

STATE OF SOUTH CAROLINA

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COUNTY OF YORK

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CITY OF YORK

ORDINANCE 23-689

AMENDING APPENDIX A, ZONING ORDINANCE BY REVISING AND UPDATING THE USES ALLOWED EXPLICITLY, CONDITIONALLY AND BY SPECIAL EXCEPTION IN THE B1- CENTRAL BUSINESS ZONING DISTRICT

WHEREAS, the York City Council and Planning Commission find that the Downtown Historic District and B1- Central Business Zoning District are vital components of the City’s overall economic and cultural vitality;

WHEREAS, the York City Council and Planning Commission find that existing zoning requirements should be periodically reviewed and revised as necessary; and

WHEREAS, the York City Council and Planning Commission find that appropriate land uses should be encouraged for the B1- Central Business District that will strengthen the character and atmosphere of the City’s Downtown Historic District.

NOW, THEREFORE, BE IT ORDAINED by the City Council of York, South Carolina, assembled on dates hereafter set forth, that Appendix A, Zoning Ordinance, be amended by revising:

Section III, Definitions by adding the following:

- Gift shop: a shop that sells souvenirs and small items suitable to be given as presents.
- Antique shop: a retail store specializing in the selling of collectible objects such as a piece of furniture or work of art that has a high value because of its considerable age.
- Thrift store: a store selling secondhand clothes and other household goods (typically to raise funds for a charitable institution).

Section VIII, Part 10, B-1 Central Business District as follows (with revisions in red):

A. *Purpose*: It is the intent of this section [section VIII] that the B-1 zoning district be developed and reserved for local or "Main Street" oriented business purposes. The regulations which apply within this district are intended to: (1) Encourage the formation and continuance of a stable, healthy, and compatible environment for uses that are located so as to provide nearby residential areas with convenient shopping service facilities; (2) Reduce traffic and parking congestion; (3) Avoid the development of "strip" business districts; and (4) Discourage industrial and other encroachment capable of adversely affecting the localized commercial character of the district.

B. Permitted uses: Retail business involving the sale of merchandise on the premises, specifically including, but not limited to:

1. Antique store
2. Digital technology.
3. Art supply store or gallery.
4. Book, magazine or newspaper store.
5. Bakery
6. Candy store.
7. Clothing store.
8. Drug store.
9. Grocery/specialty food store.
10. Guesthouse.
11. Motel
12. Residence above business use.
13. Gift shop
14. Furniture store.
15. Insurance and real estate agencies.
16. Newspaper office.
17. Jewelry store.
18. Hobby, toy store.
19. Sporting goods store.
20. Notion or general store.
21. Restaurant.

Businesses involving the rendering of a personal service or the repair and servicing of small equipment including, but not limited to:

1. Bank
2. Bicycle repair and sales shop.
3. Dressmaker, seamstress, tailor.
4. Furniture repair.
5. Locksmith or gunsmith.
6. Schools offering instruction in art, music, dance, drama, physical fitness.
7. Shoe repair shop.
8. Spa/fitness center.
9. Theater (not drive-in).

C. *Conditional uses*: The following uses shall be permitted in the B-1 district on a conditional basis:

1. Contractors' offices, provided no storage of contractor vehicles, equipment or materials on city-owned property or public rights-of-way.
2. Auto accessory store, provided that there shall be no storage of wrecked or junked automobiles; trailers or scrapped or salvaged auto parts on the premises.
3. Pet shop, provided that all animals shall be housed within the principal building so that no sound is perceptible beyond the premises.
4. Residential dwelling units shall be allowed with the exception that street-front tenant spaces be used solely for approved commercial uses. This conditional use is not allowed in highway commercial or general industrial zoning districts.
5. Event venues subject to the following:
  - a. Conditionally allowed based on an occupancy limitation of 150.
  - b. Special exception review is required where the proposed occupancy exceeds 150.
  - c. Minimum of one parking space for every two occupants.
  - d. The maximum occupancy limit applies to the overall property (indoor and outdoor use combined).
  - e. Event venues shall be explicitly allowed in the HC and GI zoning districts.
6. *Single-family dwellings subject to the following:*
  - a. Single-family dwellings are not allowed on any property fronting on North and South Congress Streets and bounded by the following streets:
    - East Madison Street;
    - Garner Street;
    - East Liberty Street;
    - Trinity Street;
    - East Jefferson Street;
    - North Congress Street;
    - South Congress Street.
  - b. Single-family dwellings must meet the following minimum dimensional requirements:
    - 10,000 square feet lot area;
    - 70 feet of street frontage;
    - Setbacks:
      - 25 feet from street right-of-way;
      - Ten feet from side property line;
      - 20 feet from rear property line.
  - c. Single-family dwellings are not allowed in the HC and GI districts.
  - d. For properties located outside of the local historic district, the minimum allowable heated area for new single-family dwellings shall be 1,200 square feet.
  - e.
7. Mobile food establishments subject to the following requirements:
  - a. A mobile food establishment is allowed to setup in the city only two times per week;

- b. Mobile food establishments shall be located a minimum of 200 feet from customer entrance to any established "brick and mortar" restaurant (or with written exception, 100 ft separation is allowed);
- c. All vending operations shall be located not less than 20 feet from the nearest street right-of-way and provide at least two off-street parking spaces;
- d. Only one vendor shall be allowed for each 200 feet of street frontage;
- e. No goods or merchandise offered for sale may be stored in or sold from a tractor-trailer;
- f. Permitted merchandise shall be limited to edibles, hot and cold beverages containing no alcohol, and items related to such merchandise;
- g. Written permission must be obtained from the property representative;
- h. No more than three mobile food vendors shall be allowed on any given lot at the same time without first obtaining a special events permit, except that there shall be no limit on the number of pushcart vendors occupying a particular lot, nor shall there be a limit on the number of pushcart vendors or vendors with small, tow-behind carts occupying a shopping center;
- i. Required parking for the primary business(es) shall be minimally affected;
- j. Signage shall be permitted on the vehicle only to identify the name of the product or the name of the vendor, and the posting of prices. A separate menu board is allowed, not exceeding 12 square feet in area and 40 inches in height. This sign must be located on the same property as and within close proximity to the mobile vending unit, and should not be placed on the sidewalk or in the public right-of-way;
- k. The mobile vendor shall only use single-service plates and utensils. Garbage and recycling receptacles must be available for patron use and removed from the site daily by the vendor;
- l. Vendors shall meet all applicable DHEC regulations for mobile food units and possess a valid DHEC permit where applicable;
- m. Any mobile food vendor or vending unit that has been issued a notice of health violation by any department of the State of South Carolina, which remains uncorrected upon a subsequent inspection, shall have its food vendor permit revoked;
- n. All vendors must obtain from the town an appropriate, current business license
- o. No vendor shall:
- p. Leave any vehicle unattended;
- q. Store, park or leave any vehicle overnight on any street or sidewalk;

- r. Leave from any location without first picking up, removing and disposing of all trash or refuse remaining from sales by the vendor;
- s. Solicit or conduct business with persons in motor vehicles;
- t. Sell anything other than that for which a license to vend has been issued;
- u. Sound or permit the sounding of any device that produces a loud and raucous noise, or use or operate any loudspeaker, public address system, radio, sound amplifier or similar device to attract the attention of the public;
- v. Allow any item relating to the operation of the vending business to lean against or hang from any building or other structure lawfully placed on public property;
- w. Change vending locations without first notifying the planning department and submitting the required permissions and site plan; and
- x. Discharge fat, oil, grease, or waste water into the sanitary sewer system. All waste shall be properly stored and disposed of at a properly designated disposal location.

Exemption(s): The provisions of this section shall not apply to special events, festivals, community projects or public events which occur on a periodic basis and which are specifically approved by county council or as an approved special event. This section shall not apply to activities conducted pursuant to a franchise agreement or other contract with the City of York, South Carolina.

D. The following uses are allowed by special exception:

1. Club, lodge, civic, fraternal, social, or similar nonprofit organization.
2. Automobile sales and service.
3. Automobile service station, provided that all gas pumps shall be set back at least 15 feet from the right-of-way line or all abutting streets and that parking and service areas be separated from adjoining residential properties by a suitable fixed planting screen, fence, or wall at least six feet in height above finish grade.
4. Bowling alley.
5. Massage therapy establishment.
6. Funeral home
7. Flea markets
8. Barber or beauty shops
9. Hardware store
10. Government office
11. Telephone/internet office
12. Tire sales and service
13. New and used automobile sales
14. Printing shop

15. Church/nonprofit
16. Building material supplier
17. Doctors' and dentists' offices
18. Dry cleaning and laundry facility.
19. Entertainment or game facility
20. Brewpub
21. Microbrewery
22. Wine bar
23. Youth center (dancing and music for citizens under 18 years of age without alcoholic beverages being served).

E. *Off-street parking*: Off-street parking shall conform to requirements in section XII [off-street parking requirements], except buildings in existence on the date of the adoption of this ordinance amendment in this district are exempt from the requirements of section XII [off-street parking requirements]. Providing, however, any addition, attached or unattached, to the existing building or any use of the unimproved portion of the land that reduces available parking space shall require the replacement of the lost parking space in accordance with section XII [off-street parking requirements].

F. *Signs*: Signs permitted in B-1 zoning district, including the conditions under which they must be located are set forth in section XIII [signs].

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MICHAEL D. FUESSER, MAYOR

ATTEST:

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Municipal Clerk

First Reading: \_\_\_\_\_

Public Hearing: \_\_\_\_\_

Second Reading: \_\_\_\_\_