

AN ORDINANCE

TO AMEND ORDINANCE 2016-1442, THE UNIFIED DEVELOPMENT ORDINANCE ("UDO"), TO INCREASE THE ALLOWED HEIGHT OF BUILDINGS WITHIN LIGHT INDUSTRIAL AND HEAVY INDUSTRIAL ZONING DISTRICTS.

Be it ordained by the Council of Lancaster County, South Carolina:

Section 1. Findings and Determinations.

The Council finds and determines that:

- (a) The height limit of buildings in the Light and Heavy Industrial (LI and HI) Districts are currently set at fifty feet (50') in height for principal buildings, while accessory buildings are limited to thirty-five feet (35') in height.
- (b) Other counties have more permissive height limits which places Lancaster County in a competitive disadvantage in recruiting industrial companies.
- (c) The proposed text amendment will make building height restrictions in the Light and Heavy Industrial (LI and HI) Districts more consistent with the height restrictions in place with other counties and will remove an impediment to recruitment of industrial companies to Lancaster County.
- (d) The proposed text amendment will accommodate recruitment of businesses to Lancaster County while also providing for the safety of adjacent residential properties.

Section 2. Amendment of Ordinance 2016-1442

Ordinance 2016-1442 (Unified Development Ordinance) Chapter 2.4, District Development Standards, and Chapter 1.4.6, Measurement of Height, are amended as reflected on **Exhibit 1** attached to this Ordinance which is incorporated herein by reference.

The amendments are generally described as follows:

- a) In the LI and HI districts, applicants may request to have non-habitable structures and equipment (principal or accessory) exceed the principal or accessory height limit without the provision of additional setbacks subject to Fire Commission and Fire Marshal Office approval. In no instance shall a non-habitable structure or equipment exceed 90-ft in height.
- b) In the LI and HI districts, non-habitable structures and equipment which are located

within 100-ft of an adjacent residential use or district and are otherwise permitted shall not exceed a height of 70-ft.

- c) Buildings and structures shall comply with height limit requirements in McWhirter Field Aviation Overlay District of the UDO.
- d) Addition and consolidation into Chapter 2 of exemptions for height limits currently listed in Chapter 1.4.6 C and limited modifications of those exemptions, as well as deletion of those exemptions from Chapter 1.4.6 C.

Section 3. Severability.

If any section, subsection or clause of this ordinance is held to be unconstitutional or otherwise invalid, the validity of the remaining sections, subsections and clauses shall not be affected.

Section 4. Conflicting Provisions.

To the extent this ordinance contains provisions that conflict with provisions contained elsewhere in the Lancaster County Code or other County ordinances, the provisions contained in this ordinance supersede all other provisions and this ordinance is controlling.

Section 5. Effective Date.

This ordinance is effective upon Third Reading.

AND IT IS SO ORDAINED

Dated this 12th day of November, 2019.

LANCASTER COUNTY, SOUTH CAROLINA

Steve Harper, Chair, County Council

Larry Honeycutt, Secretary, County Council

ATTEST:

Sherrie Simpson, Clerk to Council

First Reading: September 9, 2019
Second Reading: October 28, 2019
Public Hearing: November 12, 2019
Third Reading: November 12, 2019

Approved as to form:

John DuBose, County Attorney

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1.4.6 MEASUREMENT OF HEIGHT

Building heights shall be as specified in Chapter 2 and Chapter 3 and shall be determined according to the provisions below.

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C. ITEMS NOT INCLUDED IN HEIGHT CALCULATIONS

The height limitations of this ordinance shall not apply to church spires, belfries, cupolas, and domes not intended for human occupancy, monuments, water towers, mechanical penthouses (provided they are set back 20 feet from the front elevation), observation towers, transmission towers, chimneys, smokestacks, conveyors, flagpoles, masts, and antennas (provided evidence from appropriate authorities is submitted to the effect that such building or buildings will not interfere with any airport zones or flight patterns). See Section 4.2.1, MeWhirter Field Aviation Overlay District, and Chapter 5, Use Regulations, for additional height limitations related to airports zones and communications towers.

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Exhibit 1

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STANDARD	Institutional (INS)	Open Space Preservation (OSP)	Light Industrial (LI)	Heavy Industrial (HI)	Mining (M)
1. DEVELOPMENT STANDARDS					
A. District/Development Area (min)	1.5 acres	n/a	2 acres*	6 acres	20 acres
B. Development/District Exterior Setback/Buffer	30 ft setback from adjacent AR, RR, RN, MH, LDR, MDR, HDR, OSP Districts. 10 ft setback from all other adjacent properties and adjacent streets.		25 ft setback from adjacent RB and GB Districts. 50 ft setback from all other adjacent properties and adjacent streets.	75 ft setback from adjacent RB and GB Districts.150 ft setback from all other adjacent properties and adjacent streets. See Below (4)	75 ft setback from adjacent RB and GB Districts.150 ft setback from all other adjacent properties and adjacent streets. See Below (4)
C. Density (max)	n/a	n/a	n/a	n/a	n/a
D, Open Space (min)	6%	n/a	n/a	n/a	n/a
E. Park Space (min)	n/a	n/a	n/a	n/a	n/a
2. LOT STANDARDS					
A. Lot Area (min)	1.5 acres	n/a	n/a	n/a	n/a
B. Lot Width at Front Setback (min)	100 ft	n/a	n/a	n/a	n/a
C. Pervious Surface (min)	n/a	n/a	n/a	n/a	n/a
3. PRINCIPAL BUILDING					
A. Principal Front Setback (min)	40 ft (3)	n/a	40 ft (3)	50 ft (3)	50 ft (3)
B. Street Side/Secondary Front Setback (min)	35 ft	n/a	35 ft	35 ft	35 ft
C. Side (from adjacent lot) Setback (min)	35 ft	n/a	35 ft	35 ft	35 ft
D. Rear Setback (min)	35 ft	n/a	35 ft	35 ft	35 ft
E. Other Standards	See Below (3)	See Below (3)	See Below (3)	See Below (3)	See Below (3)
4. ACCESSORY STRUCTURE					
A. Side Setback	5 ft	n/a	5 ft	5 ft	5 ft
B. Rear Setback	5 ft	n/a	5 ft	5 ft	5 ft
C. Other Standards	See Below (1, 2)	See Below (1, 2)	See Below (1, 2)	See Below (1, 2)	See Below (1, 2)
5. PARKING CONFIGURATION					
A. Parking Location per Section 9.3	7.2.3		7.2.3	7.2.3	7.2.3
B. Parking in Exterior Setback/Buffer	n/a	n/a	n/a	n/a	n/a
6. BUILDING HEIGHT					
A. Principal Building (max)	50 ft	35 ft	50-ft	50-ft	60 ft
B. Accessory Structure (max)	35 ft	35 ft	35 ft	35 ft	35 ft
C. Additional Height Permitted with Additional Setback	1 ft additional height permitted with each 2 ft horizontal setback		1 ft additional height permitted with each 2 ft horizontal setback	1 ft additional height permitted with each 2 ft horizontal setback	1 ft additional height permitted with each 2 ft horizontal setback

- 1. Accessory structures over 600 sf must comply with principal setback requirement.
- 2. No accessory structures may be located on corner lots between the street and wall line of the principal structure.
- 3. For any nonresidential structure which is located immediately adjacent to a single family residential use or district, the lot boundary line minimum distance shall be determined as follows: For every foot building height, the developer shall provide setbacks equal to the height of the building. At no time shall the setback be less than what is indicated in the above table.
- 4. The Development/District Exterior Setback/Buffer shall not apply between adjacent LI and HI districts. A waiver of these requirements may be granted by the Administrator for LI and HI lots existing at the adoption date of this ordinance which do not meet the specified minimum District/Development Area. In such instances

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- the building setback standards for the AR District shall apply. A waiver of these requirements may also be granted by the Administrator in order to permit access to an adjacent railroad right-of-way.
- 5. Subject to approval by the Fire Marshal Office, the height limitations of this ordinance shall not apply to church spires, belfries, cupolas, and domes not intended for human occupancy, monuments, water towers, mechanical penthouses (provided they are set back 20 feet from the front elevation), observation towers, transmission towers, chimneys, smokestacks, tanks, equipment, conveyors, flagpoles, masts, and antennas (provided evidence from appropriate authorities is submitted to the effect that such building or buildings will not interfere with any airport zones or flight patterns). With the exception of water towers, observation towers, transmission towers and antennas, in no instance shall a non-habitable structure exempted under this section exceed a height of 90-ft or 70-ft when located within 100-ft feet of a residential use or district. Said height exemption for non-habitable structures shall also apply to the UDO Chapter 3 MX Districts subject to Fire Marshal Office approval. See Section 4.2.1, McWhirter Field Aviation Overlay District, and Chapter 5, Use Regulations, for additional height limitations related to airports zones and communications towers.

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