

Ad Hoc B3 Committee
Presentation to the
Lancaster County Council

23 April 2012

The Problem: 89 Allowed uses in the B3 zoning classification create a substantial risk that property owners may change an existing use of property to a use that has a negative effect on other property owners without review. The risk is particularly large in the Indian Land area, where population densities are high.

The Assignment: Come up with a way to assure that current uses of land zoned B3 in Indian Land can continue without change, but proposed use changes are reviewed for negative impact on adjacent property owners before implementation. Do this without limiting the ability of property owners of land currently zoned B3 have available all the options before them that the current B3 zoning offers.

The Solution: Create a B3 Zoning Overlay District for the Indian Land area, defined as the combined areas served by the Pleasant Valley and Indian Land Fire Districts. Eliminate all currently allowed B3 uses that are allowed or conditional uses in other existing zoning classifications from the list of uses allowed in the B3 Overlay. Combine similar uses and eliminate obvious duplications. Reclassify all remaining B3 allowed uses as either Allowed or Conditional and prepare Conditions for all Conditional Uses. All B3 Uses in effect as of 17 April 2012 will be allowed to continue as is indefinitely, but changes in use after 17 April 2012 must conform to the new overlay.

Why the Solution Works: It turns out that about 60 of the 89 Allowed uses in the current B3 classification can be eliminated as duplicates or are also Allowed or Conditional uses in other zoning classifications. Deletion of these uses from the B3 classification will require owners of property currently zoned B3 to go through the rezoning process to convert to these deleted uses. The rezoning process offers an adequate opportunity for review of the impact of the proposed use change on adjacent property owners. The \$250 cost to go through the rezoning process is regarded as *de minimus* in view of the cost of conversion to a different use and the benefits obtained by careful assessment of the impact of the proposed conversion on adjacent property owners prior to implementation.

The next two pages show the 89 current uses allowed in B3 and how and why they were handled.

Uses Allowed in Current B3 Numbers 1-44

No.	<u>USES PERMITTED:</u>	Action	B1	B2	B4	I1	I2	Notes
1	Bed and Breakfast	Deleted	Allowed	Allowed	Allowed			
2	Agricultural Service Facility	Deleted						Not a use
3	Veterinary Service w/outdoor pens	Conditional						
4	Veterinary Service w/indoor pens	Deleted	Allowed	Allowed	Allowed			
5	Pedigree Record Services	Deleted						Office Use
6	Commercial Kennels w/indoor pens;	Deleted	Allowed	Allowed				
7	Commercial Kennels w/outdoor pens	Conditional						
8	Farm Labor and Management Service	Deleted						Office Use
9	Landscape and Horticultural Service	Deleted		Allowed				
10	Liquor Stores	Allowed						
11	Retail Store, any size	Deleted						Duplicate
12	Paint, Glass or Wallpaper Store	Deleted		Allowed				
13	Hardware Store	Deleted		Allowed				
14	Retail Nurseries, Lawn and Garden Supply Store	Deleted		Allowed				
15	Manufactured Home Dealer	Conditional						
16	Retail Trade Store/Center – General Merchandise – Large Scale	Allowed						
17	Retail Store-Food (Including Grocery Stores)	Deleted		Allowed				
18	Open Air Market (farm, crafts, produce),etc	Deleted		Allowed				
19	Motor Vehicles Dealer (new and/or used)	Conditional						
20	Auto Supply Store	Conditional						
21	Boat and Marine Supplies Dealer	Conditional						
22	Recreation Vehicle Dealer	Conditional						
23	Motorcycle Dealer	Conditional						
24	Automobile Dealers, not elsewhere classified	Allowed						
25	Retail Store – General – Small Scale (i.e.) Clothing, Shoe, Antiques	Allowed						
26	Retail Store – Home Furniture, Furnishings and Appliances	Allowed						
27	Bars and Taverns and nightclubs w/o alcohol	Conditional						
28	Nightclubs with alcohol:	Deleted						Combined with
29	Restaurants	Conditional						
30	Fast Food with drive through window	Conditional						
31	Car Wash (Full Service)	Conditional						
32	Car Wash (Self Service)	Deleted						Combined with
33	Convenience Store with Fuel	Conditional						
34	Convenience Store without Fuel;	Deleted						Combined with
35	Office/Banks, Savings & Loans and Credit Unions;	Deleted	Allowed	Allowed				
36	Office, General and Medical;	Deleted	Allowed	Allowed				
37	Hotels and Motels (Except Casino Hotels	Deleted		Conditional				
38	Travel Arrangement and Reservation Services	Deleted	Allowed	Allowed				
39	Freight Transportation Arrangement Agency;	Deleted		Allowed				
40	Miscellaneous Incidental Transportation Service	Deleted		Allowed				
41	Personal and Laundry Services;	Deleted	Allowed	Allowed				
42	Florist Shop	Deleted	Allowed	Allowed				
43	Funeral Service and Crematories	Deleted	Allowed	Allowed				
44	Automotive Rental and Leasing Agency	Deleted	Allowed	Allowed				

Uses Allowed in Current B3 Numbers 45 - 89

45	Automobile Parking	Deleted		Allowed			
46	Automotive Service (except repair)	Deleted		Allowed			
47	Miscellaneous Repair Services	Deleted				Allowed	
48	Drive-In and Movie Theater	Deleted		Allowed			
49	Motion Picture Production and/or Distribution Services	Deleted				Allowed	
50	Motion Picture Theater	Deleted		Allowed			
51	Video Tape Rental Store	Deleted		Allowed			
52	Amusement and Recreation Facilities (Non-Public)	Deleted		Allowed			
53	Offices & Clinics of Doctors, Dentists, & Other Practitioners	Deleted		Allowed			
54	Nursing and Personal Care Facilit	Allowed					
55	Medical or Dental Laboratory	Deleted		Allowed			
56	Miscellaneous Health or Allied Service;	Deleted		Allowed			
57	Bldg. Const. – Gen. Contractors Fac.	Deleted		Allowed			
58	Construction – Special Trade Contractors	Deleted		Allowed			
59	Durable Goods – Wholesale/Distribution Facility	Deleted				Allowed	Allowed
60	Nondurable Goods – Wholesale/Distribution Facility	Deleted				Allowed	Allowed
61	Museums and Art Galleries	Deleted	Allowed	Allowed			
62	Job Training and Vocational Rehabilitation Service	Deleted		Allowed			
63	Child Day Care Service or Facility	Deleted	Allowed	Allowed			
64	Adult Day Care Service or Facility	Deleted	Allowed	Allowed			
65	Res. Care Serv. or Fac. (i.e.) Children’s Home, Halfway House	Deleted		Allowed			
66	Intermediate Care Institution	Allowed					
67	Nursing Care Institution	Allowed					
68	Membership Organ. Fac. (i.e.) Business, Civic, Social, Lodge	Allowed					
69	Religious Institution	Allowed	Allowed	Allowed	Allowed	Allowed	Allowed
70	Taxi Company Facility	Deleted		Allowed			
71	Intercity and Rural Bus Transportation Facility	Conditional					
72	Charter Bus Service Facility	Conditional					
73	Indep. Motor Vehicle Term., Service, or Maintenance Facility	Deleted				Allowed	
74	Trucking and Courier Service Facility (except air)	Deleted			Allowed	Allowed	Allowed
75	Motor Freight Trans. Term. & Maintenance Fac.	Deleted			Allowed	Allowed	Allowed
76	Telephone Communications Facilities	Deleted		Allowed	Allowed	Allowed	Allowed
77	Telegraph or Other Message Comm. Fac	Deleted	Allowed	Allowed		Allowed	Allowed
78	Radio or Television Broadcasting Facilities	Deleted				Allowed	Allowed
79	Cable or Other Pay Television Facilities	Deleted		Allowed			
80	Park or Playground;	Deleted	Allowed	Allowed	Allowed	Allowed	Allowed
81	Rec. Facility (except golf courses)	Deleted	Allowed	Allowed	Allowed	Allowed	Allowed
82	Golf Course (pub. or membership)	Deleted	Allowed	Allowed	Allowed	Allowed	Allowed
83	Botanical or Zoological Garden	Deleted	Allowed	Allowed	Allowed	Allowed	Allowed
84	Cemetery/Mausoleum	Deleted	Allowed	Allowed	Allowed	Allowed	Allowed
85	Lumber and/or Other Building Materials Dealer	Conditional					
86	Other Designated Community Open Space Area	Deleted	Allowed	Allowed	Allowed	Allowed	Allowed
87	Livestock Facility except Commercial Meat Production Centers	Deleted			Allowed	Allowed	Allowed
88	General Agricultural Activities	Deleted	Allowed	Allowed	Allowed	Allowed	Allowed
89	Forest Production including Christmas Trees	Deleted	Allowed	Allowed	Allowed	Allowed	Allowed

USES CURRENTLY ALLOWED IN B-3 Sorted No. 1-44

No.	<u>USES PERMITTED:</u>	Action	B1	B2	B4	I1	I2	Notes
1	Automobile Dealers, not elsewhere classified	Allowed						
2	Intermediate Care Institution	Allowed						
3	Liquor Stores	Allowed						
4	Membership Organ. Fac. (i.e.) Business, Civic, Social, Lodge	Allowed						
5	Nursing and Personal Care Facilit	Allowed						
6	Nursing Care Institution	Allowed						
7	Religious Institution	Allowed	Allowed	Allowed	Allowed	Allowed	Allowed	
8	Retail Store – General– Small Scale (i.e.) Clothing, Shoe, Antiques	Allowed						
9	Retail Store – Home Furniture, Furnishings and Appliances	Allowed						
10	Retail Trade Store/Center – General Merchandise – Large Scale	Allowed						
11	Intercity and Rural Bus Transportation Facility	Conditional						
12	Auto Supply Store	Conditional						
13	Automotive Rental and Leasing Agency	Conditional	Allowed	Allowed				
14	Bars and Taverns and nightclubs w/o alcohol	Conditional						
15	Boat and Marine Supplies Dealer	Conditional						
16	Car Wash (Full Service)	Conditional						
17	Charter Bus Service Facility	Conditional						
18	Commercial Kennels w/outdoor pens	Conditional						
19	Convenience Store with Fuel	Conditional						
20	Fast Food with drive through window	Conditional						
21	Lumber and/or Other Building Materials Dealer	Conditional						
22	Manufactured Home Dealer	Conditional						
23	Motor Vehicles Dealer (new and/or used)	Conditional						
24	Motorcycle Dealer	Conditional						
25	Recreation Vehicle Dealer	Conditional						
26	Restaurants	Conditional						
27	Veterinary Service w/outdoor pens	Conditional						
28	Freight Transportation Arrangement Agency;	Deleted		Allowed				
29	Miscellaneous Repair Services	Deleted				Allowed		
30	Motion Picture Theater	Deleted		Allowed				
31	Video Tape Rental Store	Deleted		Allowed				
32	Adult Day Care Service or Facility	Deleted	Allowed	Allowed				
33	Agricultural Service Facility	Deleted						Not a use
34	Amusement and Recreation Facilities (Non-Public)	Deleted		Allowed				
35	Automobile Parking	Deleted		Allowed				
36	Automotive Service (except repair)	Deleted		Allowed				
37	Bed and Breakfast	Deleted	Allowed	Allowed	Allowed			
38	Bldg. Const. – Gen. Contractors Fac.	Deleted		Allowed				
39	Botanical or Zoological Garden	Deleted	Allowed	Allowed	Allowed	Allowed	Allowed	
40	Cable or Other Pay Television Facilities	Deleted		Allowed				
41	Car Wash (Self Service)	Deleted						Combined with
42	Cemetery/Mausoleum	Deleted	Allowed	Allowed	Allowed	Allowed	Allowed	
43	Child Day Care Service or Facility	Deleted	Allowed	Allowed				
44	Commercial Kennels w/indoor pens;	Deleted	Allowed	Allowed				

USES CURRENTLY ALLOWED IN B-3 Sorted No. 44 - 89

45	Construction – Special Trade Contractors	Deleted		Allowed					
46	Convenience Store without Fuel;	Deleted							Combined with
47	Drive-In and Movie Theater	Deleted		Allowed					
48	Durable Goods – Wholesale/Distribution Facility	Deleted				Allowed	Allowed		
49	Farm Labor and Management Service	Deleted							Office Use
50	Florist Shop	Deleted	Allowed	Allowed					
51	Forest Production including Christmas Trees	Deleted	Allowed	Allowed	Allowed	Allowed	Allowed		
52	Funeral Service and Crematories	Deleted	Allowed	Allowed					
53	General Agricultural Activities	Deleted	Allowed	Allowed	Allowed	Allowed	Allowed		
54	Golf Course (pub. or membership)	Deleted	Allowed	Allowed	Allowed	Allowed	Allowed		
55	Hardware Store	Deleted		Allowed					
56	Hotels and Motels (Except Casino Hotels)	Deleted		Conditional					
57	Indep. Motor Vehicle Term., Service, or Maintenance Facility	Deleted				Allowed			
58	Job Training and Vocational Rehabilitation Service	Deleted		Allowed					
59	Landscape and Horticultural Service	Deleted		Allowed					
60	Livestock Facility except Commercial Meat Production Centers	Deleted				Allowed	Allowed	Allowed	
61	Medical or Dental Laboratory	Deleted		Allowed					
62	Miscellaneous Health or Allied Service;	Deleted		Allowed					
63	Miscellaneous Incidental Transportation Service	Deleted		Allowed					
64	Motion Picture Production and/or Distribution Services	Deleted					Allowed		
65	Motor Freight Trans. Term. & Maintenance Fac.	Deleted				Allowed	Allowed	Allowed	
66	Museums and Art Galleries	Deleted	Allowed	Allowed					
67	Nightclubs with alcohol:	Deleted							Combined with
68	Nondurable Goods – Wholesale/Distribution Facility	Deleted					Allowed	Allowed	
69	Office, General and Medical;	Deleted	Allowed	Allowed					
70	Office/Banks, Savings & Loans and Credit Unions;	Deleted	Allowed	Allowed					
71	Offices & Clinics of Doctors, Dentists, & Other Practitioners	Deleted		Allowed					
72	Open Air Market (farm, crafts, produce),etc	Deleted		Allowed					
73	Other Designated Community Open Space Area	Deleted	Allowed	Allowed	Allowed	Allowed	Allowed	Allowed	
74	Paint, Glass or Wallpaper Store	Deleted		Allowed					
75	Park or Playground;	Deleted	Allowed	Allowed	Allowed	Allowed	Allowed	Allowed	
76	Pedigree Record Services	Deleted							Office Use
77	Personal and Laundry Services;	Deleted	Allowed	Allowed					
78	Radio or Television Broadcasting Facilities	Deleted					Allowed	Allowed	
79	Rec. Facility (except golf courses)	Deleted	Allowed	Allowed	Allowed	Allowed	Allowed	Allowed	
80	Res. Care Serv. or Fac. (i.e.) Children’s Home, Halfway House	Deleted		Allowed					
81	Retail Nurseries, Lawn and Garden Supply Store	Deleted		Allowed					
82	Retail Store-Food (Including Grocery Stores)	Deleted		Allowed					
83	Retail Store, any size	Deleted							Duplicate
84	Taxi Company Facility	Deleted		Allowed					
85	Telegraph or Other Message Comm. Fac	Deleted	Allowed	Allowed			Allowed	Allowed	
86	Telephone Communications Facilities	Deleted		Allowed	Allowed	Allowed	Allowed	Allowed	
87	Travel Arrangement and Reservation Services	Deleted	Allowed	Allowed					
88	Trucking and Courier Service Facility (except air)	Deleted				Allowed	Allowed	Allowed	
89	Veterinary Service w/indoor pens	Deleted	Allowed	Allowed	Allowed				

The New B3 Allowed and Conditional Uses Derived From the 89 Original Allowed Uses.

Ten Allowed Uses, Sixteen Conditional Uses.

No.	<u>USES PERMITTED:</u>	Action
1	Automobile Dealers, not elsewhere classified	Allowed
2	Intermediate Care Institution	Allowed
3	Liquor Stores	Allowed
4	Membership Organization Facility, i.e., Business, Civic, Social, Lodge	Allowed
5	Nursing and Personal Care Facility	Allowed
6	Nursing Care Institution	Allowed
7	Religious Institution	Allowed
8	Retail Store – General – Small Scale, i.e., Clothing, Shoe, Antiques	Allowed
9	Retail Store – Home Furniture, Furnishings and Appliances	Allowed
10	Retail Trade Store/Center – General Merchandise – Large Scale	Allowed
11	Intercity and Rural Bus Transportation Facility	Conditional
12	Auto Supply Store	Conditional
13	Bars and Taverns and nightclubs with or without alcohol	Conditional
14	Boat and Marine Supplies Dealer	Conditional
15	Car Wash (Full Service or self service)	Conditional
16	Charter Bus Service Facility	Conditional
17	Commercial Kennels with or without outdoor pens	Conditional
18	Convenience Store with or without Fuel	Conditional
19	Fast Food with drive through window	Conditional
20	Lumber and/or Other Building Materials Dealer	Conditional
21	Manufactured Home Dealer	Conditional
22	Motor Vehicles Dealer (new and/or used)	Conditional
23	Motorcycle Dealer	Conditional
24	Recreation Vehicle Dealer	Conditional
25	Restaurants	Conditional
26	Veterinary Service with or without outdoor pens	Conditional

We now must insert these into the Use Table including the previously existing Conditional Uses, Uses Requiring Review By BZA and Uses Requiring Review by the Planning Commission.

End of Phase I

B3 Zoning Classification with Previous 89 Allowed Uses Replaced with the 9 Allowed and 17 Conditional Uses Derived From Them Page 2

Uses Requiring Review by BZA

1	Special Events	Deleted	Allowed	Allowed	Allowed	Allowed	Allowed
2	Motorized Race and Testing Tracks	Deleted			Allowed	Allowed	
3	Chemical Dependency Treatment Center	Deleted		Allowed			
4	Recoverable Waste Collection and Recycling Centers	Deleted		Allowed		Allowed	Allowed

Uses Requiring Review By Planning Commission

1	Hospital	Conditional					
2	United States Postal Service Facility	Deleted	Allowed	Allowed			
3	Elementary or Secondary School	Conditional					
4	College, University or Professional School	Conditional					
5	Library	Deleted	Allowed	Allowed			
6	Vocational School	Deleted	Allowed	Allowed			
7	Schools and Educational Facilities not elsewhere classified	Deleted	Allowed	Allowed			
8	Coliseum, Stadium or Arena designed for capacity greater than 1000	Conditional					
9	Government Offices	Deleted	Office Use				
10	Courthouse	Deleted	Allowed	Allowed	Allowed	Allowed	Allowed
11	Police Station	Deleted	Allowed	Allowed	Allowed	Allowed	Allowed

This is the B3 Uses Table as it will appear if the charter we were given is followed literally and Phase 1 is implemented as is. It looks like a mess.

The same logic used in Phase I can be applied to the pre-existing Conditional Uses, Uses Requiring Review by Planning Commission, Uses Requiring Review by BZA and Uses Requiring Review By the Planning Department into a single set of Allowed and Conditional Uses. The various Review Requirements can be included in the Conditions. We note that the SC Code of Laws requires the government to follow local zoning (SC Code of Laws Section 6-29-770).

This alternative is presented as Phase II on the next page.

The New B3 Use Table Phase II

No.	<u>USES PERMITTED:</u>	Action
1	Automobile Dealers, not elsewhere classified	Allowed
2	Intermediate Care Institution	Allowed
3	Liquor Stores	Allowed
4	Membership Organ. Facility, i.e.. Business, Civic, Social, Lodge	Allowed
5	Nursing and Personal Care Facility	Allowed
6	Nursing Care Institution	Allowed
7	Religious Institution	Allowed
8	Retail Store – General – Small Scale, i.e., Clothing, Shoe, Antiques	Allowed
9	Retail Store – Home Furniture, Furnishings and Appliances	Allowed
10	Retail Trade Store/Center – General Merchandise – Large Scale	Allowed
11	Intercity and Rural Bus Transportation Facility	Conditional
12	Auto Supply Store	Conditional
13	Automotive Repair Shop	Conditional
14	Bars and Taverns and nightclubs with or without alcohol	Conditional
15	Boat and Marine Supplies Dealer	Conditional
16	Car Wash (Full Service or self service)	Conditional
17	Charter Bus Service Facility	Conditional
18	Coliseum, Stadium or Arena designed for capacity greater than 1000	Conditional
19	College, University or Professional School	Conditional
20	Commercial Kennels with or without outdoor pens	Conditional
21	Convenience Store with or without Fuel	Conditional
22	Elementary or Secondary School	Conditional
23	Fast Food with or without drive through window	Conditional
24	Hospital	Conditional
25	Lumber and/or Other Building Materials Dealer	Conditional
26	Manufactured Home Dealer	Conditional
27	Motor Vehicles Dealer (new and/or used)	Conditional
28	Motorcycle Dealer	Conditional
29	Recreation Vehicle Dealer	Conditional
30	Restaurants	Conditional
31	Veterinary Service with or without outdoor pens	Conditional

Conditions for the Phase 1 and Phase II implementations of the new B3 Zoning Classification follow. Much attention has been paid to the idea that if a land use changes, the rights of surrounding property owners to continue to use their property as they have been using it in the past are at least equal to the rights of the petitioning property owner to do something different.

Conditions Applicable to all B3 Uses

1. B3 uses adjacent to residential areas will have a minimum of 500 feet between the nearest B3 building and the nearest residence.
2. B3 uses will be separated from residential areas by a Type 3 buffer yard.

Automobile rental and Sales; Boat and Marine rental and sales; Motorcycle sales and rental; Recreational Vehicle/Travel Trailer Rental and Sales; Truck or Tractor Rental or Sales

1. There shall be no more than one (1) vehicle display pad for every 100 feet of street frontage.
2. No rack shall be tilted to show the underside of a vehicle unless located within a showroom.
3. There shall be no public address system or outdoor speaker that is audible off-site.
4. Any vehicles related to this business shall not be test driven on surrounding residential streets.
5. Any display area shall not be located within a required setback or buffer area.
6. All businesses which work on motor vehicles and/or store motor vehicles on site for any period of time shall be required to be screened from public view by installing a Type 3 bufferyard around the perimeter of all the property where any vehicle is stored. These vehicles shall be screened in a manner which shall completely screen all vehicles from view from the street right-of-way or from adjacent properties. Where the site adjoins any commercially zoned property, an opaque fence can be substituted for the landscaping. This provision shall not apply to new or used car dealerships.
7. No stringed pennants or streamers, typically associated with automobile dealerships, shall be allowed.
8. Around the foundation of any building, shrubs shall be planted in an area which is a minimum of fifteen (15) feet in width. The shrubs shall be appropriately spaced based on the width of the shrub at maturity. These shrubs shall be evergreens and shall meet the minimum requirements contained in Chapter 12, Landscaping Requirements, for the installation of shrubs.
9. No portion of any principle or accessory structure related to this use shall be located within 500 feet of any residential zoning district, day care center, religious institution, park or school.

Auto Supply store:

1. There shall be no public address system or outdoor speaker that is audible off-site.
2. Any vehicles related to this business shall not be test driven on surrounding residential streets.
3. No vehicle repairs shall be performed on site.

Bars and Taverns

1. The outdoor seating area shall not be located closer than 500 feet from single-family or multi-family dwelling unit.
2. The outdoor seating area for any bar or tavern shall be located adjacent to single-family or multi-family dwelling unit shall not be operated after 10:00 p.m.
3. The outside dining area shall not obstruct the movement of pedestrians along sidewalks intended for public use.
4. The outdoor seating area can be used for purposes other than dining, for example, listening to music or other types of entertainment.

Body Piercing Establishments, body branding establishments or tattoo parlors

1. A body piercing establishment shall be separated by at least 500 feet from any residential zoning district, religious institution, day care facility, public park or school.

2. There shall be no display signage visible from outside the premises that is illustrative of services offered on the premises.
3. The use shall not be located closer than 500 feet from the following uses: adult day care, child day care, educational institution (public or private), public facility, library, park, playground, recreational facility, etc.; religious institution, a residential zoning district and any other body piercing establishment, body branding establishment or tattoo parlor.
4. Any permits required from SC DHEC, LLC and any other federal, state or local governmental department or agency which has rules and regulations governing the operation of these types of establishments.

Car Wash (full and self service)

1. No portion of any principle or accessory structure related to this use shall be located within 500 feet of any residential zoning district, day care center, religious institution, park or school.
2. Building openings for vehicle entry into the car wash or auto detailing facility shall not face any adjacent residential property line.
3. All vacuums and air compressors located outside shall be designed such that noise does not exceed (60) decibels at any property line.
4. A solid six (6) foot high fence or wall shall be provided along any property line that adjoins a residential zoning district, religious institution, day care facility or school.

Commercial Kennels and Veterinarian Offices with Outdoor pens

1. Such uses shall not be setback a minimum of 100 feet (measured in a straight line) from the property line on which the use is located.
2. Such use shall be located a minimum of 500 feet (measured from structure to structure) from any religious institution, school, historical place, park, residential use or day care center.
3. To minimize any potential negative noise impacts from this use, noise abatement techniques shall be used in the construction of the facility.
4. A Type 2 buffer yard, as defined in Chapter 12, shall be installed along all property lines. The buffer yard shall contain plants which, when mature, shall buffer all parts of the site from public view. All plants used for the buffer yard shall be evergreens

Convenience Store (with fuel and without fuel)

1. All convenience stores with fuel shall be located at the intersection of two roads. One of these roads shall be either a federal or state highway and the other road shall be either a collector or arterial street.
2. No automobile repair work shall be conducted on the site. Automobile repair work shall include the changing of oil or tires.
3. Canopy height, as measured from the finished grade to the lowest point on the canopy fascia should not exceed 13 feet 9 inches. The clearance height of the canopies should be clearly indicated on the structure. The overall height of the canopies shall not exceed 17 feet.
4. Light bands or tubes or applied bands of corporate colors shall not be allowed.
5. The lights under the canopy shall have an opaque light lens which is flush with the ceiling or recessed into the ceiling of the canopy.
6. The parcel the convenience store with fuel is located shall contain a minimum street frontage of 100 feet along the frontage abutting the federal or state highway and a minimum of 75 feet of frontage abutting the collector or arterial street.
7. The parcel does not exist within 2000 feet of a parcel containing a currently operating gasoline station, a parcel which has been formerly used as a gasoline station and which may still be used as a gasoline station or for which a building permit for the construction of a gasoline station has been issued and remains in effect. However, this requirement does not apply for parcels existing on the other corners of the same intersection.

Fast Food with drive-thru

1. The outdoor seating area shall not be located closer than 500 feet from single-family or multi-family dwelling unit.
2. The outdoor seating area for any restaurant located adjacent to single-family or multi-family dwelling unit shall not be operated after 10:00 p.m.
3. The outside dining area shall not obstruct the movement of pedestrians along sidewalks intended for public use.
4. The outdoor seating area can be used for any purpose not just for dining. For example, listening to music or any other types of entertainment.
5. Neither the order box nor the pickup window shall be located closer than 500 feet from any residential zoning district.

Intercity and rural bus transportation facility, Charter Bus Service, School Bus Facility

1. All businesses which work on motor vehicles and/or store motor vehicles on site for any period of time shall be required to be screened from public view by installing a Type 3 bufferyard around the perimeter of all the property where any vehicle is stored. These vehicles shall be screened in a manner which shall completely screen all vehicles from view from the street right-of-way or from adjacent properties. Where the site adjoins any commercially zoned property, an opaque fence can be substituted for the landscaping. This provision shall not apply to new or used car dealerships.

Nightclubs

1. The outdoor seating area shall not be located closer than 500 feet from single-family or multi-family dwelling unit.
2. The outdoor seating area for any nightclub located adjacent to single-family or multi-family dwelling unit shall not be operated after 10:00 p.m.
3. The outside dining area shall not obstruct the movement of pedestrians along sidewalks intended for public use.
4. The outdoor seating area can be used for purposes other than dining, for example, listening to music or other types of entertainment.

Public Uses, including Hospitals, Elementary and Secondary Schools, Vocational and Professional Schools and Coliseums, Stadium or Arenas

1. Review and approval by the Planning Commission is required.
2. All such uses will be located on a non-residential collector or arterial street.
3. All such uses will be required to have a traffic (TIA) study completed prior to review for the Planning Commission.

Restaurants

1. The outdoor seating area shall not be located closer than 500 feet from single-family or multi-family dwelling unit.
2. The outdoor seating area for any restaurant located adjacent to single-family or multi-family dwelling unit shall not be operated after 10:00 p.m.
3. The outside dining area shall not obstruct the movement of pedestrians along sidewalks intended for public use.
4. The outdoor seating area can be used for purposes other than dining, for example, listening to music or other types of entertainment.
5. Any outdoor order box or the pickup window shall not be located closer than 500 feet from any residential zoning district.

End of Conditions for Phase I and II Conditional Uses

At its work session meeting on 5 April 2012, the Planning Commission approved the approach to the B3 situation and requested in addition that the Ad Hoc Committee develop a Shopping Center District classification to be added to the Commercial Zoning Classifications of the UDO as B5. There is no Shopping Center District in the UDO at present, and cobbling shopping centers together using the existing provisions is difficult, as was brought out in addition by several landowners who worked with the Ad Hoc Committee through February and March. Our efforts in this regard follow.

Shopping Center District

B5, Shopping Center District, is designed to accommodate parcels of land that are sufficient in land area to handle developments with multiple buildings and uses. This type of shopping center has a significant concentration of related commercial establishments, contains one or more anchor tenants, uses a shared parking area, has a consistent architectural and site design appearance and is under a unified or coordinated management group. Outdoor storage shall be permitted in this district if it is completely included behind an opaque fence. The minimum lots size in this district is 5 acres.

Permitted Uses

Banks, Savings and Loan and Credit Unions
General Office
Museums and Art Galleries
Job Training and Vocational Rehabilitation Service
Membership Organization Facilities (i.e) Business, Civic, Social
Retail Store – General, Small Scale (i.e.) Clothing, Shoes, and Antiques
Retail Store- Home Furniture, Furnishings and Appliances
Small Scale- Retail Service, Personal Laundry Service, Beauty Salon, Nail/Tanning Salons
Florist Shop
Retail Trade Store/Center General Merchandise – Large Scale
Retail Store Food (Including Grocery Store)
Open Air Market (Farm, Crafts, Produce, Etc.)
Convenience Store with or without Fuel
Offices and Clinics of Doctors, Dentists, and Other Practitioners, Urgent Care
Nursing and Personal Care Facility
Medical or Dental Laboratory –Testing
Misc. Health or Allied Service
Child Day Care Service Facility
Adult Day Care Service or Facility
Restaurants
Fast Food with or without drive thru window
Hotels/Motels (except Casino Hotels/Motels)
Travel Arrangement and Reservation Services
Liquor Store
Bars/Taverns
Nightclubs

Conditions:

- 1. Minimum lot size will be 5 acres.**
- 2. The Floor Area Ratio (FAR) shall not exceed 0.2**
- 3. Shopping centers with frontage on Rte. 521 will install buffer yards along Rte. 521 and will not have curb cuts on Rte. 521. Existing roads intersecting Rte. 521 will be used for entry and egress from the shopping center whenever possible. If necessary, the existing roads will be improved and acceleration and deceleration lanes will be installed along Rte. 521. If no existing road intersecting Rte. 521 is available, the entry to the Shopping Center will be constructed like a road with acceleration and deceleration lanes along Rte. 521 and at least one connection to an existing feeder road.**
- 4. All loading docks will be located behind the structures.**

5. All developments in this District will use the 25 foot setback option described in Section 5.4 Subsection 5.

End of Conditions for Shopping Center District

Recommendations:

It is our recommendation that County Council:

1. Establish a zoning overlay district for the Indian Land area defined by the boundaries of the combined Indian Land and Pleasant Valley Fire Districts.

2. Adopt the New B3 Phase II table of uses and conditions for use in the Overlay District.

3. Provide that changes in B3 zoning originating on or after 17 April 2012, the date of the Planning Commission Public Hearing on this topic be required to adhere to the requirements of the new Zoning District.

4. Provide that present uses of property zoned B3 in the overlay area be allowed to continue indefinitely as they are.

5. Provide that the Shopping Center District described herein be adopted for use in the Overlay District as the B5 Commercial District for all shopping center uses proposed on or after 17 April 2012.

It is our belief that this will adequately address the concerns of existing landowners of property zoned B3 that a sudden change in use by an adjacent landowner would have a serious negative affect on their property by requiring the proposed use change to go through the rezoning process. We believe that the rezoning process provides an adequate opportunity for the concerns of all affected property owners to be addressed. The use changes proposed for B3 in Phase II have been carefully designed so as not the affect the ability of property owners to have available any use that is presently available in B3. The \$250 cost to go through the rezoning process is regarded as *de minimus* compared

with the costs of use changes and the benefits to be obtained by bringing the concerns of all affected property owners to the table before changes are made.

This proposal was presented to the Planning Commission at its regular meeting on 17 April 2012 with a recommendation from Planning Department Staff that the proposal be forwarded to County Council with a recommendation that it be adopted. The Planning Commission advertised and conducted a public hearing at this meeting; two citizens spoke at the Public Hearing.

At its meeting on 17 April 2012 the Planning Commission passed a motion to forward this proposal to County Council with a recommendation that it be adopted and that J.R. Wilt be appointed to make the presentation to County Council on its behalf. The vote was 5 – 2 in favor of the motion.

It is our request that this matter be considered at the 23 April 2012 meeting of County Council.

Respectfully submitted,

The Ad Hoc B3 Committee

Elaine Boone, Planner

Penelope Karagounis , Planner

Chris Karres, Director of Planning

Melvin Threatt, Chair, Planning Commission

J.R. Wilt