

ORDINANCE 14-04 HEALTH SPAS IN OS, OFFICE SERVICE DISTRICT



Ordinance Amendment Report
Board Meeting Date: June 11, 2014

Executive Summary

AN ORDINANCE to amend the Hanover County Code, Zoning Ordinance, Section 26-140 to remove "Health Spa" from the list of conditional uses in the OS, Office Service District as that use is already allowed as a permitted use within the District.

Planning Analysis

This is a proposed amendment to the OS, Office Service Zoning District to correct a conflict within the district regulations. Specifically, Section 26-138 – Permitted Uses lists any use in the B-1, Neighborhood Business District as permitted. One of the uses within the B-1 District is Personal Service Establishment, the definition of which, among other uses, specifically references health spas.

The OS District also lists health spa among the uses requiring a Conditional Use Permit (Section 26-140). As such, the district regulations are in conflict. This amendment will eliminate health spa as a use requiring a conditional use permit. In the OS district such an amendment, if adopted, would clearly allow a health spa as a permitted use which is consistent with the provisions of Section 126 - 138 as it relates to permitted B-1 uses. The draft amendment was reviewed by the Community Development Committee on February 17, 2014, and the Board authorized the Planning Commission to hold a public hearing on Ordinance Amendment 14-04, Health Spas in OS, Office Service District during its April 23, 2014, meeting.

The attached draft Ordinance amendment incorporates the comments made by the Community Development Committee

Recommendations

Staff

Adoption of the attached Draft Ordinance recommending **APPROVAL** of Ordinance 14-04, Health Spas in OS, Office Service District.

Planning Commission

At their meeting of May 15, 2014, the Hanover County Planning Commission, on a motion by Mr. Padgett, seconded by Mr. Whittaker, voted to recommend **ADOPTION** of the attached Draft Ordinance for Ordinance 14-04, Health Spas in OS, Office Service District.

DPM/sm/HTE

Attachments

- Existing Ordinance
- Blackline of Existing Ordinance
- Clean Ordinance with Revisions

ORDINANCE 14-04

AN ORDINANCE TO AMEND THE HANOVER COUNTY CODE, ZONING ORDINANCE, SECTION 26-140 TO REMOVE "HEALTH SPA" FROM THE LIST OF CONDITIONAL USES IN THE OS OFFICE/SERVICE DISTRICT AS THAT USE IS ALREADY ALLOWED AS A PERMITTED USE WITHIN THE DISTRICT.

WHEREAS in 2012 the Hanover County Board of Supervisors adopted Ordinance 11-12, which was the result of a comprehensive review of the business district regulations set forth in the Hanover County Zoning Ordinance; and

WHEREAS in 2013 the Board adopted Ordinance 12-08, which reviewed and revised the Zoning Ordinance to provide greater clarity to the public as to the zoning regulations in effect in Hanover County; and

WHEREAS as part of the changes made by Ordinance 11-12 "personal service establishments," as defined in the Zoning Ordinance and which includes health spas, were listed as a permitted use in the B-1 District and, by reference, also a permitted use in the OS Office/Service District; and

WHEREAS the Board's intent was to have health spas as a permitted use in the O/S District and the inclusion of "health spas" in the list of conditional uses in the O/S District when Ordinance 12-08 was adopted was a clerical oversight; and

WHEREAS the Board has determined that "health spas" should be removed from the list of conditional uses in the OS District to prevent any confusion and to provide greater clarity to the public as the regulations set forth in the Zoning Ordinance; and

WHEREAS the Board of Supervisors finds that the public necessity, convenience, general welfare and good zoning practice require that the Zoning Ordinance be amended to provide for such regulations;

NOW, THEREFORE, BE IT ORDAINED by the Board of Supervisors of Hanover County:

1. That the Hanover County Code, Zoning Ordinance, Section 26-140, regarding conditional uses in the OS Office/Service District, shall be amended to read in its entirety as follows:

Section 26-140. Conditional uses.

The following uses may be permitted as conditional uses:

1. Any B-2 or B-3 use not already specifically allowed in this district.
2. Any project wherein the total floor area for limited industrial uses exceeds fifty (50) percent of the project's gross floor area.

3. Auditorium or lecture hall.
 4. Fitness center.
 5. Golf course (not miniature golf).
 6. ~~Health spa.~~
 7. ~~Helicopter~~ Heliport or helistop.
 - ~~8~~7. Limited industrial uses which exceed the floor area limitations set forth in section 26-141, below.
 - ~~9~~8. Public or governmental buildings and uses, including libraries, fire stations (volunteer or otherwise), parks, parkways, and playgrounds.
 - ~~10~~9. Public utilities or public service buildings; generating, purification, or treatment plants; pumping or regulator stations, substations; and power transmission lines not otherwise allowed as a permitted use.
 - ~~11~~10. Recreation facility, indoor.
 - ~~12~~11. Recreation facility, outdoor.
 - ~~13~~12. Research and development in the physical, engineering and life sciences (including testing of combustion engines as accessory to principal use).
 - ~~14~~13. Sports and recreational instruction (indoor).
 - ~~15~~14. Telecommunications towers and related facilities that exceed one hundred forty (140) feet in height and temporary telecommunications towers and related facilities of any height, in accordance with the standards of sections 26-282 through 26-292.
2. This ordinance shall be effective on the date of adoption.