

URBAN DEVELOPMENT DISTRICT (UD)

§ 155.190 PURPOSE.

(A) The Urban Development District is designed to permit in certain areas of the county maximum use flexibility in response to existing conditions and characteristics existing at the adoption of zoning. It also recognizes areas existing prior to zoning which have been impacted by a variety of incompatible uses. Market and use flexibility mandates a need to protect existing development from the adversities of “mixed use.” The objective of this district is to maximize land use flexibility and minimize land use conflicts in the process.

(B) All applicants proposing to rezone property to the UD classification will, instead, be required to request a PD for the appropriate zoning class for the particular proposed use. The ability to request the rezoning of property to UD is only permitted when the request is an extension of an existing UD District.

(‘77 Code, § 19-104) (Ord. passed 1-3-00)

§ 155.191 PERMITTED USES.

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.

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

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

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

(H) Commercial recreation establishments:

(1) Bowling alleys;

(2) Dance studios and schools;

(3) Gymnastic centers;

(4) Health clubs and fitness centers;

(5) Karate and martial arts instruction schools;

(6) Movie theaters (but not adult theaters, shows or arcades);

(7) Neighborhood parks and centers;

(8) Skating rinks;

(9) Bingo halls and video poker establishments are prohibited.

(I) Commercial outdoor recreation;

(J) 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.

(K) 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 two-inch base of stabilized stone and a one-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;

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

(L) Family day care homes;

(M) General farming:

(1) Cultivation of field crops;

(2) Orchards, groves or similar activities;

(3) Truck gardens.

(N) General business services:

(1) Blueprinting;

(2) Duplicating, mimeographing and multilithing shops;

(3) Film development;

(4) Packaging and mailing services;

(5) Photostating.

(O) Greenhouses, landscape nurseries and accessory equipment;

(P) Home occupations;

(Q) Lodges and civic clubs;

(R) 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.

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

(1) Alcohol;

- (2) Ammonia;
- (3) Beverages (alcoholic and nonalcoholic);
- (4) Cargo trailers;
- (5) Communication equipment;
- (6) Computers;
- (7) Corrosive acids or alkalis;
- (8) Electronics;
- (9) Engines, motors and mechanical products;
- (10) Explosives or explosive agents;
- (11) Fertilizers and organic materials;
- (12) Fiberglass products;
- (13) Food products;
- (14) Graphic arts;
- (15) Heating, ventilation and air conditioning equipment;
- (16) Lubricants and oil products;
- (17) Manufactured and modular housing;
- (18) Motor vehicles;
- (19) Paint;
- (20) Paper;
- (21) Pesticides;
- (22) Pharmaceutical;
- (23) Polymer, rubber and plastic products;
- (24) Shellac or varnish;
- (25) Signs;
- (26) Soap and cleaning products;
- (27) Textiles.

(T) Marinas;

(U) Mini-warehouses;

(V) Motels and hotels;

(W) Museums, art galleries and libraries;

(X) 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 brewpubs, but no dance floors or staged entertainment;
 - (8) Tailors and dressmakers;
 - (9) Tanning salons;
 - (10) Word processing and transcription services,
- (Y) 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.
- (Z) 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.

(AA) 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).

(BB) 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.

(CC) 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.

(DD) 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.

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

(FF) 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.

(GG) 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.

(HH) Warehousing, wholesale and distribution establishments.

('77 Code, § 19-105) (Ord. passed 1-3-00; Am. Ord. 3204, passed 11-8-04; Am. Ord. 513, passed 3-18-13; Am. Ord. 713, passed 3-18-13; Am. Ord. 4315, passed 11-16-15; Am. Ord. 3016, passed 6-20-16; Am. Ord. 5117, passed 9-5-17; Am. Ord. 3418, passed 5-21-18; Am. Ord. 3718, passed 5-21-18)

§ 155.192 SPECIAL EXCEPTIONS.

(A) The following uses may be established in the UD District, provided the impact of the uses will not substantially reduce or impair the purpose of the Urban Development District. Notification and posting requirements of the public hearing are outlined in § 155.592. The notice will be published in a newspaper of general circulation in York County. Based on the hearing and probable impact of the uses on any contiguous uses and conditions, the Zoning Board of Appeals may approve, approve with conditions (lot configuration standards, open space and bufferyard requirements, impose restrictions, or increase typical development standards, and the like), or deny the requests. The Zoning Board will use the following criteria for judging the compatibility of the proposal with the surrounding area: are adequate water and sewer facilities provided; will existing public services and public facilities (including, but not limited to, education, recreation, transportation, and water/sewer facilities) be negatively impacted by the proposed use; is the proposed use compatible with surrounding uses. A conceptual site plan with adequate detail (building layout, setbacks, easements, buffers, and the like) must be submitted prior to the Planning Department accepting the special exception application and presenting the application to the Zoning Board of Appeals. Based on the proposed use, a Traffic Impact Analysis (TIA) may be required and must be submitted prior to the Planning Department accepting the special exception application and approved prior to presenting the application to the Zoning Board of Appeals. Should the Zoning Board of Appeals approve a special exception, a formal site plan and building plans, if applicable, are required to be submitted and approved by county staff prior to commencing the uses. The uses must adhere to the development standards and the performance standard requirements contained herein, as well as the following conditions:

(B) These special exceptions will be restricted to:

(1) Airports and heliports (commercial and private), provided:

(a) The uses will be accompanied by an "Impact Statement," quantifying the impact of the proposed facility on existing land uses, transportation, and community facilities, and the county's land development plan;

(b) Industrial use bufferyards will be installed;

(c) The uses must be approved by the Federal Aviation Administration (FAA).

(2) Bed and breakfast inns, provided:

(a) Meals will be served to registered guests only;

(b) No cooking facilities will be permitted in guests' rooms;

(c) The properly owner or manager must reside on the property where the inn is located;

(d) Only short term lodging will be provided; monthly rentals will be prohibited;

(e) Two parking spaces will be provided for the operator, plus one space for each guest room as required herein including handicap accessibility;

(f) Accessory buildings will not contain guest quarters or living facilities;

(g) The use produces no alterations or changes in the character or exterior appearance of the principal building from that of a dwelling, except that one sign not exceeding 50 square feet in size and ten feet in height may be installed.

(3) Landfills (cellulose or inert), provided:

(a) The landfill must be located on parcels of at least ten acres and meet setbacks of 125 feet from all property lines;

(b) All cellulose landfills must be permitted as a Class I Landfill and all inert landfills must be permitted as a Class II Landfill through DHEC;

(c) Industrial use bufferyards will be installed.

(4) Fairgrounds;

(5) Racecourses and outdoor shooting ranges, provided:

(a) Racecourses and outdoor shooting ranges may be located no closer than 1,000 feet (measured in a straight line) from any existing residential use and a minimum of 300 feet from all property lines;

(b) Bufferyards to be provided as required for industrial uses.

(6) Salvage operations, including:

(a) Metal crashing facilities;

(b) Metal recycling operations;

(c) Scrap yards;

(d) Wrecked automobile storage facilities (junk yards). One or more of the above salvage operation uses may be requested, provided the following additional conditions are maintained:

1. No material, because it is discarded and incapable of being reused in some form, will be placed in open storage;

2. No material will be placed in open storage in a manner that it is capable of being transferred out by wind, water or other causes;

3. All materials and activities not within fully enclosed buildings will be enclosed by an opaque fence or wall of at least eight feet in height and of a consistency as to completely screen the use of the property from public view.

('77 Code, § 19-106) (Ord. passed 1-3-00; Am. Ord. 4315, passed 11-16-15; Am. Ord. 2916, passed 6-20-16; Am. Ord. 5119, passed 10-21-19)