

STATE OF SOUTH CAROLINA

COUNTY OF YORK

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CITY OF YORK

ORDINANCE 16-576

AMENDING THE ZONING ORDINANCE TO REVISE THE  
DESIGN AND DEVELOPMENT REQUIREMENTS FOR  
THE CITY'S GATEWAY CORRIDOR OVERLAY DISTRICT

- WHEREAS, the York City Council and Planning Commission find that the City has existing design and development requirements for the City's Gateway Corridor Overlay District, hereafter referred to as GCOD; and,
- WHEREAS, the York City Council and Planning Commission find that more definitive design and development requirements are required for the GCOD; and,
- WHEREAS, the York City Council and Planning Commission also find that design guidelines are required for the GCOD; and,
- WHEREAS, the York City Council and Planning Commission find that a review board is necessary to administer said guidelines;

NOW, THEREFORE, be it ordained by York City Council that the City of York Zoning Ordinance be amended by revising the following sections of the Zoning Ordinance:

1. Delete existing GCOD requirements in Section 8 of the Zoning Ordinance.
2. Create Section -9. GCOD regulations per the requirements that follow hereafter.
3. Renumber all sections that follow.
4. In the previous Section 9 of the Zoning Ordinance (Historical District Overlay), change all references to the Historical Commission to the Board of Architectural Review.

**SECTION IX – GATEWAY CORRIDOR OVERLAY DISTRICT**

**1. Purposes.**

Establishing the appropriate character of the GCOD by necessity requires attention to the aesthetics of development and buildings. It is in the public interest to direct and control the visual appearance of buildings, structures, landscapes, and development in the overlay district, to prevent patently offensive harm to the existing visual character of the City, and to safeguard the happiness, comfort, and general well-being of citizens. Careful attention to the architectural design of buildings and the layout of land development sites within the GCOD is in the best interest of the City, its citizens, and business owners. Attractive and integrated architectural and site design features tend to improve an area's image, raise overall property values, attract new businesses and residents, and improve the quality of life.

2. **Definition.** The GCOD is defined as follows:

- a. Any property wholly or partially within a 250-foot radius of any of the following intersections shall be considered, in its entirety, a part of the overlay district:
  - 1) Intersection of Devinney Road and Highway 321 South
  - 2) Intersection of Highway 161 and Highway 5 Bypass
  - 3) Intersection of Highway 49 and Highway 5 Bypass
  - 4) Intersection of Lincoln Road and Highway 5 Bypass
  - 5) Intersection of Highway 321 North and Highway 5 Bypass
  - 6) Intersection of Business 5 and Highway 5 Bypass
  - 7) Intersection of Business 5 and Highway 321 Bypass
  - 8) Intersection of Highway 49 and Highway 321 Bypass
- b. For the following specified corridors, any property within 500 linear feet of the street right-of-way shall be considered a part of the overlay district:
  - 1) Corridor on East Liberty Street from intersection of Highway 161 and Highway 5 Bypass to Flint Street
  - 2) Corridor on Highway 321 North from intersection of Highway 321 North and Highway 5 Bypass northward to the last property within the City limits
  - 3) Corridor on Highway 321 south from the onset of the City limits northward to Old Pinckney Road
  - 4) Arrow Road
  - 5) Alexander Love Hwy (Hwy 5 Bypass)
  - 6) Old York Road (Hwy 161)
  - 7) Highway 49 (Sharon Road) from Highway 321 Bypass westward to the City limits
  - 8) Highway 5 West from Alexander Love Highway westward to the City limits
- c. Any proposed project partially in the GCOD shall be governed by the GCOD requirements for the entire project.

3. **Annexation.**

For properties outside the City limits of York that otherwise would be included in the GCOD, a specific designation for such properties shall be established on the Official Zoning Map. Upon annexation of any such property, the property shall be incorporated into the GCOD.

4. **Applicability - Certificate of Appropriateness Required.**

Unless specifically exempted by the provisions of this Section, a certificate of appropriateness shall be required to be issued by the Board of Architectural Review (Board), prior to the establishment of a use, or erection of a building or structure, or the occupancy of land or water within the GCOD. Development, building, and sign permits required by this ordinance or other City codes for land development and building within the GCOD shall not be issued until and unless a certificate of appropriateness has been approved and issued in accordance with this Section.

5. **Exclusions and exemptions.**

Nothing in this section shall be construed to prevent the ordinary maintenance or repair of any exterior design feature in or on property, which maintenance or repair



does not involve a material change in design, material, or outer appearance thereof, nor to prevent the property owner from making any use of property not prohibited by other laws, ordinance, or regulations.

The following shall not be required to receive approval of a certificate of appropriateness:

- a. New, detached, single-family dwelling used for single-family dwelling purposes, including customary accessory buildings, structures and accessory uses.
- b. Material change in appearance of an existing single-family dwelling or manufactured home used for single-family dwelling purposes, including customary accessory buildings, structures and accessory uses.
- c. Minor changes to building or sites, temporary land uses, and other minor land development activities as determined by the City.

**6. Development standards.**

Proposed development must comply with standard City regulations as well as the following development standards. Such standards shall be enforced by City staff.

- a. All requirements of the underlying zoning district shall be adhered to.
- b. Each building façade, support column, etc. for principal and accessory buildings shall have a brick, textured-block, or other exterior finish approved by the Board. The roof(s) for accessory structures shall match the appearance of the primary building roof.
- c. Access points shall be provided via public street, right of way, easement or other means approved by the City of York. Each zoning lot shall provide street access per the following requirements:
  - 1) Each proposed driveway shall be located a minimum of 300-feet from the intersection of two (2) or more streets or from an existing driveway. The 300-foot requirement may be reduced by the Planning Commission for secondary streets. Let it be noted that no driveway on a secondary street shall be located closer than 300-feet from the intersection of a major street. Major streets are those explicitly mentioned in the GCOD regulations."
  - 2) Where a property has less than 600 ft of street frontage, a single access point shall be allowed.
  - 3) Where a property has 600 ft or more of street frontage, a maximum of two (2) access points is allowed. Requests for additional access point(s) are allowed only by special exception from the Board of Zoning Appeals.
  - 4) Any access point shall be located a minimum of 150 ft. from any property line unless an access point is centered on a shared property line. The minimum separation between access points shall be 300 ft.
  - 5) Where deceleration lanes are required in accordance with SCDOT standards, a 400-foot minimum spacing is required between drives (measured centerline to centerline or from the intersecting right-of-way lines of public streets to the centerline of a curb cut).

- 6) All lots existing on or before the adoption of these regulations that cannot meet the minimum curb cut spacing are guaranteed one access point. Pre-existing, contiguous lots under the same ownership that cannot accommodate the minimum access point separation requirements shall be provided with access points along shared property lots spaced to provide maximum separation of such access points.
  - 7) Minimum spacing between median cuts on arterial roads with a divided median shall be 1,320 feet.
  - 8) SCDOT deceleration lanes are required for single or combined uses that generate driveway/road volumes (trip ends) of 300 or more vehicles in the peak hour as determined using standard Institute of Transportation Engineers (ITE) trip generation rates for the subject land use(s). Additional development that will push a project over the 300 vehicle threshold will also require the installation of a SCDOT deceleration lane. This standard shall also apply to public streets constructed in order to access development(s).
  - 9) Prior to preliminary approval of any subdivision plat affecting the GCOD, the above-referenced regulations shall be applied to the property(s) to ensure that pertinent zoning requirements are met.
- d. A 75-foot minimum setback from major streets for properties in the Gateway Corridor Overlay District shall be enforced. A minimum twenty-five (25) foot setback shall be maintained from all other streets. The setback shall be measured from the centerline of the subject street.
  - e. Exposed flat roofs are prohibited if viewable from the public right-of-way.
  - f. Roof top mechanical equipment shall not be visible from the public right-of-way.
  - g. Dumpsters and outdoor storage shall be located to the rear of the property and be screened with exterior materials approved for the main structure.
  - h. Fencing, guardrail, etc. materials shall be compatible with that of the exterior materials on the main building.
  - i. Each lot shall have at least one building with a minimum conditioned floor area of 2,000 sq ft.

Once the above-referenced development standards have been met, the Board of Architectural Review must apply the GCOD design guidelines to the project.

## **7. Design Guidelines for Gateway Corridor Overlay District.**

- a. Board Established. Pursuant to Section 6-29-870 (Title 6, Chapter 29) of South Carolina Code of Laws, the York City Council hereby establishes a Board of Architectural Review (Board) for purposes of reviewing and approving or disapproving certain aspects of architecture of buildings, landscape design of sites, and development of land in the GCOD.
- b. Authority of the Board. The Board shall be authorized and is charged to review, approve, conditionally approve, or disapprove applications for a certificate of appropriateness for land development and building construction,



in the GCOD. The Board shall be authorized to develop design standards, bylaws and rules of procedure for the work of the Board.

- c. **Certificate of Appropriateness Application Requirements.** An application for certificate of appropriateness in the GCOD shall be made by the property owner or agent for the property owner. At minimum, application requirements shall include a site plan and landscape plan (to scale), building elevation and other drawings (to scale) (where applicable), photographs, and/or color and material samples for building materials (where applicable). The board may elect not to act on an incomplete application for certificate of appropriateness. Applications for certificates of appropriateness shall be submitted to the office of the City Planning Director and thence to the Board for review and action.
- d. **Procedures and Criteria for Decisions.** Neither a public hearing nor notice of the meeting (except for notice to the applicant for a certificate of appropriateness) shall be required for the Board to act on a certificate of appropriateness. The Board may, but is not required to, provide notice to owners of any property likely to be materially affected by the application. The Board may elect to recognize the City Planning Director who may provide facts, information, determinations, etc. to the Board. The Board shall give the applicant and property owner(s) an opportunity to present the case for approval of the application. The Board shall consider the application materials in a regular or special called meeting and shall deliberate and then base its decision to approve, conditionally approve, or deny material changes in appearance proposed in an application for a certificate of appropriateness on the proposed development, building, or structure's consistency with any design standards or guidelines adopted by the York City Council.
- e. **Adoption of Design Guidelines.** The City of York, South Carolina, Design Guidelines for the GCOD are hereby adopted as if fully set forth herein. Said Guidelines shall be used by the Board as a guide in making decisions regarding applications for certificates of appropriateness in the GCOD.
- f. **Decisions by the Board.** The Board shall render a decision regarding a certificate of appropriateness within seventy-five (75) calendar days of the initial public meeting regarding the particular application, or sooner, if possible. If no action is taken by the Board at the end of seventy- five (75) days after the initial public meeting, the certificate of appropriateness application shall be deemed to have been approved. The Board shall vote to approve, approve with conditions, or deny the application, and the reasons for such decision shall be provided. The applicant shall be provided with written notification of the decision by the City Planning Director or other ex-officio staff to the Board.

If the Board denies a certificate of appropriateness, a new application affecting the same property may be submitted only if substantive change is made in the plans for the proposed or structure development or building.

- g. **Appeal.** In case of disapproval by the Board of any application for a certificate of appropriateness, the applicant shall have the right to appeal the decision, in writing, to the Circuit Court by filing a petition with the Clerk of Court setting forth the reasons why the petitioner feels the decision is contrary to law. The Clerk of Court is required to give immediate notice of the appeal to the Secretary Board. Within thirty (30) days after notice from the Clerk of Court,

the Board of Architectural Review shall file with the Clerk of Court a certified copy of the proceedings before the Board, a transcript of testimony and evidence, and the decision of the Board, including its findings and conclusions. A decision of the Circuit Court may be appealed to the South Carolina Supreme Court.

- h. Records. The Board shall keep records of its examinations and other official actions with respect to applications for certificates of appropriateness, all of which shall be filed with the City Planning Director and which shall be public record.
- i. Change after Issuance of Certificate. After the issuance of a certificate of appropriateness, no change in the appearance of a site, building, or structure shall be made or permitted to be made by the owner or occupant thereof, except in accordance with the approved certificate of appropriateness and unless and until all requirements of this zoning ordinance are met.

BE IT FURTHER ORDAINED that the "Pending Ordinance Doctrine" be invoked regarding the proposed regulation referenced above, and that City of York officials and employees shall not issue permits or authorize commencement of construction when such permit or proposed construction would allow the establishment of a use which is inconsistent with or repugnant to the pending referenced zoning amendment. The Pending Ordinance Doctrine is in effect up to 180 days from first reading of this Ordinance.

DONE IN COUNCIL ASSEMBLED on the dates hereafter set forth.

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J. EDWARD LEE, MAYOR

ATTEST:

\_\_\_\_\_  
Municipal Clerk

First Reading: \_\_\_\_\_

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

Second Reading: \_\_\_\_\_



## DESIGN GUIDELINES FOR GATEWAY CORRIDOR OVERLAY DISTRICT

1. Landscaping/buffer areas should be provided between the street and the buildings. The density/size of the green areas should be dependent on the proximity of proposed buildings to the street right-of-way.
2. Buildings should be located as close as possible to the street right-of-way.
3. Sidewalks should be provided along the entirety of the street right-of-way.
4. At street intersections, appropriately sized and located rights-of-way should be dedicated for landscaping/welcome signage.
5. Parking areas should be screened from public view (by landscaping, buffers, buildings, elevation changes, etc).
6. In each development, the design of the buildings, landscaping, etc. should be coordinated. Building coordination should include materials, height, massing, etc.
7. Driveways should be limited and coordinated with adjacent development.
8. Development should be linked with the surrounding community via walking trails, sidewalks, open space, etc.
9. Building facades should be broken up into discrete architectural elements. Examples of methods to accomplish this include:
  - a. Façade modulation: stepping back or extending forward a portion of the façade.
  - b. Providing a porch, patio, deck, covered entry, etc. to portion of the façade at the ground level.
  - c. Providing balconies, etc. for multistory buildings.
  - d. Changing the roofline by alternating dormers, or using stepped roofs, gables, or roof elements.
  - e. Changing/alternating materials.
10. Color schemes should be reviewed for approval.
11. Properties having street frontage in a GCOD should provide trees along such street frontage. The exact location and species of such trees should meet the intent of the adopted design Standards and shall meet the approval of staff and the Board.