

AN ORDINANCE

*TO AMEND THE YORK COUNTY CODE OF ORDINANCES, CHAPTER 155, ZONING CODE, SO AS TO PROVIDE FOR "EVENT VENUE" AND "EVENT VENUE, LARGE CAPACITY"; TO PROVIDE FOR REGULATORY PROVISIONS RELATED THERETO; TO AMEND THE DEFINITION AND USE TABLE IN ORDER TO ESTABLISH THE USES AND PROVIDE FOR THE DISTRICTS IN WHICH THEY ARE ALLOWED; TO ESTABLISH "EVENT VENUE" AND "LARGE CAPACITY VENUES" AS SPECIAL EXCEPTIONS IN AGC, AGC-I, RUD, AND RUD-I; TO ADD "EVENT VENUES" AS A PERMITTED USE AND "LARGE CAPACITY EVENT VENUES" AS A SPECIAL EXCEPTION IN BD-III; TO AMEND INDIVIDUAL USE REGULATIONS IN BD-III AND ADD SUPPLEMENTAL REGULATIONS IN AGC, AGC-I, RUD, RUD-I, AND BD-III IN ORDER TO ADDRESS ITEMS SUCH AS ON-SITE MANAGERS, OPERATIONAL PLANS WITH ASSOCIATED RESTRICTIONS, SEPARATION REQUIREMENTS FROM RESIDENCES, LOT SIZE, ON-SITE ACTIVITIES, HOURS OF OPERATION, AND PARKING; TO AMEND AND CONFORM THE OFF-STREET PARKING REQUIREMENTS TABLE; AND TO PROVIDE FOR OTHER MATTERS RELATED 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 The Code of Ordinances of York County, South Carolina, should be amended by amending through amendments to Chapter 155, Zoning Code, in order to clarify the ordinance governing uses which are not set out sufficiently in the Code or which are developing to such a degree or with such impact that additional regulation is needed to safeguard our citizenry and promote orderly prospective treatment of the uses in order to guide development with regard to existing and future zoning needs and promote the public health, safety, convenience, order, appearance, prosperity and general welfare of York County and its citizens.

1.2 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 S.C. Code Ann. Section 6-29-710, as amended.

1.3 Council finds that the amendment and clarification will, inter alia, guide development and provide for the orderly and subsequent growth in the County; facilitate the creation of a convenient, attractive, and harmonious community; regulate the uses of buildings, structures and land for trade, industry, residence, recreation, agriculture, public activities, and other purposes; and further the public welfare.

1.4 Specifically, Council finds that regulation of event venues and event venues-large capacity will expound upon a zoning use not sufficiently detailed in the existing code of ordinances and will thereby provide regulation process specific for the growth of the myriad forms of venue appearing within York County while safeguarding the interests of the York County citizens and the integrity of the County.

**SECTION 2. Code of York County Amended.**

Chapter 155, ZONING CODE, is hereby amended in the particulars established in Exhibit A, attached and incorporated herewith by reference.

**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.

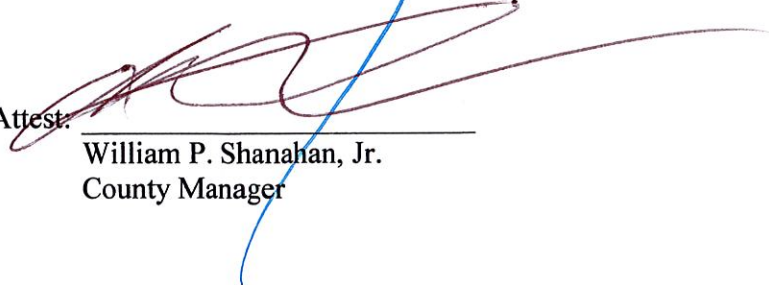
Adopted this 18 day of June, 2018.

YORK COUNTY COUNCIL

By:

  
\_\_\_\_\_  
J. Britt Blackwell, O.D., Chairman  
York County Council

Attest:

  
\_\_\_\_\_  
William P. Shanahan, Jr.  
County Manager

First Reading: April 16, 2018  
Second Reading: May 7, 2018  
Public Hearing: May 7, 2018  
Third Reading: June 18, 2018

# EXHIBIT A

York County Code of Ordinances, Section 155.009, DEFINITIONS is hereby amended by adding the following terms (in alphabetical order within the Code) and definitions, as follows:

**EVENT VENUE.** A commercial facility rented to individuals, groups, or organizations, and used to host gatherings such as, but not limited to, weddings, receptions, parties, meetings, and conferences. An Event Venue may be comprised of a permanent structure(s), temporary structure(s), uncovered outdoor gathering area(s), or any combination thereof. This definition does not include lodges, civic clubs, community centers, religious facilities, or publicly-owned facilities.

**EVENT VENUE, LARGE CAPACITY.** An Event Venue with a capacity greater than 100 people, as determined by applicable building code, fire code, and/or parking requirements.

York County Code of Ordinances, Section 155.010, USE TABLE is hereby amended by amending the *Use Table in Paragraph (F) as follows:*

<i>Table of Permitted Uses and Special Exceptions</i>															
<i>Uses</i>	<i>Supplemental Regulations?</i>	<i>AGC</i>	<i>AGC I</i>	<i>ODD</i>	<i>PD I</i>	<i>PC I</i>	<i>PC II</i>	<i>PD I</i>	<i>PD II</i>	<i>PD I</i>	<i>PD II</i>	<i>PD III</i>	<i>UD</i>	<i>TI</i>	<i>UD</i>
<b>OTHER USES</b>															
Event venue	Yes - SE	SE	SE	SE	SE							P			
Event venue, large capacity	Yes	SE	SE	SE	SE							SE			

**The York County Code of Ordinances, Section 155.022, AGRICULTURAL CONSERVATION DISTRICT (AGC) SPECIAL EXCEPTIONS is hereby amended by adding new paragraph (B)(9), as follows:**

**“(B) (9) Event Venues and Large Capacity Event Venues, provided:**

(a) An on-site manager shall be present and available for the duration of all events occurring at the venue. Up-to-date contact information for the on-site manager shall be included on the venue's website, on marketing materials for the venue, and in the venue's operational plan. Updated contact information shall be provided to the Zoning Administrator any time the on-site manager's contact information changes.

(b) An operational plan shall be submitted with the special exception application describing generally how the facility will operate. Substantive changes to the operational plan shall require additional approval by the ZBA. The operational plan shall include, at a minimum, the following items:

(i) Maximum capacity of the facility, based on building code, fire code, and/or parking requirements;

(ii) Contact information for the on-site facility manager;

(iii) Whether the venue will operate seasonally or year-round;

(iv) Type(s) of events anticipated/marketed;

(v) Anticipated annual number of events; and

(vi) How solid waste will be disposed of (private vs. public collection).

(c) The facility is located on a parcel of at least five acres in size;

(d) Vehicular access to the site shall be adequate in terms of width, vertical clearance, and construction to support emergency vehicles, and shall meet all applicable provisions of the adopted Fire Code;

(e) Notwithstanding the provisions of Section 155.440, parking associated with an Event Venue or Large Capacity Event Venue may be constructed of pervious materials; however, handicap parking spaces shall be constructed in accordance with ADA Standards for Accessible Design;

(f) All outdoor areas associated with an Event Venue or Large Capacity Event Venue shall be located at least 200 feet from all dwelling units not located on the same parcel as the venue. This distance shall be measured in a straight line from the edge of the outdoor area nearest the dwelling unit to the dwelling unit. Outdoor areas include, but are not limited to, parking areas, decks, patios, gazebos, fire pits, and docks.

(g) With the exception of parking areas, outdoor areas associated with an Event Venue or Large Capacity Event Venue and located within 300 feet of a dwelling unit not located on the same parcel as the venue shall cease operation by 10 p.m. This distance shall be measured in a straight line from the edge of the outdoor area nearest the dwelling unit to the dwelling unit.

(h) Amplified music or other sound is permitted in all outdoor areas, provided it ends no more than 30 minutes past sunset.

(i) At all times, the facility shall comply with the maximum permitted sound levels identified in Chapter 155, Appendix D – Exhibit 1: Code of York County Performance Standards Agreement.

(j) The maximum number of users an Event Venue or Large Capacity Event Venue may accommodate at one time shall be limited to the maximum capacity of the venue, as determined by applicable building code, fire code, and/or parking requirements. “

**The York County Code of Ordinances, Section 155.037, AGRICULTURAL CONSERVATION I DISTRICT (AGC-I) SPECIAL EXCEPTIONS is hereby amended by adding new paragraph (B)(4), as follows:**

**“(B) (4) Event Venues and Large Capacity Event Venues, provided:**

(a) An on-site manager shall be present and available for the duration of all events occurring at the venue. Up-to-date contact information for the on-site manager shall be included on the venue's website, on marketing materials for the venue, and in the venue's operational plan. Updated contact information shall be provided to the Zoning Administrator any time the on-site manager's contact information changes.

(b) An operational plan shall be submitted with the special exception application describing generally how the facility will operate. Substantive changes to the operational plan shall require additional approval by the ZBA. The operational plan shall include, at a minimum, the following items:

(i) Maximum capacity of the facility, based on building code, fire code, and/or parking requirements;

(ii) Contact information for the on-site facility manager;

(iii) Whether the venue will operate seasonally or year-round;

(iv) Type(s) of events anticipated/marketed;

(v) Anticipated annual number of events; and

(vi) How solid waste will be disposed of (private vs. public collection).

(c) The facility is located on a parcel of at least five acres in size;

(d) Vehicular access to the site shall be adequate in terms of width, vertical clearance, and construction to support emergency vehicles, and shall meet all applicable provisions of the adopted Fire Code;

(e) Notwithstanding the provisions of Section 155.440, parking associated with an Event Venue or Large Capacity Event Venue may be constructed of pervious materials; however, handicap parking spaces shall be constructed in accordance with ADA Standards for Accessible Design;

(f) All outdoor areas associated with an Event Venue or Large Capacity Event Venue shall be located at least 200 feet from all dwelling units not located on the same parcel as the venue. This distance shall be measured in a straight line from the edge of the outdoor area nearest the dwelling unit to the dwelling unit. Outdoor areas include, but are not limited to, parking areas, decks, patios, gazebos, fire pits, and docks.

(g) With the exception of parking areas, outdoor areas associated with an Event Venue or Large Capacity Event Venue and located within 300 feet of a dwelling unit not located on the same parcel as the venue shall cease operation by 10 p.m. This distance shall be measured in a straight line from the edge of the outdoor area nearest the dwelling unit to the dwelling unit.

(h) Amplified music or other sound is permitted in all outdoor areas, provided it ends no more than 30 minutes past sunset.

(i) At all times, the facility shall comply with the maximum permitted sound levels identified in Chapter 155, Appendix D – Exhibit 1: Code of York County Performance Standards Agreement.

(j) The maximum number of users an Event Venue or Large Capacity Event Venue may accommodate at one time shall be limited to the maximum capacity of the venue, as determined by applicable building code, fire code, and/or parking requirements.”

**The York County Code of Ordinances, Section 155.047, RURAL DEVELOPMENT DISTRICT (RUD) SPECIAL EXCEPTIONS is hereby amended by adding new paragraph (B)(7), as follows:**

**“(B) (7) Event Venues and Large Capacity Event Venues, provided:**

(a) An on-site manager shall be present and available for the duration of all events occurring at the venue. Up-to-date contact information for the on-site manager shall be included on the venue's website, on marketing materials for the venue, and in the venue's operational plan. Updated contact information shall be provided to the Zoning Administrator any time the on-site manager's contact information changes.

(b) An operational plan shall be submitted with the special exception application describing generally how the facility will operate. Substantive changes to the operational plan shall require additional approval by the ZBA. The operational plan shall include, at a minimum, the following items:

(i) Maximum capacity of the facility, based on building code, fire code, and/or parking requirements;

(ii) Contact information for the on-site facility manager;

(iii) Whether the venue will operate seasonally or year-round;

(iv) Type(s) of events anticipated/marketed;

(v) Anticipated annual number of events; and

(vi) How solid waste will be disposed of (private vs. public collection).

(c) The facility is located on a parcel of at least five acres in size;

(d) Vehicular access to the site shall be adequate in terms of width, vertical clearance, and construction to support emergency vehicles, and shall meet all applicable provisions of the adopted Fire Code;

(e) Notwithstanding the provisions of Section 155.440, parking associated with an Event Venue or Large Capacity Event Venue may be constructed of pervious materials; however, handicap parking spaces shall be constructed in accordance with ADA Standards for Accessible Design;

(f) All outdoor areas associated with an Event Venue or Large Capacity Event Venue shall be located at least 200 feet from all dwelling units not located on the same parcel as the venue. This distance shall be measured in a straight line from the edge of the outdoor area nearest the dwelling unit to the dwelling unit. Outdoor areas include, but are not limited to, parking areas, decks, patios, gazebos, fire pits, and docks.

(g) With the exception of parking areas, outdoor areas associated with an Event Venue or Large Capacity Event Venue and located within 300 feet of a dwelling unit not located on the same parcel as the venue shall cease operation by 10 p.m. This distance shall be measured in a straight line from the edge of the outdoor area nearest the dwelling unit to the dwelling unit.

(h) Amplified music or other sound is permitted in all outdoor areas, provided it ends no more than 30 minutes past sunset.

(i) At all times, the facility shall comply with the maximum permitted sound levels identified in Chapter 155, Appendix D – Exhibit 1: Code of York County Performance Standards Agreement.

(j) The maximum number of users an Event Venue or Large Capacity Event Venue may accommodate at one time shall be limited to the maximum capacity of the venue, as determined by applicable building code, fire code, and/or parking requirements.”

**The York County Code of Ordinances, Section 155.062, RURAL DEVELOPMENT I DISTRICT (RUD-I) SPECIAL EXCEPTIONS is hereby amended by adding new paragraph (B)(4), as follows:**

“(B) (4) Event Venues and Large Capacity Event Venues, provided:

(a) An on-site manager shall be present and available for the duration of all events occurring at the venue. Up-to-date contact information for the on-site manager shall be included on the venue's website, on marketing materials for the venue, and in the venue's operational plan. Updated contact information shall be provided to the Zoning Administrator any time the on-site manager's contact information changes.

(b) An operational plan shall be submitted with the special exception application describing generally how the facility will operate. Substantive changes to the operational plan shall require additional approval by the ZBA. The operational plan shall include, at a minimum, the following items:

(i) Maximum capacity of the facility, based on building code, fire code, and/or parking requirements;

(ii) Contact information for the on-site facility manager;

(iii) Whether the venue will operate seasonally or year-round;

(iv) Type(s) of events anticipated/marketed;

(v) Anticipated annual number of events; and

(vi) How solid waste will be disposed of (private vs. public collection).

(c) The facility is located on a parcel of at least five acres in size;

(d) Vehicular access to the site shall be adequate in terms of width, vertical clearance, and construction to support emergency vehicles, and shall meet all applicable provisions of the adopted Fire Code;

(e) Notwithstanding the provisions of Section 155.440, parking associated with an Event Venue or Large Capacity Event Venue may be constructed of pervious materials; however, handicap parking spaces shall be constructed in accordance with ADA Standards for Accessible Design;

(f) All outdoor areas associated with an Event Venue or Large Capacity Event Venue shall be located at least 200 feet from all dwelling units not located on the same parcel as the venue. This distance shall be measured in a straight line from the edge of the outdoor area nearest the dwelling unit to the dwelling unit. Outdoor areas include, but are not limited to, parking areas, decks, patios, gazebos, fire pits, and docks.

(g) With the exception of parking areas, outdoor areas associated with an Event Venue or Large Capacity Event Venue and located within 300 feet of a dwelling unit not located on the same parcel as the venue shall cease operation by 10 p.m. This distance shall be measured in a straight line from the edge of the outdoor area nearest the dwelling unit to the dwelling unit.

(h) Amplified music or other sound is permitted in all outdoor areas, provided it ends no more than 30 minutes past sunset.

(i) At all times, the facility shall comply with the maximum permitted sound levels identified in Chapter 155, Appendix D – Exhibit 1: Code of York County Performance Standards Agreement.

(j) The maximum number of users an Event Venue or Large Capacity Event Venue may accommodate at one time shall be limited to the maximum capacity of the venue, as determined by applicable building code, fire code, and/or parking requirements.”



**The York County Code of Ordinances, Sections 155.146, BUSINESS DEVELOPMENT III DISTRICT (BD-III) is hereby amended by adding Event Venues as subsection (H), and re-lettering subsequent subsections, as follows:**

*Add Event Venues as subsection (H), and re-letter the subsequent subsections:*

“(H) Event venues;”

**The York County Code of Ordinances, Sections 155.147, BUSINESS DEVELOPMENT III DISTRICT (BD-III) SPECIAL EXCEPTIONS is hereby amended by adding Large Capacity Event Venues as paragraph (B) (3), and renumber the subsequent paragraphs, and add the following Supplemental Regulations:**

“(B) (3) Large Capacity Event Venues, provided:

(a) An on-site manager shall be present and available for the duration of all events occurring at the venue. Up-to-date contact information for the on-site manager shall be included on the venue's website, on marketing materials for the venue, and in the venue's operational plan. Updated contact information shall be provided to the Zoning Administrator any time the on-site manager's contact information changes.

(b) An operational plan shall be submitted with the special exception application describing generally how the facility will operate. Substantive changes to the operational plan shall require additional approval by the ZBA. The operational plan shall include, at a minimum, the following items:

(i) Maximum capacity of the facility, based on building code, fire code, and/or parking requirements;

(ii) Contact information for the on-site facility manager;

(iii) Whether the venue will operate seasonally or year-round;

(iv) Type(s) of events anticipated/marketed;

(v) Anticipated annual number of events; and

(vi) How solid waste will be disposed of (private vs. public collection).

(c) All outdoor areas associated with a Large Capacity Event Venue shall be located at least 200 feet from all dwelling units not located on the same parcel as the venue. This distance shall be measured in a straight line from the edge of the outdoor area nearest the dwelling unit to the dwelling unit. Outdoor areas include, but are not limited to, parking areas, decks, patios, gazebos, fire pits, and docks.

(d) With the exception of parking areas, outdoor areas associated with a Large Capacity Event Venue and located within 300 feet of a dwelling unit not located on the same parcel as the venue shall cease operation by midnight. This distance shall be measured in a straight line from the edge of the outdoor area nearest the dwelling unit to the dwelling unit.”

The York County Code of Ordinances, Sections 155.445, PARKING (OFF-STREET) AND LOADING is hereby amended, as follows:

<b>OFF-STREET PARKING REQUIREMENTS</b>	
<b><i>Principal Use</i></b>	<b><i>Required Off-Street Parking</i></b>
Auditorium, theater, places of public assembly with fixed seating	One space for each four seats
Event Venues, Large Capacity Event Venues, and other places of public assembly without fixed seating	One space per every four occupants permitted by applicable building code or fire code requirements