



MEMORANDUM

TO: Rock Hill Planning Commission
FROM: Dennis Fields, Planner III
RE: Meeting Agenda
DATE: June 29, 2021

The Rock Hill Planning Commission will hold its regularly scheduled monthly meeting on Tuesday, July 6, 2021, at 6:00 PM, in City Hall Council Chambers, 155 Johnston Street. The public hearing portion of the meeting can be viewed online at <http://www.cityofrockhill.com/livestream>. Please feel free to contact me at Dennis.Fields@cityofrockhill.com or 803-329-5687 regarding any item on the following agenda. Thank you.

AGENDA

Rock Hill Planning Commission
July 6, 2021

Pledge of Allegiance

1. Approval of minutes of June 1, 2021 meeting.

PUBLIC HEARING ITEMS

2. Hold public hearing and consider a recommendation to City Council on petition M-2021-21 by Cultivate Rock Hill LLC (Charlotte Brown) to rezone approximately 0.68 acres at 315 East Main Street from Downtown (DTWN) to Master Planned Commercial (MP-C). Tax parcel 627-16-02-004* **WITHDRAWN BY APPLICANT**
3. Hold public hearing and consider a recommendation to City Council on petition M-2021-22 by Woda Cooper Companies (Denis Blackburne) to rezone approximately 18.39 acres at 1055 Finley Road from Neighborhood Commercial (NC) to Multi-Family Residential (MFR) and Office and Institutional (OI). Tax parcel 597-04-01-166.* **DEFERRED BY APPLICANT TO AUGUST MEETING**
4. Hold public hearing and consider a recommendation to City Council on petition T-2021-01 by City of Rock Hill Planning Commission to amend the Zoning Ordinance of the City of Rock Hill by making text changes affecting Chapter 2: Administration and Chapter 7: Construction Standards for Subdivisions, Public Improvements, and Site Infrastructure, in relation to flood hazard and stormwater pond standards.*

PLANNING & DEVELOPMENT

155 JOHNSTON STREET, P.O. BOX 11706
ROCK HILL, SC 29731-1706, 803-329-7080

5. Hold public hearing and consider a recommendation to City Council on petition T-2021-02 by the Rock Hill City Manager to amend the Zoning Ordinance of the City of Rock Hill by making certain text changes affecting Chapter 3: Zoning Districts and Chapter 8: Development Standards, in relation to a road corridor protection overlay district and traffic impact standards.*
6. Hold public hearing and consider a recommendation to City Council on petition T-2021-03 by the Rock Hill City Manager to amend the Zoning Ordinance of the City of Rock Hill by making certain text changes affecting Chapter 9: Site and Building Design Standards, in relation to residential design standards for single-family development.*

NEW BUSINESS

7. Other Business.
8. Adjourn.

* The Planning Commission makes a recommendation to City Council on these items. Recommendations made at this meeting are tentatively scheduled for consideration by City Council on August 9, 2021. City Council agendas are posted online at www.cityofrockhill.com/councilagendas on the Friday prior to each meeting. Please contact Dennis Fields at 803-329-5687 or Dennis.Fields@cityofrockhill.com with any questions.

** The Planning Commission makes the final decision on these items.



Planning Commission Minutes

June 1, 2021

A public hearing of the Planning Commission was held on Tuesday, June 1, 2021, at 6 p.m. in City Council Chambers, 155 Johnston Street, Rock Hill SC.

MEMBERS PRESENT Randy Graham, Duane Christopher, Shelly Goodner, Nathan Mallard, Gladys Robinson, Justin Smith

MEMBERS ABSENT Keith Martens

STAFF PRESENT Dennis Fields, Eric Hawkins, Leah Youngblood, Janice E Miller

1. Approval of minutes of the May 4, 2021, meeting.

Vice-Chair Christopher made a motion to approve the minutes from the May 4, 2021, meeting. Commissioner Smith seconded, the motion passed unanimously by a vote of 6-0 (Martens absent).

Commissioner Smith asked the status of the request for updates on previously approved projects. Staff member Dennis Fields stated beginning in July staff would be including quarterly status reports to the Commission on past cases.

Chair Graham asked if the request for proposed workshops with City Council were considered. Leah Youngblood, Planning & Development Director, advised that City Manager David Vehaun would discuss this with City Council.

PUBLIC HEARING ITEMS

2. Hold public hearing and consider a recommendation to City Council on petition M-2021-19 by LRB Property LLC (Mark Van Sickle) to rezone approximately 3.85 acres at 129 Oakland Avenue; 136, 140, & 144 Ebenezer Avenue; and adjacent right-of-way from General Commercial (GC) and Neighborhood Office (NO) to Limited Commercial (LC). Tax parcels 627-21-02-007, -018, -020 & -021.

Staff member Dennis Fields, Planner III, presented the staff report.

Commissioner Smith asked the status of the adjacent parcel, which was not included in the request. Mr. Fields stated the applicants might best provide the answer for this but that his understanding was that the current owner had previously had a house, and an accessory dwelling on the site. The home was demolished, which left only the single dwelling unit remaining. The property owner was hoping to build another residential structure to replace the one that had been demolished, however two dwelling units are not allowed on a single property, without obtaining a special exception for residential infill. He noted the Legal Remedy Brewing site would have to provide adequate buffers since there was an existing residential use adjacent to the property.

The applicant, Mark Van Sickle, 2542 Lower Assembly Drive, Fort Mill, stated the owner of the property not included had been approached but that the owner was under the impressions a new house could be constructed on the lot.

Chair Graham asked the products that would be stored. Mr. Van Sickle stated this

building would be used for to-go distribution orders and empty beer can storage.

Chair Graham asked if a tractor-trailer could pull through the site off Oakland Avenue. Mr. Van Sickle stated these vehicles could access the site from Oakland Avenue.

Chair Graham asked if a tractor-trailer could access the site from Ebenezer Avenue. Mr. Van Sickle stated once the site was fully developed, a tractor-trailer would be able to pull through to Ebenezer Avenue, that currently they had to perform a U-turn. He added that the intent was to move the pizza restaurant located across Oakland Avenue to a new location on this site and to have event space available for receptions and gatherings. He noted the concept was still evolving.

Vice-Chair Christopher observed that the building indicated on the site plan provided was simply an envelope and asked for clarification that the building would be approximately 15-18 feet tall. Mr. Van Sickle stated this was correct, that the building would be same height as nearby buildings.

Vice-Chair Christopher asked if the parking lot for the restaurant structure would connect to the existing parking lot. Mr. Van Sickle stated it would not, that cars would not be able to get through to the existing lot, adding that this parking lot was dedicated for the new space.

Mr. Marty McCauley, 1211 Hastings Court, owner of nearby property, stated he had no objection to the request, that he only wanted to know how this would affect his property. Chair Graham replied that the Commission was only recommending approval to City Council to change the zoning to allow uses of the property as the owners saw fit.

Chair Graham noted the development of the property would be a staff level approval and the Commission would not see development plans. Mr. Fields stated this was correct that the Commission would not be required to see this as a major site plan review but that the Zoning Board of Appeals was required to approve the use and any variances required, especially with respect to the buffer affecting the adjacent residential use.

Commissioner Smith expressed concern over the parking provided. Mr. Fields stated there was an error in the staff report, that the 9800 square feet shown on the site plan included the building and all outdoor seating areas, but that parking would be reviewed as part of the ZBA appeal process.

Commissioner Smith asked if a variance for parking would be required. Mr. Fields stated he did not know if a variance would be required for parking at this time, but that other reductions to buffers and separation requirements are likely needed because of the adjacent residential use.

Commissioner Smith observed that this was essentially choking out the residential use and expressed concern that this may possibly force the use out of the area even with a 6' fence and buffer. Mr. Fields provided information on the buffer requirements that would be required in order to minimize impact on the adjacent residential use.

Commissioner Smith reiterated his concern over the parking, adding that he did not think there was enough parking to accommodate a building of this size. Mr. Fields stated the current GC zoning district allowed for the restaurant use without the requested zoning, adding that the need for the rezoning was to combine all the properties under the same zoning district, since the City was phasing out GC.

Commissioner Mallard observed that Ebenezer Road was the buffer area between neighborhood Office and Downtown districts, adding that DTWN allowed for reductions in parking. Mr. Fields stated staff has been discussing whether DTWN zoning would make more sense for the entire block south of Wilson Street and West of Oakland Avenue, given that it was adjacent to the DTWN district and the uses within that area were consistent with the mixed-use character of the downtown area.

Commissioner Graham observed that if they applied for other uses, the ZBA would be the deciding factor. Mr. Fields stated this was correct.

Commissioner Mallard made the motion to recommend to City Council approval of the Limited Commercial (LC) zoning as presented. Vice-Chair Christopher seconded.

Commissioner Smith commented that the adjacent owner had been notified and was not present to object to the request.

Chair Graham commented that this was a great development project, adding that he did not want this to be overdeveloped and under-parked.

Chair Graham called for a vote, and the motion carried unanimously by a vote of 6-0 (Martens absent).

Chair Graham asked when the ZBA would hear this case. Mr. Fields stated it was tentatively scheduled to be on the July 20 public hearing agenda.

3. Hold public hearing and consider a recommendation to City Council on petition M-2021-20 by June Engineering Consultants Inc. (Jimmy Dunn) to rezone approximately 14.2 acres at 2253 Cherry Road; 2260 Farlow Street; 1102, 1106, 1204, 1216, 1220, 1236 & 1302 Burton Street and two adjoining un-addressed parcels; and adjacent right-of-way from Residential Conservation District II (RC-II) and business Development District III (BD-III) in York County to Limited Commercial (LC) and Office and Institutional (OI). Tax parcels 634-00-00-003, -004, -031, -081, -081 to -083, -107 to -109, & -111.

Staff member Dennis Fields, Planner III, presented the staff report.

Chair Graham observed this might be a good possibility for master planned zoning, noting the Commission could not make recommendations for specific conditions to be in place for approval. He asked if a special exception from the ZBA could tie conditions to the approval for the use or variances required. Mr. Fields stated the ZBA could include conditions for approval since a special exception was required to allow the storage use. He added that staff would recommend conditions of approval for items such as increased buffer requirements, removal of the existing billboards, and approved road access points.

Commissioner Smith asked if the site would be platted as one parcel. Mr. Fields stated it would.

Commissioner Smith referred to the City's moratorium on storage facilities, asking the consensus on how these types of projects would proceed. He noted this project seemed to meet all the requirements, that it was an infill project along a busy corridor. Mr. Fields stated the text changes actually required this type of layout, with the self-storage component behind commercial uses, adding the design standards would take the nearby adjacent developments into account in terms of style and building heights.

Commissioner Mallard asked if the nearby intersection was signalized. Mr. Fields stated there was a signal into the adjacent shopping center. There was general

discussion over the location of existing lanes and how vehicles would best access the site.

Vice-Chair Christopher asked if a more intense use other than storage was proposed would ZBA approval be required. Mr. Fields stated the proposed OI zoning district did not allow for a lot of intense uses, mainly churches, but there may be other uses that would require a special exception.

The applicant's representative, Mr. Keane McLaughlin, ESP Associates, 3475 Lakemont Blvd, Fort Mill, stated the site plan provided was conceptual in nature and that once they could examine the site for any constraints they would have a better idea for building layout. He noted the site currently had a number of dilapidated buildings.

Chair Graham asked if they anticipated that the front strip facing Cherry Road would be a strip retail center. Mr. McLaughlin stated it was hard to say exactly but the plan was to have a commercial component located in that area. He added this area would be the definite access drive for the entire site, serving both the commercial component and storage facility from Cherry Road, noting that he doubted there would be any access, emergency or otherwise, off Farlow Street unless required.

Vice-Chair Christopher asked if they had spoken to the owner of the adjacent property off Cherry Road. The applicant, Mr. Jimmy Dunn, June Engineering Consultants, Inc, 23 W Joiner Street, Winter Garden FL, replied they were currently in process to purchase the residential property off Burton Street. He added they would like to have the right-of-way addressed as 1102 Burton vacated, and stated they were committed to installing the 50' buffer as shown on the site plan in order to protect the nearby residential properties.

Planning & Zoning Manager Eric Hawkins clarified that the property Vice-Chair Christopher referred to was the property directly adjacent to Cherry Road. Mr. Dunn stated they had not contacted that property owner. Mr. Fields noted the Commission would see the additional rezoning application if the residential property was purchased by the applicant.

Vice-Chair Christopher made the motion to recommend to City Council approval of Limited Commercial (LC) and Office and Institutional (OI) zoning as presented. Commissioner Smith seconded.

Vice-Chair Christopher commented that this project made sense for this site.

Chair Graham agreed, further commenting the proposed storage use would have created concern since it would be placed between two residential developments, but with the site location directly off Cherry Road, the removal of two billboards, and the fact no traffic would be able to access the site from Burton or Farlow Streets, this project made sense.

Chair Graham called for a vote and the motion carried unanimously by a vote of 6-0 (Martens absent).

NEW BUSINESS

4. Consideration of a request by City of Rock Hill Housing and Neighborhood Services for road name approval for Village at Osceola. (Plan 20200275)

Staff member Dennis Fields Planner III presented the staff report.

Commissioner Smith asked for details for this project. Mr. Fields explained this was a master planned residential development approved by the Commission a few years before. He added it included single family homes, duplexes, and townhomes.

Vice-Chair Christopher made the motion to approve the road name as presented. Commissioner Mallard seconded, and the motion carried unanimously by a vote of 6-0 (Martens absent).

5. Consider sponsorship of amendments to the text of the Zoning Ordinance of the City of Rock Hill regarding flood protection and detention ponds.

Leah Youngblood, Planning & Development Director, presented the request for sponsorship.

Chair Graham asked the process if the HOA already had possession of the detention pond area before it was completed. Ms. Youngblood stated if this happened, they would need to figure out how to get the developer to take care of the situation as HOAs were not necessarily equipped to obtain permits to convert the pond from construction activity over to its purpose to serve as a detention pond.

Commissioner Smith asked if CCRs were part of the development agreement. Ms. Youngblood stated they were if part of a master plan but this did not always happen.

Commissioner Smith asked if trigger points for this action were to be determined. Ms. Youngblood stated this was correct, that it may happen when a certain number of homes were constructed. She noted that in several older neighborhoods, the issue was that there were ponds that should have been turned over to the HOA as detention ponds for maintenance but had not.

Chair Graham observed there needed to be some action in order for maintenance of these areas to occur. Ms. Youngblood agreed, stating the ponds were built mainly for construction use and were converted to detention ponds then turned over to the HOA to maintain.

Commissioner Mallard stated this action was needed for ponds statewide due to flooding the Columbia area where ponds failed, adding that DHEC may have the enforcement power needed. Ms. Youngblood stated the City wanted to be able to have some control, and that HOAs don't necessarily know what needs to be done to obtain permits. She added staff was still working through what the process would be.

Vice-Chair Christopher made a motion to sponsor the text amendments as presented. Commissioner Goodner seconded, and the motion passed unanimously by a vote of 6-0 (Martens absent).

6. Other Business.

There was no other business for the Commission to consider.

7. Adjourn.

There being no further business, the meeting adjourned at 7:03 p.m.



Case No. T-2021-01
Proposed Amendments to Zoning Ordinance
Report to Planning Commission
Meeting Date: July 6, 2021

Topic:	Flood Hazard and Stormwater Pond Standards
Applicable Content:	<i>Chapter 2: Administration</i> <i>Chapter 7: Construction Standards for Subdivisions, Public Improvements, and Site Infrastructure</i>
Application Date:	June 1, 2021
Sponsor:	Planning Commission

Background

Last year, City Council adopted some amendments to the Zoning Ordinance in response to a recently released State of South Carolina study of dams. The amendment applied the City's existing flood protection regulations to properties that the State identified through that study as being within a dam breach inundation zone in order to ensure that development does not occur in areas that may experience flooding during a breach. Since that time, staff has identified a couple of areas in the existing regulations where the wording needs to be clarified in order to carry out the intent of the provisions.

Additionally, staff has identified three issues with how we currently handle detention ponds that we would like to address with these text amendments as well:

- 1) The Zoning Ordinance does not have a mechanism in place that triggers when ponds that are designed as temporary sediment control ponds during construction must be converted to permanent detention ponds. We would like to create such a mechanism in order to make sure that this occurs in a timely manner and that the ponds have been converted and have been inspected as being in compliance with City standards before they are turned over to a Home Owners Association (HOA).
 - 2) Detention ponds are not included in the items for which we receive letters of credit from developers to make sure that they will either complete the work or the City will be able to use the developer's money to complete the work. We would like to add them to the list of items for which we receive letters of credit.
 - 3) We would like to prohibit developers from turning detention ponds over to HOAs through a quit-claim process. Because NPDES permits for the ponds are usually in the developers' name, that action would circumvent developers' responsibility to properly close out their NPDES permits and converting their ponds to final post-development configurations. The new owner (i.e., the HOA) would become responsible for those actions, but would typically have no knowledge of the unfinished work that is required to be completed or the need to obtain a new NPDES permit in its own name.
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PUBLIC INVOLVEMENT

The official notice of the public hearing before the Planning Commission was published in The Herald on June 16. Staff has not heard from anyone about these proposed amendments.

RECOMMENDATION

The proposed amendments would allow staff to fully implement the City's flood hazard protection standards and would improve the processes by which we handle stormwater ponds during and after development. Staff recommends approval of the proposed amendments.

Attachments

- Proposed changes to Zoning Ordinance
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803-329-5569

Proposed Zoning Ordinance amendments, T-2021-01

Chapter 2: Administration

2.7 APPLICATIONS REVIEWED BY PLANNING & DEVELOPMENT DIRECTOR

2.7.8 FINAL PLATS FOR SUBDIVISION

After construction of the required public improvements approved through the civil construction plans, or the posting of a bond in lieu of completion of the public improvements **and/or privately owned improvements** in accordance with *Chapter 7: Construction Standards for Subdivisions, Public Improvements, and Site Infrastructure*, applicant must prepare a final plat for subdivision.

- A. Standards:** In addition to complying with the standards of this Ordinance, the final plat for subdivision must be in substantial conformance with the configuration of the approved preliminary plat for subdivision and the approved civil construction plans; indicate the location of required public improvements in accordance with the approved civil construction plans; include all of the certificates listed in *Appendix 2-A*; be tied to geodetic survey points as is explained in the City's State Plane Coordinate Checklist; and be consistent with all other relevant City ordinances and regulations.
- B. Completion of Required Public Improvements Prior to Issuance of Building Permits:** Except for sidewalks deferred in accordance with *Chapter 7: Construction Standards for Subdivisions, Public Improvement and Site Infrastructure*, all public improvements must be completed, inspected, and approved in accordance with the procedures outlined in that chapter prior to the issuance of the first building permit for development within the subdivision.
- C. Completion of Required Private Improvements:** All private improvements must be completed, inspected, and approved prior to the approval of the Final Plat or Certificate of Occupancy, or in accordance with approved civil phasing plan requirements.
- D. Effect of Final Plat:** The approval of a final plat for subdivision does not constitute acceptance by the City of the dedication of any street, public utility line, or other public facility shown on the plat. Upon satisfactory completion of the warranty period explained in *Chapter 7: Construction Standards for Subdivisions, Public Improvement and Site Infrastructure*, streets, utility lines, and other public improvements will be accepted by the City.

The City may also accept any dedication made to the public of lands or facilities for streets, parks, or public utility lines by resolution. However, the City has no obligation to build any street even after acceptance of dedication of right-of-way.

2.11 APPLICATIONS REVIEWED BY PLANNING COMMISSION

2.11.2 PRELIMINARY PLATS (MAJOR SUBDIVISIONS)

The Planning Commission reviews all requests for subdivision of land that are not exempted or reviewed by staff as a minor subdivision, as is explained in the minor subdivision section above. These subdivision requests are commonly referred to as preliminary plats. They establish the general layout and design for a subdivision of land. **If a subdivision is to be phased, the infrastructure related to entrances or turn lanes must be completed in Phase 1.**

The Planning Commission must act on the application for preliminary plat within 60 days of the application's referral from the Planning & Development Director (unless a longer review period is agreed upon between the Planning Commission and sub-divider).

In approving a preliminary plat, the Planning Commission may impose appropriate conditions on the permit approval.

Approval of a preliminary plat constitutes approval of the development with the general lot shapes and alignments of streets identified on the preliminary plat, and allows the applicant to proceed to the development of civil construction plans and to apply for a grading permit necessary for construction of streets and public utilities. Those are all reviewed by the Planning & Development Director.

Because the City's architectural standards for single-family detached developments determine much about the arrangement and size of lots within the development, the City encourages builders to submit architectural plans at the same time as the preliminary plat if the builder has been selected at that time.

Chapter 7: Construction Standards for Subdivisions, Public Improvements and Site Infrastructure

7.2 GENERAL CONSTRUCTION STANDARDS

7.2.1 STORMWATER MANAGEMENT AND EROSION CONTROL

H. Conversion to permanent post-development stormwater mitigation facilities: Conversion to permanent post-development stormwater mitigation facilities shall occur in accordance with the approved civil plan NPDES Permit phasing requirements, as follows:

- Generally, stormwater mitigation facilities will be converted as part of the as-built approval process, prior to Final Plat or Certificate of Occupancy, as applicable; or
- Where facilities cannot be converted to a post-development configuration, due to NPDES Permit civil plan phasing, a partial stormwater as-built approval shall be obtained. Final as-built approval of stormwater mitigation facility conversion may be associated with a permit hold for specific lots or parcels, as defined on the approved civil plans; or
- As required by Planning and Development Infrastructure, if deemed necessary to reduce potential adverse stormwater impacts to adjacent, upstream and/or downstream properties; or
- A Performance Guarantee shall be provided by the developer for all outstanding or incomplete stormwater mitigation improvements and as-builts, in accordance with Section 7.4, Performance Guarantees for Specified Private Improvements, with approval by the Planning Director.

I. Conveyance through quit claim deed prohibited

Developers are prohibited from conveying detention ponds to Home Owners Associations or others through a quit-claim deed.

7.2.2 FLOOD HAZARD RISK AREAS

- A. Purpose and Intent:** This section is intended to protect human life and health; eliminate or reduce the risk of adverse impacts and damage potential associated with flood waters; preserve natural sensitive land areas and eco-systems; and to diminish the need for public investment toward stormwater infrastructure.
- B. Applicability:** The standards of this section apply to lands vulnerable or prone to flooding, such as Special Flood Hazard Areas designated by the most current FEMA FIRM and locally-designated flood-prone areas as defined by the City's Stormwater Master Plan; Dam or Reservoir Inundation Zones; and any site-specific areas vulnerable to flooding hazards. Structures within FEMA designated floodplains are typically subjected to federal flood insurance requirements, where structures in locally-designated flood-prone areas are not.
- C. General Design Standards:** Land disturbance and construction activities occurring within ~~100-year floodplains~~ areas of flood hazard risk as listed below are ~~be~~ subject to the following standards:
1. **FEMA 100-year Floodplain:** Development must comply with the regulatory standards found in *Chapter 10, Article 7, Flood Damage Prevention*, of the City Code of Ordinances.
 2. **Local 100-year Floodplain:** Development must comply with the City's Stormwater Master Plan and Local Flood Hazard Risk Policy Guide.
 3. **100-year Floodplain Storage:** No filling or net reduction of 100-year floodplain storage volumes shall be allowed (FEMA or local), without providing an analysis demonstrating no adverse impacts

or rise in floodstage for upstream, downstream, and adjacent properties. Minimal filling or displacement of floodplain storage volumes may be allowed on a case-by-case basis for construction of utilities, stormwater improvements, minor grading or limited construction activities, or for previously subdivided single-family lots, per the discretion of the Planning & Development Director.

4. **Dam or Reservoir Inundation Zones:** Area identified as being located within a potential dam breach inundation zone shall be evaluated for an assessment of hazard risk in accordance with the City's Stormwater Master Plan and Local Flood Hazard Risk Policy Guide. High hazard dams, as classified by the South Carolina Department of Health and Environmental Control, shall also be subject to the South Carolina Dams and Reservoirs Safety Act regulations.
5. **Site-Specific:** Areas subject to a significant identifiable flood hazard risk, including non-regulated dams, reservoirs, or site-specific hydrologic/hydraulic conditions, as determined by accepted engineering principles and analysis or reasonable historic information. See [Stormwater Master Plan and Local Flood Hazard Risk Policy Guide](#).
6. **Riparian Buffers:** Development affecting FEMA and locally-designated flood-prone areas must comply with the riparian buffer standards found in *Chapter 8: Development Standards*.

7.4 PERFORMANCE GUARANTEES FOR SPECIFIED PRIVATE IMPROVEMENTS

7.4.1 APPLICABILITY

The City will hold performance guarantees for the specified private improvements listed below to ensure that the improvements are completed. The Planning & Development Director also may withhold permits on specific lots until the improvements are completed where the lots are integral to the improvement.

7.4.2 PROCESS

- A. **Form of Performance Guarantee:** The developer must provide a certified check in the amount specified below. In limited cases, another form of guarantee instead of a certified check may be reviewed by the City Attorney for possible acceptance.
- B. **Amount of Guarantees:**
 1. When the following are not fully built, with as-built plans provided to the City as applicable, and have not passed inspection by the time of the recording of a final plat for a residential subdivision or the issuance of a certificate of occupancy for a non-residential development, a performance guarantee of 120% must be provided for the remaining work (including materials and labor):
 - Stormwater detention and/or water quality facilities
 - Shared use or recreational paths shown on approved civil plans
 - Retaining walls and infrastructure associated with critical grades
 - Site-specific amenities required by the Zoning Ordinance
 2. Bonding of certain improvements or portions of improvements may be also allowed at the discretion of the Planning & Development Director to coordinate with imminent or ongoing adjacent public and/or private construction, or for compliance with NPDES permit or civil construction plan approval phasing. When that is allowed, a performance guarantee of 120% must be provided for the remaining work (including materials and labor).
- A. **Renewal of Guarantee:** Whenever guarantees are renewed, the City may require the guarantee to be updated based on a standard engineering cost index to reflect increases in construction costs over time.
- B. **Developer's Responsibility:** During the period of the performance guarantee, all maintenance, claims, and complaints are the responsibility of the developer.
- C. **Release of Guarantees for Privately Owned and Maintained Improvements**

1. **Release:** Release of a performance guarantee will occur after the improvements pass a final inspection, and review/approval of as-built, as applicable.
2. **Partial Release:** The Planning & Development Director may allow partial releases of performance guarantees based on the completion of major milestones of the required work.

D. Forfeiture of Security:

1. **Notice of Failure to Install or Complete Improvements:** If a developer fails to properly install, repair, and/or maintain all required privately owned and maintained improvements within the time frames established by this section, the City must give 30 days written notice to the developer by certified mail, after which time the City may draw on the security and use the funds to complete the required improvements.
2. **City Completion of Improvements:** After completing the required improvements, the City must provide a complete accounting of the expenditures to the developer and, as applicable, refund all unused security deposited, without interest.



Topic: **Setbacks for Properties Affected by Planned Roadway Construction Projects**

Applicable Content: *Chapter 6: Community Design Standards*

Application Date: May 24, 2021

Applicant: City Manager

Background

The Rock Hill-Fort Mill Area Transportation Study has long planned interchange improvements at Exit 82 along I-77 in Rock Hill. This improvement will feature the reconfiguration of an interchange that has multiple exits and feeds two major arterial corridors in Rock Hill—Celanese Road and Cherry Road, which provide east and west access to and from the interstate.

In March 2021, the RFATS Policy Committee met to review the latest report from the South Carolina Department of Transportation regarding the interchange project as it prepares to enter the design phase. It was noted that various alternatives will be analyzed to determine which design will provide the best outcome for both the Cherry and Celanese corridors. Staff from both RFATS and SCDOT noted that while some design configurations should fit within the existing right-of-way, other unique configurations may emerge that would require additional right-of-way to be acquired. Policy Committee members encouraged proactive planning and coordination between the affected agencies, jurisdictions, property owners and stakeholders in and around the project area in order to preserve all design options to the fullest extent possible.

Coming out of this discussion, City staff learned that York County has had a road corridor protection overlay district in place for years that protects the rights-of-way for planned roadway construction projects by requiring that buildings, signs, and other structures be placed farther back into a property instead of in the planned right-of-way area. The intent of the ordinance is to reduce the financial impact of acquiring the right-of-way to the public as well as to reduce the impact of the road project on private property owners.

The proposed Zoning Ordinance amendments would do the same for planned road projects in Rock Hill. They would apply additional setbacks to structures on property located adjacent to planned roadway construction projects. The projects would be those that are listed on regional or City of Rock Hill transportation plans, or on York County Pennies for Progress referendums.

The setbacks would apply to all types of structures (buildings, signs, or other). They would be determined in two ways:

- 1) When a future alignment of right-of-way for a road improvement has been established, the setback would be same as the approved alignment of right-of-way plus the regular setback of the applicable zoning district.

- 2) When alignment for expanding an existing roadway has not been determined, the minimum setback would be that listed in the attached table, plus the regular setback of the applicable zoning district, unless staff determines that the proposed construction would not have a negative impact on the future construction project. The table would be adopted by reference, and the Planning Commission would have the authority to amend it from time to time in order to de-list roads when projects are completed and to add new roads as new projects are planned.
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PUBLIC INVOLVEMENT

The official notice of the public hearing before the Planning Commission was published in The Herald on June 18. Staff has not heard from anyone about these proposed amendments.

RECOMMENDATION

Staff recommends the proposed changes in order to protect rights-of-way for planned roadway construction projects from the development of structures in order to reduce the cost to the public of acquiring the rights-of-way and to reduce the impacts of the roadway project on private property owners.

Attachments

- Proposed changes to Zoning Ordinance
 - Other Roadways Subject to Planned Roadway Construction Projects exhibit
 - RFATS Projects Map
 - York County Pennies for Progress Projects Map
-

Staff Contact: Christopher Herrmann, Transportation Planner
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803-326-2460

Proposed Zoning Ordinance Amendments, T-2021-02

Chapter 6: Community Design Standards

6.7 STREET DESIGN STANDARDS (FOR ALL USE TYPES)

6.7.22 SETBACKS FOR LAND AFFECTED BY FUTURE ROADWAY CONSTRUCTION PROJECTS

- A. Purpose:** The Rock Hill City Council finds that additional setbacks are necessary for property located adjacent to planned roadway construction projects in order to minimize the cost to the public and the impacts to private property owners associated with the public improvements project.
- B. Applicability:** All property that is located adjacent to a road construction project that is listed within one or more of the following plans is subject to an increased setback standard as is described below:
1. City of Rock Hill Capital Projects list
 2. City of Rock Hill Comprehensive Plan
 3. The Rock Hill – Fort Mill Area Transportation Study (RFATS) Long Range Transportation Plan
 4. The RFATS Congestion Management Plan
 5. York County Pennies for Progress Referendums
 6. Roadways listed in the document titled “Other Roadways Subject to Planned Roadway Construction Projects,” which is adopted by reference, along with its subsequent amendments. The Planning Commission may amend this document from time to time, in order to assign the increased setbacks to new roads, roads with newly identified future roadway construction projects, or roads what were inadvertently left off the list.
- C. Establishment of Setbacks:**
1. No building, structure, sign or facility shall be erected, constructed, reconstructed, moved, added to, or structurally altered within the limits of the following:
 - a. When a future alignment of right-of-way for a road improvement has been established by the reviewing agency, the setback requirement will be the same as the approved alignment of right-of-way plus the regular setback of the applicable zoning district per Section 6.5.6.
 - b. When alignment for expanding an existing roadway has not been determined, the minimum setback is that which is listed in the chart below plus the regular setback of the applicable zoning district, unless the City determines, in coordination with the relevant agencies for the road construction project, that the proposed construction or development will not have a negative impact on the future construction project.

OTHER ROADWAYS SUBJECT TO PLANNED ROADWAY CONSTRUCTION PROJECTS

AS ADOPTED _____, 2021

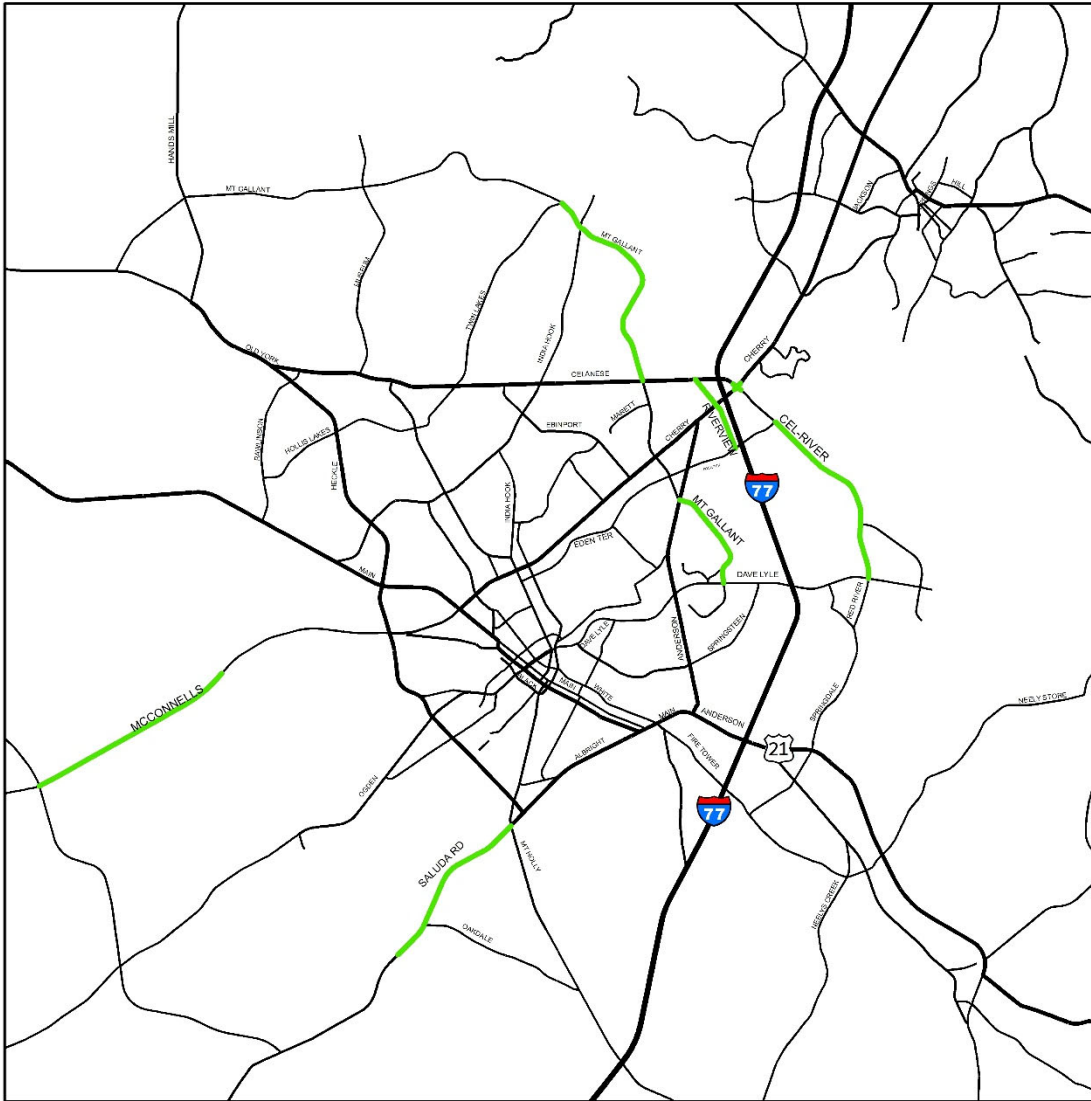
Roadway	Location	Minimum Preservation Corridor Limits
Celanese Road	Automall Parkway to Cherry Road	170 Feet
Celanese Road	Ebinport Road to Woodcrest Circle	170 Feet
Cel-River Road / Red River Road	Eden Terrace to Dave Lyle Blvd	170 Feet
Cherry Road	Automall Parkway to Faith Blvd	170 Feet
Corporate Blvd	Cel-River Road to Eden Terrace	100 Feet
India Hook Road	Harlinsdale Road to Matthews Drive	120 Feet
Mt Gallant Road	Twin Lakes to Celanese Road	120 Feet
Mt Gallant Road	Nations Ford Road to Dave Lyle Blvd	150 Feet
Paragon Way	Cel-River Road to End	120 Feet
Riverchase Blvd	Riverview Road to End	120 Feet
Riverview Road	Celanese Road to Eden Terrace	120 Feet
Saluda Road	Mt Holly Road to Rambo Road	150 Feet
US 21 (Anderson Road S)	Townland Drive to Catawba Church Road	170 Feet

Approximate locations are shown in the figure below.



YORK COUNTY PENNIES FOR PROGRESS PROJECTS

Approximate locations are shown in the figure below.





Topic: Garage standards
Applicable Content: Chapter 9: Site and Building Design Standards
Application Date: May 24, 2021
Sponsor: City Manager

Background

We have received some house plans recently with garages that are set on one side of a recessed entryway, with a room on the other. While this meets the current standards of the Zoning Ordinance from a technical standpoint, it fails to meet the intent of the subject provision, which is to have the front door of the home be more prominent than the garage. We are proposing to clarify that these types of garages are not allowed.

Additionally, so that side-facing garages are not out-of-scale with the overall structure, we are proposing to require the width of the conditioned space to be at least 35% larger than the width of the garage.

These changes would apply to new construction outside of established residential subdivisions, as well as to homes within neighborhoods that are currently under development if the master home design has not already been approved.

PUBLIC INVOLVEMENT

The official notice of the public hearing before the Planning Commission was published in The Herald on June 16. Staff has not heard from anyone about these proposed amendments.

RECOMMENDATIONS

The proposed amendments would clarify the intent of the garage standards. Staff recommends approval.

Attachments

- Proposed changes to Zoning Ordinance
-

Staff Contact: Leah Youngblood, Planning & Development Director
youngblood@cityofrockhill.com
803-329-556

Proposed Zoning Ordinance amendments, T-2021-03

CHAPTER 9: SITE AND BUILDING DESIGN STANDARDS

9.2.7 GARAGES AND CARPORTS

B. Location

1. **Street-facing Garages:** Except for garages that are located at least 50 feet away from the right-of-way or are located on lots with a minimum lot size of one acre or greater, garages must be located so as to comply with the following standards:

- No street-facing garage may be located closer than two feet behind the primary front façade (conditioned space) of the single-family structure it serves. An exception **may** exist in cases of proven difficult topography or unique existing natural features, provided that a design is submitted that is compatible with existing topography, drainage, tree cover, and other natural features of the lot.

Further, the following design is not allowed, with the entryway to the home recessed between the garage and a conditioned room, even if the conditioned room is located two feet in front of the plane of the garage.



C. **Garage and Carport Design:** Except for garages and carports that are located at least 50 feet away from the right-of-way or are located on lots with a minimum lot size of one acre or greater, garages and carports must comply with the following standards.

1. **Façade Size—street-facing garages and carports:** Street-facing garage and carport façades are limited to 50% of the width of the front façade of the residence. The image below the following *Garage Doors* section illustrates this requirement.

An exception exists for street-facing garages that are located 18 feet or more behind the front façade of the dwelling.

In the case of carports, the perimeter of the carport façade will define the area measured.

2. **Façade Size—Side-loaded garages and carports:** The width of the conditioned space that faces the street must be at least 35% larger than the width of the garage or carport façade that faces the street.

In the following example, this standard is met. The width of the conditioned space that faces the street is 27 feet, and the width of the garage façade that faces the street is 20 feet.



However, in the below example, this standard is not met. The width of the conditioned space that faces the street is 21 feet, and the width of the garage façade that faces the street is 20 feet.

