



MEMORANDUM

TO: York County Council
York County Planning Commission
FROM: Eddie Moore, Development Services Manager
RE: PROPOSED USE ADDITION OF A BREWERY AND ASSOCIATED TAP ROOM
WITHIN THE ID AND UD ZONING DISTRICTS
DATE: May 9, 2016

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Planning & Development Services has been working to improve the County's ordinances and appreciates your assistance as we work through these important items. We will be continuing to identify items to be addressed in the County's ordinances and listening to feedback from elected and appointed officials, members of the development community, residents, and other stakeholders to continue to improve the County's ordinances to better address the needs of the public.

The following is a tentative adoption schedule:

- May 9, 2016: Planning Commission Recommendation
May 16, 2016: Council First Reading
June 6, 2016: Council Second Reading with Public Hearing
June 20, 2016: Council Third Reading

The purpose of this ordinance change is to provide a brewery, and accessory tap room, as a permitted use within the ID and UD zoning districts. Currently, the ID and UD zoning districts permit the manufacturing and processing of alcoholic and nonalcoholic beverages, but there is not a clear permission of a tap room associated with this use. State laws allow for breweries and associated tap rooms that meet specific regulations. This change will not conflict with State laws, but merely define breweries and associated tap rooms as a permitted use within the ID and UD zoning districts. Staff is presenting the proposed revisions in response to recent requests for zoning compliance letters for proposed brewpubs and breweries, especially in the Fort Mill Area. By clarifying the Code, the County will be prepared to address these types of uses in the future by ensuring they are located in the appropriate zoning district, and more importantly, there is a zoning district that permits such a use.

During the April 14, 2016, Quarterly Development Community Workshop, staff presented the proposed changes, and there were no major concerns and responses raised during the workshop.

The following is a summary of draft recommendations created by Planning & Development Services. The attached proposed changes have been reviewed by the Office of County Attorney. Staff recommends approval of the proposed draft ordinance changes.

CHAPTER 155: ZONING CODE

1. Definitions:

- a. Provide definitions for a brewery, brewpub, and tap room.
2. *Revise the use “micro-brewery” with “brewpub” within the BD-I, BD-III, and UD zoning districts:*
 - a. State law does not recognize the term “micro-brewery.” A “micro-brewery” is listed as a restaurant type within the BD-I, BD-III, and UD zoning districts. This amendment changes the term/use “micro-brewery” with “brewpub,” which is identified in associated state laws.
 3. *Brewery and associated tap rooms (ID and UD zoning districts only):*
 - a. A brewery must be the primary use in order to have an accessory tap room. Conditions of a tap room are as follows:
 - i. An accessory tap room is incidental to a brewery and only allowed when a building permit has been obtained for a principal structure for a brewery, a principal structure has already been constructed for a brewery where the accessory tap room is to be located, or a building permit has been obtained for both a brewery and accessory tap room;
 - ii. An accessory tap room may not exceed 50% of the gross square footage of the building or tenant space where the brewery is located. The square footage of outdoor decks and/or patios must be included with the square footage of any indoor space and not exceed 50% of the gross square footage of the building or tenant space where the brewery is located;
 - iii. No outdoor amplified sound will be permitted associated with a tap room;
 - iv. Minimum parking requirements for an accessory tap room is one space for every 100 square feet of gross floor area; and
 - v. Breweries and accessory tap rooms must meet all State of South Carolina laws and maintain associated permits to operate.

Thank you for your attention to this matter and please contact me at eddie.moore@yorkcountygov.com or 803-909-7234 with input or questions.

AN ORDINANCE

TO AMEND THE CODE OF THE COUNTY OF YORK, SOUTH CAROLINA, CHAPTER 155, ENTITLED ZONING CODE, SECTIONS 155.009, GENERAL PROVISIONS: DEFINITIONS; 155.010, GENERAL PROVISIONS: PERMITTED USES AND SPECIAL EXCEPTIONS; 155.126, BUSINESS DEVELOPMENT I DISTRICT: PERMITTED USES, SUBSECTION (E); 155.146, BUSINESS DEVELOPMENT III DISTRICT: GENERAL: PERMITTED USES, SUBSECTION (N); 155.161, INDUSTRIAL DEVELOPMENT DISTRICT: PERMITTED USES; 155.191, URBAN DEVELOPMENT DISTRICT: PERMITTED USES; IN ORDER TO DEFINE BREWERY, BREWPUB, AND TAP ROOM; ADD BREWERIES AND ACCESSORY TAP ROOMS AS A PERMITTED USE WITHIN THE ID AND UD ZONING DISTRICTS; ENSURE THAT BREWERIES WITH ACCESSORY TAP ROOMS WILL NOT HAVE AN ADVERSE IMPACT ON SURROUNDING PROPERTIES; REPLACE THE TERM MICRO-BREWERIES WITH BREWPUBS WITHIN THE BD-I, BD-III, AND UD ZONING DISTRICTS; TO PROVIDE FOR A PUBLIC HEARING; AND TO PROVIDE FOR OTHER MATTERS RELATING THERETO.

BE IT ORDAINED AND ENACTED BY THE COUNTY COUNCIL OF YORK COUNTY, SOUTH CAROLINA:

SECTION 1. Legislative findings.

As an incident to the adoption of this ordinance, the York County Council, as the governing body of York County, South Carolina, has made the following legislative findings:

1.1 Council is empowered to enact ordinances for the implementation and enforcement of powers granted to Council pursuant to Sections 4-9-30 (9), (14), and (17), S.C. Code Ann., as amended and to exercise such other powers as may be authorized for counties under Sections 6-29-710 et seq., S.C. Code Ann., as amended.

1.2 Council finds that this ordinance will:

- (A) Establish definitions for breweries, brewpubs, and tap rooms;
- (B) Ensure that breweries with accessory tap rooms, if established as a permitted use within the ID and UD zoning districts will not have an adverse impact on surrounding properties;
- (C) Ensure that changing the existing use of micro-breweries to brewpubs within the BD-I, BD-III, and UD zoning districts will not have an adverse impact on surrounding properties; and
- (C) Promote the public health, safety, order, and general welfare.

SECTION 2. Code of York County Amended.

GENERAL PROVISIONS:

Chapter 155, Section 155.009 DEFINITIONS.

Chapter 155, Section 155.009 within the York County Code of Ordinances is hereby amended to include the following definitions placed in alphabetical order between Best Management Practice (BMP) and Building:

“**BREWERY.** A facility that commercially produces beers and similar beverages on site. A brewery is not considered a brewpub or tap room and must adhere to all applicable State laws that regulate breweries.”

“**BREW PUB.** A restaurant and limited-production beer producer that sells specialty beers on-site. A brewpub is not considered a brewery or tap room and must adhere to all applicable State laws that regulate brewpubs.”

Chapter 155, Section 155.009 within the York County Code of Ordinances is hereby amended to include the following definition placed in alphabetical order between Structural Alteration and Traffic Impact Analysis:

“**TAP ROOM.** An accessory use and area intended to be incidental to a brewery and only allowed when a building permit has been obtained for a principal structure for a brewery, a principal structure has already been constructed for a brewery where the accessory tap room is to be located, or a building permit has been obtained for both a brewery and accessory tap room. Seventy-five percent (75%) of beers sold in a tap room must be produced on-site and limited amounts of water and sodas may be sold on-site. The sale of liquor and wine is prohibited and preparing and serving food is optional. A tap room is not considered a brewery or brewpub and must adhere to all applicable State laws that regulate tap rooms.”

Chapter 155, Section 155.010 PERMITTED USES AND SPECIAL EXCEPTIONS.

Within the table of Permitted Uses and Special Exceptions, a brewery with an accessory tap room has been added as a Permitted Use within the ID and UD zoning districts. The term micro-brewery has been replaced with brewpub.

Table of Permitted Uses and Special Exceptions

Uses	Supplemental Regulations? See §155.510-155.517	AGC	AGC-J	RUD	RUD-J	RC-J	RC-II	RD-J	RD-II	BD-I	BD-II	BD-III	ID	LI	UD
Communication Towers															
CONSTRUCTION															
Building, Street, Water, Sewer, and Bridge Construction, Repair and/or Demolition													P		P
Electrical Construction													P		P
Heating, Air Conditioning, and Ventilation Construction													P		P
Heavy Construction													P		P
Paving and Earthmoving Operations													P		P
EDUCATION															
Commercial Schools and Schools Providing Adult Training in any of the Arts, Sciences, and Trade Professions										P	P	P			P
Libraries										P	P	P			P
Schools, Either Public or Private, and Administrative School Buildings		P	P	P	P	P	P	P	P	P	P	P	P	P	P
HEALTH CARE															
Assisted Living Centers										P	P	P			P
Child and Adult Care Centers								P	P	P	P	P			P
Counseling Centers and Services										P	P	P			P
Emergency Shelters													P		P
Halfway Houses													P		P
Hospitals, Clinics, and Medical Offices and Facilities										P	P	P			P
Institutional Care Centers													P		P
Nursing, Rest, or Convalescent Homes			P	P	P			P	P	P	P	P			P
MANUFACTURING															
Alcohol Manufacturing													P		P
Ammonia Manufacturing													P		P
Asphalt Manufacturing													P		P
Beverage Manufacturing													P		P
Brewery and associated Tap Rooms	Yes - Tap Room												P		P
Cabinet Shops													P	P	P
Cargo Trailers Manufacturing and Assembly													P		P
Clay Products Manufacturing													P		P
Communication Equipment Manufacturing													P	P	P
Computer and Electronic Products Manufacturing													P	P	P
Concrete Manufacturing and Production													P		P
Corrosive Acids or Alkalis Manufacturing and Production													P		P
Electronic Products Manufacturing and Assembly													P	P	P
Enamel Manufacturing and Production													P		P
Engines, Motors, and Mechanical Product Manufacturing and Assembly													P		P
Explosives or Explosive Agents Manufacturing and Production													P		P
Fertilizers and Organic Materials Manufacturing and Production													P		P
Fiberglass Manufacturing													P		P
Food and Food Product Manufacturing													P		P
Glass and Glass Product Manufacturing													P		P
Graphic Arts Manufacturing													P	P	P
Heating, Ventilation, and Air Conditioning Equipment Manufacturing													P		P
Lubricants and Oil Products Manufacturing													P		P
Machine or Machinery Shops													P	P	P
Manufactured and Modular Housing Manufacturing and Assembly													P		P
Metal Shops													P	P	P
Motor Vehicles Manufacturing, Assembly, and Production													P		P
Paint Manufacturing													P		P
Paper Production													P		P

Table of Permitted Uses and Special Exceptions

Uses	Supplemental Regulations?	AGC	AGC-J	RUD	RUD-J	RC-J	RC-II	RD-J	RD-II	BD-I	BD-II	BD-III	ID	LI	UD
Beverage Stores (not Processing)												P			P
Bicycle Sales and Service												P			P
Bookstores (not Adult Bookstores or Stores Selling X-Rated Films or Tapes)										P		P			P
Building Material and Supply Stores												P			P
Business Machine and Business Supply Stores										P		P			P
Cellular Telephone Stores												P			P
Clothing Stores										P		P			P
Convenience Stores										P		P			P
Convenience Stores Dispensing Gasoline Products and Accessory Car Washes												P			P
Cosmetic Stores and Services												P			P
Department Store												P			P
Drug, Pharmacy, and Health Stores										P		P			P
Electrical Material and Supply Stores												P			P
Flea Markets (Indoor and Outdoor)												P			P
Floor Covering Stores												P			P
Flower and Gift Shops										P		P			P
Furniture and Home Furnishings Stores												P			P
Garden and Lawn Equipment Sales and Service												P			P
General Mercantile Stores												P			P
Gift and Candy Stores												P			P
Grocery Stores										P		P			P
Hardware Stores										P		P			P
Heating and Air Conditioning Sales and Service												P			P
Heavy Machinery Sales												P			P
Heavy Machinery Sales (not Repair or Manufacturing)												P			P
Jewelry Stores												P			P
Limited Neighborhood Commercial Uses (RC Districts Only - See Zoning Code for Uses)	Yes					SE	SE								
Low-Bulk Comparison Items												P			P
Music Stores												P			P
Newsstands										P		P			P
Pet and Pet Supplies Stores												P			P
Plumbing Material and Supply Stores												P			P
Rental Services and Stores												P			P
Retail Establishments (as listed in LI Zoning District)														SE	
Retail Sales (Accessory to a Permitted Industrial Use & Comprises less than 50% of the Total Business Operation)	Yes												A	A	
Tombstone Sales												P			P
Tombstone Sales (not Manufacturing)												P			P
Variety Stores												P			P
Video Rental Stores (not Adult Stores or Stores Selling or Renting X-Rated Films, Tapes, or Digital Material)										P		P			P
SERVICES															
Automotive and Boat Service, Repair, and Customization	Yes													P	P
Barber Shops										P		P			P
Beauty Salons										P		P			P
Car Washes and Detail Shops										P		P			P
Commercial Kennels												P	P		P
Dry Cleaners			P	P	P					P		P			P
Employment Agencies and Consultants										P		P			P
Funeral Homes										P		P			P
Laundromats										P		P			P
Laundry and Dry Cleaning Plants (not Dry Cleaners)										P		P			P
Massage and Relaxation Therapy Services (not Massage Parlors)													P	P	P
Pet Grooming Services (not Pet Shops, Pet Supply Stores, or Overnight Boarding)										P		P			P

Table of Permitted Uses and Special Exceptions

Uses	Supplemental Regulations?	AGC	AGC-I	RUD	RUD-I	RC-I	RC-II	RD-I	RD-II	BD-I	BD-II	BD-III	ID	LI	UD
Psychics and Mediums												P			
Spa										P					P
Tailors and Dressmakers										P					P
Tanning Salons										P					P
Travel Agencies										P	P	P			P
TRANSPORTATION AND WAREHOUSING															
Airports and Heliports (Commercial and Private)	Yes	SE	SE	SE	SE								SE	SE	SE
Bus Terminals												P		P	P
Commercial Parking Lots										P					P
Mini-Warehouses												P			P
Subway Terminals												P		P	P
Taxi Stands												P		P	P
Trolley and Cable Car Terminals												P		P	P
Trucking Operation	Yes											P			
Trucking Operation (Outdoor Storage of Junked, Salvaged, or Inoperable Trucks and Trailers Accessory to an Approved Trucking Operation)	Yes											SE			
Warehousing, Wholesale, and Distribution Establishments														P	P
UTILITIES															
Electric Generating Plants															P
Gas Generating Plants and Gas Line Construction														P	P
Water Plants and Services														P	P
WASTE MANAGEMENT															
Landfill (Cellulose)	Yes	SE	SE	SE	SE								SE	SE	SE
Landfill (Construction and Demolition)	Yes	SE	SE	SE	SE								SE	SE	SE
Landfill (Inert)	Yes	SE	SE	SE	SE								SE	SE	SE

BUSINESS DEVELOPMENT I DISTRICT (BD-I)

Chapter 155, Section 155.126 PERMITTED USES.

Chapter 155, Section 155.126(E) within the York County Code of Ordinances is hereby amended to now read as follows:

“ (E) Personal service establishments:

- (1) Barber shops and beauty salons/spas;
- (2) Caterers and banquet services;
- (3) Child and adult care centers;
- (4) Dry cleaners;
- (5) Ice cream and yogurt shops;
- (6) Laundromats;
- (7) Pet grooming services (but not pet shops, pet supply stores or over-night boarding);
- (8) Restaurants, including coffee, deli, fast food and ~~micro-brewery establishments~~brewpubs, but no dance floors or staged entertainment;
- (9) Tailors and dressmakers (but not retail stock sales);
- (10) Tanning salons.”

BUSINESS DEVELOPMENT III DISTRICT (BD-III): GENERAL

Chapter 155, Section 155.146 PERMITTED USES.

Chapter 155, Section 155.146(N) within the York County Code of Ordinances is hereby amended to now read as follows:

“ (N) Personal service establishments:

- (1) Barber shops and beauty salons/spas;
- (2) Caterers and banquet services;
- (3) Child and adult care centers;
- (4) Dry cleaners;
- (5) Laundromats;
- (6) Pet grooming services;
- (7) Restaurants, including, coffee, deli, fast food, and ~~micro-brewery establishments~~brewpubs, but no dance floors or staged entertainment;
- (8) Tailors and dressmakers;
- (9) Tanning salons;

- (10) Word processing and transcription services;
- (11) Psychics and mediums.”

INDUSTRIAL DEVELOPMENT DISTRICT (ID)

Chapter 155, Section 155.161 PERMITTED USES.

Chapter 155, Section 155.161 within the York County Code of Ordinances is hereby amended to now read as follows:

“ Within the Industrial Development District, a building or premises requires site plan approval and can only be used for the following purposes; provided the uses comply fully with the performance standards agreement (see Appendix D - Exhibit 1) and all applicable standards contained herein:

(A) Accessory buildings and uses customarily incidental to the following permitted uses, including open air storage for other than scrap metal, wrecked automobiles or junk. NOTE: Accessory uses are only allowed when a building permit has been obtained for a principal structure or a principal structure has already been constructed on the parcel where the accessory building is to be located;

(B) Animal hospitals and veterinarian clinics;

(C) Animals, keeping or raising of:

(1) Bees;

(2) Birds (domestic and exotic);

(3) Cattle, beef, and bovine;

(4) Equestrian uses, including stables, tracks, clubs, fields, caretaker’s facilities, and related equestrian uses;

(5) Feed lots;

(6) Fish;

(7) Goats;

(8) Hogs and pigs;

(9) Poultry;

(10) Sheep;

(11) Structures for processing and sale of products raised/grown on the premises.

(D) Brewery and accessory tap rooms, provided that:

(1) An accessory tap room is incidental to a brewery and only allowed when a building permit has been obtained for a principal structure for a brewery, a principal structure has already been constructed for a brewery where the accessory tap room is to be located, or a building permit has been obtained for both a brewery and accessory tap room;

(2) An accessory tap room may not exceed 50% of the gross square footage of the building or tenant space where the brewery is located. The square footage of outdoor decks and/or patios must be included with the square footage of any indoor space and not exceed 50% of the gross square footage of the building or tenant space where the brewery is located;

(3) No outdoor amplified sound will be permitted associated with a tap room;

(4) Minimum parking requirements for an accessory tap room is one space for every 100 square feet of gross floor area; and

(5) Breweries and accessory tap rooms must meet all State of South Carolina laws and maintain associated permits to operate.

(~~D~~E) Churches or similar places of worship, including parish houses, parsonages, convents and dormitories, cemeteries, and child care centers accessory thereto;

(~~E~~F) Commercial recreation establishments, limited to the following uses: bowling rinks, skating rinks, health clubs and indoor shooting ranges (video poker establishments are not a permitted use, see § 155.162), provided, all commercial recreation establishment uses meet the following development standards:

(1) No commercial recreation establishment use is permitted within 300 feet of the same type of use or establishment;

(2) No commercial recreation establishment use is permitted within 500 feet of any church, school, kindergarten, college, university, playground, park, residence, residential, rural or agricultural zoning district. Distance is to be measured from the perimeter of the parcel (lot) where the proposed establishment is to be located within.

(~~F~~G) General farming:

- (1) Cultivation of field crops;
- (2) Orchards, groves or similar activities;
- (3) Truck gardens.

(~~G~~H) Greenhouses, landscape nurseries and accessory equipment;

(~~H~~I) Institutional care, emergency shelters and halfway houses;

(~~I~~J) Kennels;

(~~J~~K) Manufacturing services, including establishments engaged in:

- (1) Building, street, water, sewer and bridge construction, repair and/or demolition;
- (2) Cabinet shops;
- (3) Electric generating plants;
- (4) Electrical construction;
- (5) Gas generating plants and gas line construction;
- (6) Heating, air conditioning and ventilation construction;
- (7) Heavy construction;
- (8) Laundry and dry cleaning plants (but not dry cleaners);
- (9) Machine shops;
- (10) Metal shops;
- (11) Paving and earth moving operations;
- (12) Research laboratories;
- (13) Water services, storage tanks and water plants.

(KL) Manufacturing uses, including institutional uses, processing and assembly plants, including plants for the production of:

- (1) Alcohol;
- (2) Ammonia;
- (3) Asphalt;
- (4) Beverages (alcoholic and nonalcoholic);
- (5) Cargo trailers;
- (6) Clay products;
- (7) Communication equipment;
- (8) Computers;
- (9) Concrete;
- (10) Corrosive acids or alkalis;
- (11) Electronics;
- (12) Enamel;
- (13) Engines, motors and mechanical products;
- (14) Explosives or explosive agents;
- (15) Fertilizers and organic materials;
- (16) Fiberglass products;
- (17) Food products;
- (18) Glass;

- (19) Graphic arts;
- (20) Heating, ventilation and air conditioning equipment;
- (21) Lubricants and oil products;
- (22) Manufactured and modular housing;
- (23) Motor vehicles;
- (24) Paint;
- (25) Paper;
- (26) Pesticides;
- (27) Pharmaceutical;
- (28) Polymer, rubber and plastic products;
- (29) Shellac or varnish;
- (30) Signs;
- (31) Soap and cleaning products;
- (32) Stone and masonry products;
- (33) Textiles.

(EM) Mining, including the extraction, processing and removal of soil, sand, gravel, stone, minerals or clay; provided all state reclamation regulations are observed;

(MN) Outdoor recreation facilities and activities, publicly or privately operated:

- (1) Golf courses;
- (2) Hunt clubs;
- (3) Parks and play fields;
- (4) Swimming pools;
- (5) Tennis courts.

(NO) Retail sales when accessory to a permitted industrial use and comprises less than 50% of the total business operation;

(OP) Schools, either public or private, and administrative school buildings;

(PQ) Seasonal roadside agricultural and produce stands (must be located a minimum of 25 feet from road rights-of-way, provide adequate/safe parking, and not exceed any 90-day consecutive period or six months annually) provided:

- (1) A site plan depicting setbacks, parking, and access compliant with York County Development Standards is submitted and approved by York County Planning and Development;
- (2) Total covered area for the use, cannot exceed 1,500 square feet;

(3) Failure to cease operation at the conclusion of the 90 day consecutive period or the six month annual period may result in the issuance of an ordinance summons by the county;

(4) An additional three month period for the sale of seasonal items can be requested no later than 20 business days prior to the expiration of the original six month permitted timeframe for staff to review and consider the extension request;

(5) Individuals who grow and sell their produce and home-processed goods on property in their ownership are exempt from the timeframe provisions of this section;

(6) These regulations are cumulative and in addition to other codes and regulations which may be applicable to the parcel and the facilities associated with the seasonal operations of the vendor.

(~~OR~~) Signs permitted by and in accordance with all applicable provisions contained herein;

(~~RS~~) Warehousing, wholesale and distribution establishments;

(~~ST~~) Temporary uses.”

URBAN DEVELOPMENT DISTRICT (UD)

Chapter 155, Section 155.191 PERMITTED USES.

Chapter 155, Section 155.191 within the York County Code of Ordinances is hereby amended to now read as follows:

“ Within the Urban Development District, a building or premises will be used only for the following purposes; provided, the uses receive site plan approval and comply fully with the performance standards agreement when applicable (see Appendix D - Exhibit 1) and all other applicable standards contained herein:

(A) Accessory buildings and uses customarily incidental to the following permitted uses, provided they meet all applicable provisions of this chapter. NOTE: Accessory uses are only allowed when a building permit has been obtained for a principal structure or a principal structure has already been constructed on the parcel where the accessory building is to be located;

(B) Animals; keeping or raising of (may require site plan approval):

(1) Bees;

(2) Birds (domestic and exotic);

(3) Cattle, beef and bovine;

(4) Equestrian uses, including stables, tracks, clubs, fields, caretaker's facilities and related equestrian uses;

(5) Feed lots;

(6) Fish;

(7) Goats;

(8) Hogs and pigs;

(9) Poultry;

(10) Sheep;

(11) Structures for processing and sale of products raised/grown on the premises.

(C) Automobile and boat service, repair and customization (requires site plan approval), provided that:

(1) All service and repair will be conducted not more than 30 feet from the front of the building;

(2) There will be no openings toward adjoining residential districts.

(D) Brewery and accessory tap rooms, provided that:

(1) An accessory tap room is incidental to a brewery and only allowed when a building permit has been obtained for a principal structure for a brewery, a principal structure has already been constructed for a brewery where the accessory tap room is to be located, or a building permit has been obtained for both a brewery and accessory tap room;

(2) An accessory tap room may not exceed 50% of the gross square footage of the building or tenant space where the brewery is located. The square footage of outdoor decks and/or patios must be included with the square footage of any indoor space and not exceed 50% of the gross square footage of the building or tenant space where the brewery is located;

(3) No outdoor amplified sound will be permitted associated with a tap room;

(4) Minimum parking requirements for an accessory tap room is one space for every 100 square feet of gross floor area;

(5) Breweries and accessory tap rooms must meet all State of South Carolina laws and maintain associated permits to operate.

(DE) Broadcast stations (requires site plan approval);

(EF) Car washes and detail shops (requires site plan approval);

(FG) Churches or similar places of worship, including parish houses, parsonages, convents, dormitories and child care centers accessory thereto (requires site plan approval);

(GH) Accessory dwelling units (for existing primary dwellings only):

- (1) One accessory dwelling unit per primary dwelling unit;
- (2) Primary dwelling unit shall be owner-occupied;
- (3) Accessory dwelling unit shall not be larger than 50% of the size of the primary dwelling unit;
- (4) Accessory dwelling unit may be in the same building or separate building from the primary dwelling unit, including the garage;
- (5) If the accessory dwelling is in a separate building, then the height of the building containing the accessory dwelling shall not exceed 125% of the height of the principal building;
- (6) If an accessory dwelling is in a separate building, the setbacks shall be no closer than ten feet from an abutting side property line and no closer than 20 feet from an abutting rear property line or the nearest point along any required bufferyards, whichever is greater;
- (7) Accessory dwelling unit shall be constructed with the same or very similar materials and compatible exterior style of the primary dwelling;
- (8) Windows of an accessory dwelling unit shall not be directly opposite windows of a dwelling unit on the abutting lot unless screened by a fence, wall or hedge, or separated by more than 30 feet;
- (9) An accessory dwelling unit shall contain a kitchen and at least one bedroom and at least one full bathroom;
- (10) An accessory dwelling unit shall have at least one parking space in addition to the parking spaces required for the primary dwelling unit.

(H) Expansion of existing manufactured home parks, provided:

- (1) The park is not located within a Scenic Overlay District;
- (2) The expansion is determined by the size of the park as of September 16, 1996, and is limited to the property parcel the park is located as of September 16, 1996. The expansion will not exceed 25% of the number of approved manufactured home park sites as recognized by York County planning and development services;
- (3) Prior to approval of the expansion, the existing park is upgraded to meet the standards for manufactured home parks as listed, with the exception of road alignment:
 - (a) That the request is accompanied by a site plan showing the proposed project and the site plan is presented in accordance with the requirements provided herein;
 - (b) The minimum park or court area will be ten acres;

(c) The maximum number of manufactured homes per acre will not exceed four where private wells and/or septic systems are proposed or eight where community water and sewer is proposed;

(d) Storm drainage and water facilities and DHEC approval of sewage will be required;

(e) Parking spaces will be provided in accordance with the regulations contained herein. Concrete curbs or other appropriate car stops will be installed. If parking spaces are paved, then curb stops are optional;

(f) Private drives, which are not to be dedicated as public streets, will have a minimum travel width of 20 feet with a 2-inch base of stabilized stone and a 1-inch asphalt surface;

(g) All roadways to be dedicated to York County will be constructed in accordance with the York County Subdivision Code;

(h) No access roadway to a manufactured home park will be located closer than 150 feet to any public street intersection;

(i) All interior intersections will have a street light;

(j) All roadway intersections will be a minimum of 200 feet apart and have a minimum 100-foot sight easement triangle;

(k) The park must be constructed according to the approved site plan. Permits for manufactured homes will not be issued until an inspection of the park is made and it is determined that the park is constructed according to the plan;

(l) The park must construct a buffer in accordance with the provisions provided herein.

(H) Family day care homes;

(JK) General farming:

- (1) Cultivation of field crops;
- (2) Orchards, groves or similar activities;
- (3) Truck gardens.

(KL) General business services:

- (1) Blueprinting;
- (2) Duplicating, mimeographing and multilithing shops;
- (3) Film development;
- (4) Packaging and mailing services;
- (5) Photostating.

(LM) Greenhouses, landscape nurseries and accessory equipment;

(MN) Home occupations;

(NO) Lodges and civic clubs;

(OP) Manufacturing services, including establishments engaged in:

- (1) Building, street, water, sewer and bridge construction, repair and/or demolition;
- (2) Cabinet shops;
- (3) Electric generating plants;
- (4) Electrical construction;
- (5) Gas generating plants and gas line construction;
- (6) Heating, air conditioning and ventilation construction;
- (7) Heavy construction;
- (8) Laundry and dry cleaning plants (but not dry cleaners);
- (9) Metal shops;
- (10) Machine shops;
- (11) Paving and earth moving operations;
- (12) Research laboratories;
- (13) Water services, storage tanks and water plants.

(PQ) Manufacturing uses, (including institutional uses), processing and assembly plants, including plants for the production of:

- (1) Alcohol;
- (2) Ammonia;
- (3) Asphalt;
- (4) Beverages (alcoholic and nonalcoholic);
- (5) Cargo trailers;
- (6) Clay products;
- (7) Communication equipment;
- (8) Computers;
- (9) Concrete;
- (10) Corrosive acids or alkalis;
- (11) Electronics;
- (12) Enamel;
- (13) Engines, motors and mechanical products;
- (14) Explosives or explosive agents;
- (15) Fertilizers and organic materials;
- (16) Fiberglass products;

- (17) Food products;
- (18) Glass;
- (19) Graphic arts;
- (20) Heating, ventilation and air conditioning equipment;
- (21) Lubricants and oil products;
- (22) Manufactured and modular housing;
- (23) Motor vehicles;
- (24) Paint;
- (25) Paper;
- (26) Pesticides;
- (27) Pharmaceutical;
- (28) Polymer, rubber and plastic products;
- (29) Shellac or varnish;
- (30) Signs;
- (31) Soap and cleaning products;
- (32) Stone and masonry products;
- (33) Textiles.

(~~QR~~) Marinas;

(~~RS~~) Mini-warehouses;

(~~ST~~) Mining, including the extraction, processing and removal of soil, sand, gravel, stone, minerals or clay; provided all state reclamation regulations are observed;

(~~FU~~) Motels and hotels;

(~~UV~~) Museums, art galleries and libraries;

(~~VW~~) Personal service establishments:

(1) Barber shops and beauty salons/spas;

(2) Caterers and banquet services;

(3) Child and adult care centers;

(4) Dry cleaners;

(5) Laundromats;

(6) Pet grooming services;

(7) Restaurants, including coffee, deli, fast food and ~~micro-brewery establishments~~brewpubs, but no dance floors or staged entertainment;

(8) Tailors and dressmakers;

- (9) Tanning salons;
- (10) Word processing and transcription services.

~~(WX)~~ Professional uses:

- (1) Armories for meetings and training of military organizations;
- (2) Commercial schools and schools providing adult training in any of the arts, sciences, trades and professions;

- (3) Counseling centers and services;
- (4) Employment agencies and consultants;
- (5) Financial institutions;
- (6) Funeral homes;
- (7) Hospitals, clinics and medical offices;
- (8) Institutional care, emergency shelters and halfway houses;
- (9) Massage and relaxation therapy services (but not massage parlors);
- (10) Nursing homes, convalescent homes and assisted living centers;
- (11) Office buildings;
- (12) Photography and art studios (but not adult entertainment);
- (13) Schools, either public or private, and administrative school buildings;
- (14) Travel agencies.

~~(XY)~~ Recreation establishments (publicly or privately operated):

- (1) Athletic fields and playgrounds;
- (2) Batting ranges;
- (3) Bowling alleys;
- (4) Dance studios and schools;
- (5) Driving ranges;
- (6) Golf courses;
- (7) Gymnastic centers;
- (8) Health clubs and fitness centers;
- (9) Hunt clubs;
- (10) Karate and martial arts instruction schools;
- (11) Movie theaters (but not adult theaters, shows or arcades);
- (12) Neighborhood parks and centers;
- (13) Skating rinks;
- (14) Swimming pools (indoor and outdoor);

- (15) Tennis courts (indoor and outdoor);
- (16) Bingo halls and video poker establishments are prohibited.

(YZ) Recreational vehicle parks, provided:

- (1) A site plan is submitted and approved in accordance with all applicable provisions of this chapter;
- (2) Minimum park area will be ten acres;
- (3) Maximum number of recreational vehicles per acre will not exceed eight;
- (4) Sanitary sewage, storm drainage, water and refuse disposal facilities will be required;
- (5) DHEC approval is obtained;
- (6) One off-street parking space will be provided per recreational vehicle;
- (7) Parking spaces will be paved, properly marked and lighted;
- (8) Concrete curbs or other appropriate car stops will be installed at the end of all “head-in” parking bays which are not “drive-through” types;
- (9) Roadways, which will not be dedicated as public streets, will have a minimum travel width of 20 feet exclusive of parking;
- (10) All roadways will be paved with cement or asphalt;
- (11) No access roadway to a recreational vehicle park will be located closer than 150 feet to any public street intersection;
- (12) The park must be constructed according to the approved site plan; Permits for recreational vehicles will not be issued until an inspection of the park is made and it is determined that the park is constructed according to the plan;
- (13) Storage areas for storage of recreational vehicles are permitted, provided the area:
 - (a) Does not exceed 20% of the developed area; and
 - (b) Storage is limited to storage of recreational vehicles as an accessory use in conjunction with the principal recreational vehicle park.
- (14) Manufactured homes are expressly prohibited.

(ZAA) Retail establishments (convenience):

- (1) Bakery and bread stores;
- (2) Bookstores (but not adult bookstores or stores selling x-rated films or tapes);
- (3) Cellular telephone and pager stores;
- (4) Convenience stores dispensing gasoline products and accessory car washes;
- (5) Cosmetic stores and services;
- (6) Drug, pharmacy and health stores;

- (7) Flower and gift shops;
- (8) Grocery stores;
- (9) Hardware stores;
- (10) Ice cream and yogurt shops;
- (11) Newsstands;
- (12) Video rental stores (but not adult stores or stores selling or renting x-rated films, tapes or digital material).

(AABB) Retail establishments (primary):

- (1) Art supply and craft stores;
- (2) Clothing stores;
- (3) Department stores;
- (4) Flea markets (indoor and outdoor);
- (5) General mercantile stores;
- (6) Gift and candy stores;
- (7) Jewelry stores;
- (8) Low-bulk comparison items;
- (9) Music stores;
- (10) Pet stores;
- (11) Variety stores.

(BBCC) Retail establishments (secondary):

- (1) Antique and collectible shops;
- (2) Automobile, truck, recreational vehicle, boat and marine, motorcycle and ATV sales;
- (3) Beverage stores;
- (4) Bicycle sales and service;
- (5) Building material and supply stores;
- (6) Business machine and business supply stores;
- (7) Electrical material and supply stores;
- (8) Floor covering stores;
- (9) Furniture and home furnishing stores;
- (10) Garden and lawn equipment sales and service;
- (11) Heating and air conditioning sales and service;
- (12) Heavy machinery sales;
- (13) Plumbing material and supply stores;

(14) Tombstone sales.

(~~CEED~~) Seasonal roadside agricultural and produce stands (must be located a minimum of 25 feet from road rights-of-way, provide adequate/safe parking and not exceed any 90-day consecutive period or six months annually) provided:

(1) A site plan depicting setbacks, parking, and access compliant with York County Development Standards is submitted and approved by York County Planning and Development;

(2) Total covered area for the use, cannot exceed 1,500 square feet;

(3) Failure to cease operation at the conclusion of the 90 day consecutive period or the six month annual period may result in the issuance of an ordinance summons by the county;

(4) An additional three month period for the sale of seasonal items can be requested no later than 20 business days prior to the expiration of the original six month permitted timeframe for staff to review and consider the extension request;

(5) Individuals who grow and sell their produce and home-processed goods on property in their ownership are exempt from the timeframe provisions of this section;

(6) These regulations are cumulative and in addition to other codes and regulations which may be applicable to the parcel and the facilities associated with the seasonal operations of the vendor.

(~~DDEE~~) Signs in accordance with all applicable provisions contained herein;

(~~EEEE~~) Subdivision sales center(s) accommodating all contractors and sales agents for existing subdivisions, provided that:

(1) The subdivision contains a minimum of 50 lots;

(2) A site plan is submitted in accordance with all applicable provisions contained herein;

(3) The use be terminated upon the issuance of certificates of occupancies for 85% of the total number of homes within the subdivision;

(4) An additional sale center(s) may be established per each additional 50 lots in a subdivision;

(5) Sales centers are required to meet ADA accessibility requirements. When a model home is used as a sales center, the sales office(s) portion of the model home and one restroom must be handicap accessible;

(6) Parking - one parking space and one handicap parking space is required per 300 square feet of sales office space. Parking spaces may be created in the driveway that will serve the residence following the sale of the model homes/sales center. Additional parking may be required by the York County Zoning Department and in-street parking prohibited.

(7) Signage - one temporary, non-illuminated sign, is permitted at each subdivision entrance, provided:

- (a) The sign does not exceed 32 square feet;
- (b) The sign does not exceed 8 1/2 feet in height;
- (c) All contractors, sales companies and agents are listed on the same sign; and
- (d) The sign complies with applicable setbacks and sight distances contained herein.

(8) One individual sale center/model home sign is permitted on individual lots, provided:

- (a) The sign does not exceed four square feet;
- (b) The sign does not exceed three feet in height;
- (c) The sign is non-illuminated; and
- (d) The sign is located on the lot occupied by the model home/sales center.

(9) Enforcement and penalties.

(a) Any violation of this section shall result in the following penalties:

1. A first violation will result in the stoppage of inspections and permits until violation is resolved;

2. A second violation will result in a \$425 per day per violation fine;

3. A third violation will result in the revocation of right to post subdivision informational signs; and

4. A fourth violation will result in the revocation of right to use sales centers.

(b) These penalties shall apply cumulatively to the entire subdivision and each violation, with the exception of the fines, will count against all contractors, companies and agents working within the subdivision.

(~~FFGG~~) Transportation services and facilities (public and private);

- (1) Bus terminals;
- (2) Commercial parking lots;
- (3) Subway terminals;
- (4) Taxi stands;
- (5) Trolley and cable car terminals.

(~~GGHH~~) Warehousing, wholesale and distribution establishments.”

SECTION 3. Public Hearing Required.

The York County Council shall conduct a public hearing after publishing a notice of the date, time and place of such hearing at least fifteen (15) days in advance of such hearing before final legislative action is taken for the adoption of this ordinance.

SECTION 4. Severability.

The provisions of this ordinance are hereby declared to be severable, and if any provision or section of this ordinance is declared to be unconstitutional or unenforceable by the final order of a court of competent jurisdiction, such declaration shall not affect the constitutionality, legality, or enforceability of any other section or provision of this ordinance, which shall be deemed severable, valid, enforceable, and effective.

SECTION 5. Repeal of inconsistent sections and ordinances.

All sections of the York County Code of Ordinances and all York County ordinances in conflict with this ordinance are hereby amended to the extent of such conflict.

SECTION 6. Effective date.

This ordinance shall take effect immediately upon adoption.

Adopted this ____ day of _____, 2016.

YORK COUNTY COUNCIL

By: _____
J. Britt Blackwell, O.D., Chairman
York County Council

Attest: _____
William P. Shanahan, Jr.
County Manager

1st Reading: _____

2nd Reading: _____

Public Hearing: _____

3rd Reading: _____