

AN ORDINANCE

*TO AMEND THE YORK COUNTY CODE OF ORDINANCES, CHAPTER 155, ZONING CODE, SO AS TO PROVIDE FOR "MICROWINERY," "WINERY TYPE I," AND "WINERYTYPE II "; 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 "MICRO WINERY" AS A SPECIAL EXCEPTION ACCESSORY USE IN RUD AND RUD-I; TO ESTABLISH "WINERY TYPE I" AS A PERMITTED USE IN AGC, AGC-I, BD-III, AND ID; TO ESTABLISH "WINERY TYPE II" AS A PERMITTED USE IN BD-III AND ID , AND A SPECIAL EXCEPTION USE IN AGC AND AGC-I; TO PROVIDE SUPPLEMENTAL REGULATIONS FOR WINERIES TYPE II IN AGC AND AGC-I AND ACCESSORY MICROWINERIES IN RUD AND RUD-I IN ORDER TO ADDRESS ITEMS SUCH AS MINIMUM LOT SIZE, ON-SITE ACTIVITIES, HOURS OF OPERATION, PARKING, SIGNAGE, AND PROOF OF OTHER REQUIRED PERMITS; 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 wineries 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 industry 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 16 day of July, 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: July 16, 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:

**MICRO WINERY.** A facility where grapes or other fruit not typically grown on-site are processed into wine or similar spirits, and that produces no more than 1,500 finished gallons of wine or spirits per year. Such facilities include all aspects of production, including growing, crushing, fermenting, aging, blending, bottling, and storage, as well as administrative offices.

**WINERY,**

- **TYPE I.** A facility where grapes or other fruit are processed into wine or similar spirits. Such facilities include all aspects of production, including growing, crushing, fermenting, aging, blending, bottling, and storage, as well as administrative offices.
- **TYPE II.** A facility meeting the definition of Winery Type I and hosting special events, outdoor events, and/or conducting retail sales.

York County Code of Ordinances Section 155.010 PERMITTED USES AND SPECIAL EXCEPTIONS is hereby amended by Amending the Use Table set out in Paragraph (F) as follows:

Table of Permitted Uses and Special Exceptions															
Uses	Supplemental Regulations?	AGC	AGC-I	PLD	PLD-I	PC-I	PC-II	PD-I	PD-II	PD-I	PD-II	RD-III	UD	LI	LD
<b>MANUFACTURING</b>															
Micro winery	Yes			A SE	A SE										
Winery Type I		P	P									P	P		
Winery Type II	Yes – SE	SE	SE									P	P		

**The York County Code of Ordinances, AGRICULTURAL CONSERVATION DISTRICT (AGC), SECTION 155.021 PERMITTED USES, is hereby amended by adding new subsection (Q), as follows:**

“(Q) Wineries Type I.”

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

“(B) (9) Wineries Type II, provided the following requirements are met:

(a) Minimum Lot Size. The minimum lot size required to establish a Winery Type II is five acres.

(b) Activities. A Winery Type II may include one or more associated Activities, such as, but not limited to:

1. Tasting room;

2. Outdoor gathering areas, provided:

(i) They are located at least 200 feet from all dwelling units not located on the same parcel as the Winery Type II. This distance shall be measured in a straight line from the edge of the outdoor gathering area nearest the dwelling unit to the dwelling unit. Outdoor gathering areas include, but are not limited to, decks, patios, gazebos, fire pits, and docks.

(ii) Amplified music or other sound in outdoor gathering areas shall cease no more than 30 minutes past sunset.

3. Tours of the Winery Type II facility; and

4. Ancillary retail sale of wine produced on the premises and other related goods.

(c) Hours of Operation for Activities. Hours of operation for Activities, as identified in paragraph B(9)(b), shall be limited to between 10am and 8pm Sunday through Wednesday and 10 am and midnight Thursday through Saturday.

(d) Parking.

1. The number of required parking spaces shall be in accordance with the requirements for Industrial, Manufacturing, and Processing Uses, as specified in § 155.445, in addition to parking required for all other principal uses located on the same parcel.

2. Additional parking spaces are required for Winery Type II Activities as specified in the table below; however, if more than one Winery Type II Activity is proposed, the ZBA may consider modifying the number of required parking spaces based on the operational characteristics of the proposed activities.

<b>Winery Type II Activity</b>	<b>Required Off-Street Parking</b>
Tasting room	1 space per each 100 square feet of gross floor area of the tasting room
Outdoor gathering area	1 space per each 100 square feet of the outdoor gathering area

Tours of the Winery facility	1 space per each 2 people that can be accommodated at one time during a tour
Ancillary retail sales	1 space per each 100 square feet of gross floor area of the retail area

3. Notwithstanding the provisions of Section 155.440, parking may be constructed of pervious materials; however, handicap parking spaces shall be constructed in accordance with ADA Standards for Accessible Design.

(e) Signs.

1. Signs shall be located on-premises and comply with the applicable provisions of the County sign ordinances.

2. Signs shall be designed to complement the rural character of the AGC District.

(f) Proof of Other Required Permit Approvals. The applicant shall provide a copy of an approved permit from the State of South Carolina Department of Revenue, Alcohol Beverage Licensing. All Wineries Type II uses shall also comply with applicable agency requirements such as SCDHEC requirements.”

**The York County Code of Ordinances, AGRICULTURAL CONSERVATION I DISTRICT (AGC-I), SECTION 155.036 PERMITTED USES is hereby amended by adding new subsection (R), as follows:**

“(R) Wineries Type I.”

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

“(B) (4) Wineries Type II, provided the following requirements are met:

(a) Minimum Lot Size. The minimum lot size required to establish a Winery Type II is 5 acres.

(b) Activities. A Winery Type II may include one or more associated Activities, such as, but not limited to:

1. Tasting room;

2. Outdoor gathering areas, provided:

(i) They are located at least 200 feet from all dwelling units not located on the same parcel as the Winery Type II. This distance shall be measured in a straight line from the edge of the outdoor gathering area nearest the dwelling unit to the dwelling unit. Outdoor gathering areas include, but are not limited to, decks, patios, gazebos, fire pits, and docks.

(ii) Amplified music or other sound in outdoor gathering areas shall cease no more than 30 minutes past sunset.

3. Tours of the Winery Type II facility; and

4. Ancillary retail sale of wine produced on the premises and other related goods.

(c) Hours of Operation for Activities. Hours of operation for Activities, as identified in paragraph B(4)(b), shall be limited to between 10am and 8pm Sunday through Wednesday and 10 am and midnight Thursday through Saturday.

(d) Parking.

1. The number of required parking spaces shall be in accordance with the requirements for Industrial, Manufacturing, and Processing Uses, as specified in § 155.445, in addition to parking required for all other principal uses located on the same parcel.

2. Additional parking spaces are required for Winery Type II Activities as specified in the table below; however, if more than one Winery Type II Activity is proposed, the ZBA may consider modifying the number of required parking spaces based on the operational characteristics of the proposed activities.

Winery Type II Activity	Required Off-Street Parking
Tasting room	1 space per each 100 square feet of gross floor area of the tasting room
Outdoor gathering area	1 space per each 100 square feet of the outdoor gathering area
Tours of the Winery facility	1 space per each 2 people that can be accommodated at one time during a tour
Ancillary retail sales	1 space per each 100 square feet of gross floor area of the retail area

3. Notwithstanding the provisions of Section 155.440, parking may be constructed of pervious materials; however, handicap parking spaces shall be constructed in accordance with ADA Standards for Accessible Design.

(e) Signs.

1. Signs shall be located on-premises and comply with the applicable provisions of the County sign ordinances.

2. Signs shall be designed to complement the rural character of the AGC-I District.

(f) Proof of Other Required Permit Approvals. The applicant shall provide a copy of an approved permit from the State of South Carolina Department of Revenue, Alcohol Beverage Licensing. All Winery Type II uses shall also comply with applicable agency requirements such as SCDHEC requirements.”

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

“(B) (7) Accessory Micro Wineries, provided the following requirements are met:

(a) Minimum Lot Size. The minimum lot size required to establish an accessory Micro Winery is 5 acres.

(b) The Micro Winery is an accessory use to a permitted residential use.

(c) Activities. An accessory Micro Winery may include one or more associated Activities, limited to:

1. Tasting room, provided the gross floor area comprises 1,000 square feet or less;
2. Outdoor gathering areas, provided:
  - (i) They are located at least 200 feet from all dwelling units not located on the same parcel as the Micro Winery. This distance shall be measured in a straight line from the edge of the outdoor gathering area nearest the dwelling unit to the dwelling unit. Outdoor gathering areas include, but are not limited to, decks, patios, gazebos, fire pits, and docks;
  - (ii) The gross square footage comprises 1,000 square feet or less; and
  - (ii) There is no amplified music or other sound.
3. Tours of the Micro Winery facility; and
4. Ancillary retail sale of wine produced on the premises, provided the gross floor area of the retail area comprises 500 square feet or less.
5. Hours of operation for Activities identified in B(7)(c) shall be limited to between 10am and 8pm Sunday through Wednesday and 10 am and midnight Thursday through Saturday.

(d) Parking.

1. The number of required parking spaces shall be in accordance with the requirements for Industrial, Manufacturing, and Processing Uses, as specified in § 155. 445, in addition to parking required for all other principal uses located on the same parcel.
2. Additional parking spaces are required for Activities as specified in the table below; however, if more than one Activity is proposed, the ZBA may consider modifying the number of required parking spaces based on the operational characteristics of the proposed Activities.

Activity	Required Off-Street Parking
Tasting room	1 space per each 100 square feet of gross floor area of the tasting room
Outdoor gathering area	1 space per each 100 square feet of the outdoor gathering area
Tours of the Micro Winery facility	1 space per each 2 people that can be accommodated at one time during a tour
Ancillary retail sales	1 space per each 100 square feet of gross floor area of the retail area

3. Notwithstanding the provisions of Section 155.440, parking may be constructed of pervious materials; however, handicap parking spaces shall be constructed in accordance with ADA Standards for Accessible Design.

(e) Signs.

1. Signs shall be located on-premises.
2. There shall be no limitation on the number of signs, but the cumulative total area of all signs shall not exceed 16 square feet.
3. Signs shall be designed to complement the rural character of the RUD District.

(f) Proof of Other Required Permit Approvals. The applicant shall provide a copy of an approved permit from the State of South Carolina Department of Revenue, Alcohol Beverage Licensing. All Micro



Winery uses shall also comply with applicable agency requirements such as SCDHEC requirements.”

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

“(B) (4) Accessory Micro Wineries, provided the following requirements are met:

(a) Minimum Lot Size. The minimum lot size required to establish an accessory Micro Winery is 5 acres.

(b) The Micro Winery is an accessory use to a permitted residential use.

(c) Activities. An accessory Micro Winery may include one or more associated Activities, limited to:

1. Tasting room, provided the gross floor area comprises 1,000 square feet or less;

2. Outdoor gathering areas, provided:

(i) They are located at least 200 feet from all dwelling units not located on the same parcel as the Micro Winery. This distance shall be measured in a straight line from the edge of the outdoor gathering area nearest the dwelling unit to the dwelling unit. Outdoor gathering areas include, but are not limited to, decks, patios, gazebos, fire pits, and docks;

(ii) The gross square footage comprises 1,000 square feet or less; and

(ii) There is no amplified music or other sound.

3. Tours of the Micro Winery facility; and

4. Ancillary retail sale of wine produced on the premises, provided the gross floor area of the retail area comprises 500 square feet or less.

5. Hours of operation for Activities identified in B(4)(c) shall be limited to between 10am and 8pm Sunday through Wednesday and 10 am and midnight Thursday through Saturday.

(d) Parking.

1. The number of required parking spaces shall be in accordance with the requirements for Industrial, Manufacturing, and Processing Uses, as specified in § 155. 445, in addition to parking required for all other principal uses located on the same parcel.

2. Additional parking spaces are required for Activities as specified in the table below; however, if more than one Activity is proposed, the ZBA may consider modifying the number of required parking spaces based on the operational characteristics of the proposed Activities.

<b>Activity</b>	<b>Required Off-Street Parking</b>
Tasting room	1 space per each 100 square feet of gross floor area of the tasting room
Outdoor gathering area	1 space per each 100 square feet of the outdoor gathering area
Tours of the Micro Winery facility	1 space per each 2 people that can be accommodated at one time during a tour

Ancillary retail sales	1 space per each 100 square feet of gross floor area of the retail area
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3. Notwithstanding the provisions of Section 155.440, parking may be constructed of pervious materials; however, handicap parking spaces shall be constructed in accordance with ADA Standards for Accessible Design.

(e) Signs.

1. Signs shall be located on-premises.
2. There shall be no limitation on the number of signs, but the cumulative total area of all signs shall not exceed 16 square feet.
3. Signs shall be designed to complement the rural character of the RUD-I District.

(f) Proof of Other Required Permit Approvals. The applicant shall provide a copy of an approved permit from the State of South Carolina Department of Revenue, Alcohol Beverage Licensing. All Micro Winery uses shall also comply with applicable agency requirements such as SCDHEC requirements.”

**The York County Code of Ordinances, BUSINESS DEVELOPMENT III DISTRICT (BD-III), SECTION 155.146 PERMITTED USES is hereby amended by adding new subsections (X) and (Y), as follows:**

- “(X) Wineries Type I.
- (Y) Wineries Type II.”

**The York County Code of Ordinances, INDUSTRIAL DEVELOPMENT DISTRICT (ID), SECTION 155.161 PERMITTED USES is hereby amended by adding new subsections (U) and (V), as follows:**

- “(U) Wineries Type I.
- (V) Wineries Type II.”