the Zoning Board of Appeals. Should the Zoning Board of Appeals approve a special exception, a formal site plan and building plans, if applicable, are required to be submitted and approved by County staff prior to commencing the uses. The uses must adhere to the development standards and the performance standard requirements contained herein, as well as the following conditions: Site plans must be submitted, reviewed and approved prior to the submittal and acceptance of the special exception application, and these uses must adhere to the development standards and the performance standard requirements contained herein, as well as the following conditions.”

### **RESIDENTIAL DEVELOPMENT II DISTRICT (RD-II)**

#### **Chapter 155, Section 155.112 SPECIAL EXCEPTIONS.**

**Chapter 155, Section 155.112(A) within the York County Code of Ordinances is hereby amended to now read as follows:**

“ (A) The following uses may be established in the RD-II District, provided the impact of the uses will not substantially reduce or impair the purpose of the Residential Development II District. ~~The uses may be approved by the York County Zoning Board of Appeals on review, provided that a public hearing will be held on the matter giving at least 15 days public notice, including written notification of adjacent property owners, of the time and place of the hearing~~ Notification and posting requirements of the public hearing are outlined in Section 155.592. The notice will be published in a newspaper of general circulation in York County. Based on the hearing and probable impact of the uses on contiguous uses and conditions, the Zoning Board of Appeals may approve, approve with conditions (lot configuration standards, open space and bufferyard requirements, impose restrictions, or increase typical development standards, and the like), or deny the requests. The Zoning Board will use the following criteria for judging the compatibility of the proposal with the surrounding area; are adequate water and sewer facilities provided; will existing public services and public facilities (including, but not limited to, education, recreation, transportation, and water/sewer facilities) be negatively impacted by the proposed use; is the proposed use compatible with surrounding uses. A conceptual site plan with adequate detail (building layout, setbacks, easements, buffers, etc.) must be submitted prior to the Planning Department accepting the special exception application and presenting the application to the Zoning Board of Appeals. Based on the proposed use, a Traffic Impact Analysis (TIA) may be required and must be submitted prior to the Planning Department accepting the special exception application and approved prior to presenting the application to the Zoning Board of Appeals. Should the Zoning Board of Appeals approve a special exception, a formal site plan and building plans, if applicable, are required to be submitted and approved by County staff prior to commencing the uses. The uses must adhere to the development standards and the performance standard requirements contained herein, as well as the following conditions: Site plans must be submitted, reviewed and approved prior to the submittal and acceptance of the special exception application, and these uses must adhere to the development standards and the performance standard requirements contained herein, as well as the following conditions.”

**BUSINESS DEVELOPMENT III DISTRICT (BD-III): GENERAL**

**Chapter 155, Section 155.147 SPECIAL EXCEPTIONS.**

**Chapter 155, Sections 155.147(A) and (B) within the York County Code of Ordinances is hereby amended to now read as follows:**

“ (A) The following uses may be established in the BD-III District, provided the impact of the uses will not substantially reduce or impair the purpose of the Business Development III District. ~~The uses may be approved by the York County Zoning Board of Appeals on review, provided that a public hearing will be held on the matter giving at least 15 days public notice, including written notification of adjacent property owners, of the time and place of the hearing~~ Notification and posting requirements of the public hearing are outlined in Section 155.592. The notice will be published in a newspaper of general circulation in York County. Based on the hearing and probable impact of the uses on any contiguous uses and conditions, the Zoning Board of Appeals may approve, approve with conditions (lot configuration standards, open space

and bufferyard requirements, impose restrictions, or increase typical development standards, and the like), or deny the requests. The Zoning Board will use the following criteria for judging the compatibility of the proposal with the surrounding area: are adequate water and sewer facilities provided; will existing public services and public facilities (including, but not limited to, education, recreation, transportation, and water/sewer facilities) be negatively impacted by the proposed use; is the proposed use compatible with surrounding uses.

(B) A conceptual site plan with adequate detail (building layout, setbacks, easements, buffers, etc.) must be submitted prior to the Planning Department accepting the special exception application and presenting the application to the Zoning Board of Appeals. Based on the proposed use, a Traffic Impact Analysis (TIA) may be required and must be submitted prior to the Planning Department accepting the special exception application and approved prior to presenting the application to the Zoning Board of Appeals. Should the Zoning Board of Appeals approve a special exception, a formal site plan and building plans, if applicable, are required to be submitted and approved by County staff prior to commencing the uses. The uses must adhere to the development standards and the performance standard requirements contained herein, as well as the following conditions: Site plans must be submitted, reviewed and approved prior to the submittal and acceptance of the special exception application, and these uses must adhere to the development standards and the performance standard requirements contained herein, as well as the following conditions:”

#### **INDUSTRIAL DEVELOPMENT DISTRICT (ID)**

#### **Chapter 155, Section 155.162 SPECIAL EXCEPTIONS.**

**Chapter 155, Section 155.162(A) within the York County Code of Ordinances is hereby amended to now read as follows:**

“ (A) The following uses may be established in the ID District, provided the impact of the uses will not substantially reduce or impair the purpose of the Industrial Development District. ~~The uses may be approved by the York County Zoning Board of Appeals on review, provided that a public hearing will be held on the matter giving at least 15 days public notice, including written notification of adjacent property owners, of the time and place of the hearing~~Notification and posting requirements of the public hearing are outlined in Section 155.592. The notice will be published in a newspaper of general circulation in York County. Based on the hearing and probable impact of the uses on any contiguous uses and conditions, the Zoning Board of Appeals may approve, approve with conditions (lot configuration standards, open space and bufferyard requirements, impose restrictions, or increase typical development standards, and the like), or deny the requests. The Zoning Board will use the following criteria for judging the compatibility of the proposal with the surrounding area; are adequate water and sewer facilities provided; will existing public services and public facilities (including, but not limited to, education, recreation, transportation, and water/sewer facilities) be negatively impacted by the proposed use; is the proposed use compatible with surrounding uses. A conceptual site plan with adequate detail (building layout, setbacks, easements, buffers, etc.) must be submitted prior to the Planning Department accepting the special exception application and presenting the application to the Zoning Board of Appeals. Based on the proposed use, a Traffic Impact Analysis (TIA) may be required and must be submitted prior to the Planning Department accepting the special exception application and approved prior to presenting the application to the Zoning Board of Appeals. Should the Zoning Board of Appeals approve a special exception, a formal site plan and building

~~plans, if applicable, are required to be submitted and approved by County staff prior to commencing the uses. The uses must adhere to the development standards and the performance standard requirements contained herein, as well as the following conditions: Site plans must be submitted, reviewed and approved prior to the submittal and acceptance of the special exception application, and these uses must adhere to the development standards and the performance standard requirements contained herein, as well as the following conditions.”~~

### **LIGHT INDUSTRIAL DISTRICT (LI)**

#### **Chapter 155, Section 155.177 SPECIAL EXCEPTIONS.**

**Chapter 155, Section 155.177(A) within the York County Code of Ordinances is hereby amended to now read as follows:**

“ (A) The following uses may be established in the LI District, provided the impact of the uses will not substantially reduce or impair the purpose of the Light Industrial Development District. ~~The uses may be approved by the York County Zoning Board of Appeals on review, provided that a public hearing will be held on the matter giving at least 15 days public notice, including written notification of adjacent property owners, of the time and place of the hearing~~ Notification and posting requirements of the public hearing are outlined in Section 155.592. The notice will be published in a newspaper of general circulation in York County. Based on the hearing and probable impact of the uses on any contiguous uses and conditions, the Zoning Board of Appeals may approve, approve with conditions (lot configuration standards, open space and bufferyard requirements, impose restrictions, or increase typical development standards, and the like), or deny the requests. The Zoning Board will use the following criteria for judging the compatibility of the proposal with the surrounding area; are adequate water and sewer facilities provided; will existing public services and public facilities (including, but not limited to, education, recreation, transportation, and water/sewer facilities) be negatively impacted by the proposed use; is the proposed use compatible with surrounding uses. A conceptual site plan with adequate detail (building layout, setbacks, easements, buffers, etc.) must be submitted prior to the Planning Department accepting the special exception application and presenting the application to the Zoning Board of Appeals. Based on the proposed use, a Traffic Impact Analysis (TIA) may be required and must be submitted prior to the Planning Department accepting the special exception application and approved prior to presenting the application to the Zoning Board of Appeals. Should the Zoning Board of Appeals approve a special exception, a formal site plan and building plans, if applicable, are required to be submitted and approved by County staff prior to commencing the uses. The uses must adhere to the development standards and the performance standard requirements contained herein, as well as the following conditions: Site plans must be submitted, reviewed and approved prior to the submittal and acceptance of the special exception application, and these uses must adhere to the development standards and the performance standard requirements contained herein, as well as the following conditions.”

### **URBAN DEVELOPMENT DISTRICT (UD)**

#### **Chapter 155, Section 155.192 SPECIAL EXCEPTIONS.**

**Chapter 155, Section 155.192(A) within the York County Code of Ordinances is hereby amended to now read as follows:**

“ (A) The following uses may be established in the UD District, provided the impact of the uses will not substantially reduce or impair the purpose of the Urban Development District. ~~The uses may be approved by the York County Zoning Board of Appeals on review, provided that a public hearing will be held on the matter giving at least 15 days public notice, including written notification of adjacent property owners, of the time and place of the hearing~~Notification and posting requirements of the public hearing are outlined in Section 155.592. The notice will be published in a newspaper of general circulation in York County. Based on the hearing and probable impact of the uses on any contiguous uses and conditions, the Zoning Board of Appeals may approve, approve with conditions (lot configuration standards, open space and bufferyard requirements, impose restrictions, or increase typical development standards, and the like), or deny the requests. The Zoning Board will use the following criteria for judging the compatibility of the proposal with the surrounding area: are adequate water and sewer facilities provided; will existing public services and public facilities (including, but not limited to, education, recreation, transportation, and water/sewer facilities) be negatively impacted by the proposed use; is the proposed use compatible with surrounding uses. A conceptual site plan with adequate detail (building layout, setbacks, easements, buffers, etc.) must be submitted prior to the Planning Department accepting the special exception application and presenting the application to the Zoning Board of Appeals. Based on the proposed use, a Traffic Impact Analysis (TIA) may be required and must be submitted prior to the Planning Department accepting the special exception application and approved prior to presenting the application to the Zoning Board of Appeals. Should the Zoning Board of Appeals approve a special exception, a formal site plan and building plans, if applicable, are required to be submitted and approved by County staff prior to commencing the uses. The uses must adhere to the development standards and the performance standard requirements contained herein, as well as the following conditions:Site plans must be submitted, reviewed and approved prior to the submittal and acceptance of the special exception application, and these uses must adhere to the development standards and the performance standard requirements contained herein, as well as the following conditions.”

#### **PARKING (OFF-STREET) AND LOADING**

**Chapter 155, Section 155.446 PARKING, STORAGE, AND USE OF CERTAIN VEHICLES IN THE AGC, RUD, RUD-I, RC-I, RC-II, RD-I, RD-II AND UD DISTRICTS.**

**Chapter 155, Section 155.446 within the York County Code of Ordinances is hereby amended to now read as follows:**

**~~“§ 155.446 PARKING, STORAGE, AND USE OF CERTAIN VEHICLES IN THE AGC, RUD, RUD-I, RC-I, RC-II, RD-I, RD-II AND UD DISTRICTS.~~**

(A) The outside parking and storage of one unlicensed automobile, truck or trailer of any kind is permitted on residential lots; ~~with an existing residential dwelling;~~ in the AGC, ~~AGC-I,~~ RUD, RUD-I, RC-I, RC-II, RD-I, RD-II, and UD zoning districts. The vehicles must be stored in the rear yard at least 25 feet from the rear property line and 10 feet from the side property lines. The storage of any additional unlicensed vehicles must be within completely enclosed and roofed structures (garage) as permitted herein. The outside parking and storage of unlicensed

automobiles, trucks or trailers of any kind is prohibited on vacant lots within the above listed zoning districts.

(B) The outside parking and storage of ~~travel trailers recreational vehicles~~ is permitted on residential lots with an existing residential dwelling, in the AGC, ~~AGC-I~~, RUD, RUD-I, RC-I, RC-II, RD-I, RD-II, and UD zoning districts, provided, the ~~travel trailer recreational vehicle~~ is listed in the ownership of the property owner or tenant. The vehicles must be stored in the rear yard at least 25 feet from the rear property line and 10 feet from the side property lines. Parking of a recreational vehicle is permitted in a driveway. The ~~travel trailer recreational vehicle~~ cannot be used as an intermittent, temporary, or permanent residence while parked or stored on a lot. The parking and storage of travel trailers is prohibited on vacant lots within the above listed zoning districts.

(C) Trucks and other farm equipment may be stored on lots used for agricultural production, provided the vehicles and equipment are essential to and are being used for farming operations.

(D) One (1) tractor trailer tTrucks and associated trailer/travel containers may be parked outside on a residential lots, with an existing residential dwelling, in the AGC, ~~AGC-I~~, RUD, RUD-I, RC-I, RC-II, ~~RD-I, RD-II~~, and UD zoning districts, provided, the ~~vehicle tractor trailer truck and associated trailer/travel container is listed in the ownership of the property owner or tenant. The storage of any tractor trailer truck and associated trailer/travel container must be within completely enclosed and roofed structures as permitted herein. The tractor trailer truck and associated trailer/travel container must be parked in the rear yard at least is located no closer than 25 feet from the road right-of-way, 25 feet from the rear property line, and no closer than 10 feet from the side property lines. Exclusively parking a trailer/travel container without a tractor trailer truck is prohibited within the above listed zoning districts. The parking of a tractor trailer truck and associated trailer/travel container of any kind is prohibited on vacant lots within the above listed zoning districts.~~

(E) Definitions for parking and storage associated with § 155.446 are found within § 155.009.”

### **SECTION 3. Public Hearing Required.**

The York County Council shall conduct a public hearing after publishing a notice of the date, time and place of such hearing at least fifteen (15) days in advance of such hearing before final legislative action is taken for the adoption of this ordinance.

### **SECTION 4. Severability.**

The provisions of this ordinance are hereby declared to be severable, and if any provision or section of this ordinance is declared to be unconstitutional or unenforceable by the final order of a court of competent jurisdiction, such declaration shall not affect the constitutionality, legality, or enforceability of any other section or provision of this ordinance, which shall be deemed severable, valid, enforceable, and effective.

**SECTION 5. Repeal of inconsistent sections and ordinances.**

All sections of the York County Code of Ordinances and all York County ordinances in conflict with this ordinance are hereby amended to the extent of such conflict.

**SECTION 6. Effective date.**

This ordinance shall take effect immediately upon adoption.

Adopted this \_\_\_\_\_ day of \_\_\_\_\_, 2016.

YORK COUNTY COUNCIL

By: \_\_\_\_\_  
J. Britt Blackwell, O.D., Chairman  
York County Council

Attest: \_\_\_\_\_  
William P. Shanahan, Jr.  
County Manager

1<sup>st</sup> Reading: \_\_\_\_\_

2<sup>nd</sup> Reading: \_\_\_\_\_

Public Hearing: \_\_\_\_\_

3<sup>rd</sup> Reading: \_\_\_\_\_