



## PLANNING DIVISION MEMORANDUM

**To:** Beaufort County Planning Commission  
**From:** Anthony Criscitiello, Planning Director  
**Subject:** **Proposed Amendment to the Zoning & Development Standards Ordinance to Allow Schools as Accessory Use for Assembly and Worship, Small**  
**Date:** December 21, 2010

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### STAFF REPORT:

#### A. BACKGROUND:

**Case No.** ZTA 2011-01

**Applicant:** Pastor Daniel L. Russell, Jr.

**Proposed Text Change:** Alter the Use Definition for Assembly and worship (small) to allow schools as an accessory use.

#### Affected Zoning and Development Standards Ordinance (ZDSO) sections:

- Article V, Division 1, Table 106-1098. General Use Table -- Use Definitions, Assembly and worship, small
- Article V, Division 2, Section 106-1247. Limited and special use standards for Assembly and worship, small

#### B. SUMMARY OF REQUEST:

Daniel L. Russell is the pastor of a small church on Halifax Road on St. Helena Island. He is requesting that the text of the ZDSO be amended to allow small churches in Rural areas to have private schools on site. Currently, churches on properties that are zoned Rural may have a private school on site under the use – *Assembly and Worship, Large*. In Rural, *Assembly and Worship, Large* can only be used if the site area is 10 acres or greater. A church on a site with less than 10 acres is permitted under the use – *Assembly and Worship, Small*, but this use does not permit schools. Therefore, the definition of *Assembly and Worship, Small* is proposed to be amended to permit schools as long as the size of the church and all accessory uses do not exceed 15,000 square feet.

Earlier this year, Pastor Russell acquired several mobile classrooms and installed them on his church's property. A small, private school is currently operating on the site, which is in violation of zoning requirements because the property is less than 10 acres.

**C. ANALYSIS:**

Section 106-493 of the ZDSO conveys 7 standards (below), any of which is cause for a Zoning Text Amendment. Analysis will address all those that are applicable to this text change request.

**Sec. 106-493. Standards for zoning text amendment.**

A zoning ordinance text amendment may be approved if:

1. It would implement a new portion of the comprehensive plan or amendment.  
(Not Applicable)
2. It would implement and better achieve the comprehensive plan's goals and objectives that have proved difficult to achieve under the ordinance's existing provisions.

The Land Use Element of the Comprehensive Plan states as one of its Rural Policy Goals that the County will promote institutional uses in rural areas that are compatible with the rural environment, such as churches, schools, community centers, job training centers, social service agencies, and post offices. Removing regulatory barriers to permit small church affiliated schools in rural areas furthers this policy goal.

3. The ordinance's provisions were inconsistent or unreasonable in light of standards for similar uses.

Other accessory uses to churches are permitted under the use *Assembly and Worship, Small*. These include health care facilities, food banks and child care facilities. These uses have similar impacts as small private schools on surrounding properties and on traffic and yet do not have the restrictions placed on them that are placed on private schools.

4. It is necessary to respond to state and/or federal legislation.  
(Not Applicable)
5. It provides additional flexibility in meeting the ordinance's objectives without lowering the ordinance's general standards.

The proposed text amendments would provide additional flexibility in meeting the objectives of the ordinance without lowering the ordinance's general standards. It is often the mission of places of worship (small and large) to have outreach programs to meet the needs of their congregations. Some forms of outreach, such as social services and child care, are already permitted as accessory uses to these facilities. Allowing private schools is consistent with these other forms of outreach that are already permitted.

6. It addresses a new use, changing conditions, and/or clarifies existing language.

Currently, on-site private school facilities are not permitted as accessory uses to small churches. This change will allow places of assembly and worship (whether small or large) to expand their mission to include private schools

7. It clarifies the ordinance or makes adjustments to account for interpretation.

(Not Applicable)

#### **D. STAFF RECOMMENDATION:**

Staff supports the addition of schools to be permitted as an accessory use to small churches and has added several additional minor changes to add clarity to the proposed amendment originally requested by the applicant.

**Recommendation:** Proposed amendments (on pages 3 and 4 of this staff report) are shown as **bold and underlined** for additions and ~~bold and strike-through~~ for deletions.

#### **E. ATTACHMENT:**

- Copy of application for Zoning Text Amendment

TABLE 106-1098. GENERAL USE TABLE

| Land Use                          | Priority Areas |   |    |    |    |    |    | Rural Areas |    |    |    | Additional Standards (See Section) | Use Definition |   |
|-----------------------------------|----------------|---|----|----|----|----|----|-------------|----|----|----|------------------------------------|----------------|---|
|                                   | U              | S | CR | CS | RD | LI | IP | R           | RR | RB | RC |                                    |                |   |
| INSTITUTIONAL USES                |                |   |    |    |    |    |    |             |    |    |    |                                    |                |   |
| Assembly and worship, large       | L              | L | Y  | L  | N  | N  | N  | N           | L  | N  | L  | N                                  | 106-1246       | Museums, libraries, aquariums, cultural or arts centers, historic sites and churches with or without schools (except Sunday schools occupying no more than 50 percent of the floor area) as part of the complex and having 15,000 or greater square feet of floor area. (NAICS 6111, 8131, 8134) Places of worship may establish "on-site" social programs such as health care, food banks, child care, and the like as accessory uses in the principal structure and/or auxiliary buildings. These uses must be nonprofit. The sum of all principal and accessory structures may not exceed the allowable floor area ratio for the use / district. Additionally, the floor area of all accessory uses may not exceed the floor area of the principal building. (NAICS 624210, 624410, 813212, 8134)  |
| Assembly and worship, small       | Y              | Y | Y  | Y  | N  | N  | N  | N           | L  | L  | L  | N                                  | 106-1247       | Museums, aquariums, cultural or arts centers, historic sites and churches with <b>or without no</b> schools (except Sunday schools occupying no more than 50 percent of the floor area) as part of the complex and having less than 15,000 sq. ft. of floor area. In the rural district, there shall be no minimum lot size for this use when less than 15,000 sq. ft. of floor area, <b>and/or when no school is involved.</b> (NAICS 6111, 8131, 8134) This use includes all cemeteries. (NAICS 81222) Places of worship may establish "on-site" social programs such as health care, food banks, child care, and the like as accessory uses in the principal structure and/or auxiliary buildings. These uses must be nonprofit. The sum of all principal and accessory structures may not exceed <del>the allowable floor area ratio for the use / district</del> <b>15,000 square feet.</b> Additionally, the floor area of all accessory uses may not exceed the floor area of the principal building. (NAICS 624210, 624410, 813212, 8134) |
| Colleges and professional schools | S              | S | N  | S  | L  | N  | N  | N           | S  | N  | N  | N                                  | 106-1248       | Colleges, universities, and professional schools; other advanced education. (NAICS 6112, 6113)  |

**Sec. 106-1247. Assembly and worship, small.**

- (a) *Size.* Small assembly and worship uses are less than 15,000 square feet, with **or without a no** school.
- (b) *Urban, suburban, commercial suburban districts.* In urban, suburban and commercial suburban districts, there shall be no minimum lot size. Sunday school activities are permitted. Access shall be provided through frontage on an arterial or collector street, unless the DRT finds that access to an adjoining local street is safer, and provides improved design, benefitting the county.
- (c) *Rural district.* In the rural district there shall be no minimum lot size for this use. ~~When the use proposes a school (except for Sunday school activities) as part of the use, a minimum lot size of ten acres shall be required.~~