

AMENDING THE SPARTANBURG COUNTY UNIFIED LAND MANAGEMENT ORDINANCE, ORDINANCE NUMBER 0-99-015, AS AMENDED, TO PROVIDE CERTAIN DESIGN STANDARDS FOR COMMERCIAL AND INDUSTRIAL USES AND TO PROVIDE FOR THE AMENDMENT OF CERTAIN DEFINITIONS AND FOR CERTAIN NEW DEFINITIONS.

BE IT ORDAINED BY THE SPARTANBURG COUNTY COUNCIL:

SECTION 1. The Spartanburg County Unified Land Management Ordinance, Ordinance Number 0-99-015, as amended, is hereby amended by adding Section 2.02-9, which section shall read as follows:

“2.02-9 Design Standards for Certain Nonresidential Development

1. Purpose

Spartanburg County provides an attractive environment for a variety of residential, institutional, commercial and industrial land uses. Because the County has not attempted to establish preemptive standards determining specific locations for future uses, very different land uses are sometimes located near each other. The County has long had a policy protecting established uses from changes in nearby property that would create significant incompatibilities with the established uses. Although these issues are addressed in part through existing buffer and setback requirements, recent experience has demonstrated to the County that the current rules are not adequate to prevent inappropriate intrusions of commercial uses into or adjacent to residential neighborhoods. The purpose of this section is to provide a set of design standards and a review process to ensure that new commercial and industrial development located within close proximity to a residential neighborhood or use is designed and built to enhance the compatibility of the uses.

2. Applicability

A. Generally

The review process and design standards of this section shall apply to commercial or industrial development defined by this section.:

- within 200 feet of any individual building used primarily as a residence or
- within 200 feet of a public park or institutional use, or
- within 500 feet of any established residential area, which includes:
 - any portion of an approved subdivision that includes 25 or more lots designated for residential use;
 - any group of 10 or more residences, each located within 200 feet of another and all located on one or more minor streets

B. Measurements

Measurements required by this section shall be made as follows:

Distances between two uses on separate parcels or lots shall be measured by the shortest distance between points on the boundaries of the two parcels;

Distances between a subdivision and a parcel or lot shall be measured by the shortest distance between a point on the boundary of the subdivision and a point on the boundary of the parcel.

C. Exceptions

The design standards shall not apply to any of the following:

- A change of tenants or occupants in a multi-user building if the use of the new occupant is similar in intensity or less intense than any use which it replaces or to other uses in the building or complex;

- Expansion of an existing commercial or industrial building which meets each of the following requirements:
 - The expansion is in a direction away from the residential or other use which would trigger the applicability of this section;
 - The expansion does not involve a change in use to a use that is more intense than the existing use;
 - The expansion does not increase the floor area of the building by more than 25 percent; and
 - The expansion will not violate applicable setback requirements or encroach into buffer areas established on the site.
- A change of use in an existing commercial or industrial building which meets each of the following requirements:
 - if there is any change in the exterior walls, any resulting expansion does not increase the floor area of the building by more than 25 percent;
 - the expansion does not involve a change in use to a use that is more intense than a use which has lawfully occupied the premises within any part of the previous 24 months;
 - If the building has not been occupied within the previous 24 months, the proposed use is a low-intensity or medium-intensity commercial use.
- A proposed use which is surrounded by other commercial or industrial uses or buildings;
- A proposed use which is separated from the residential area or institutional use that triggers the applicability of this section by a railroad track or federal highway;
- The addition of a low-intensity or medium-intensity commercial use to a shopping center or other planned commercial development approved after

December 19, 1990, and showing the proposed site as commercial;

- The addition or expansion of an industrial use in an established industrial park or industrial area, provided that the industrial use falls within boundaries reasonably determined from the pattern of existing industrial uses and does not expand those boundaries in the direction of a protected use.

D. Determining Intensity

Intensity shall be determined by using the defined classifications of low intensity commercial, medium intensity commercial, high intensity commercial, light industry and heavy industry. Two uses that fall in the same classification shall be considered to have the same intensity. The following principles shall apply:

- A low intensity commercial use is less intense than any other commercial or industrial use;
- A medium intensity commercial use is less intense than a high intensity commercial use or any industry use;
- A high intensity commercial use is less intense than light industry or heavy industry;
- A light industry is less intense than a heavy industry.

3. Review Process

The review shall be an administrative review. Within thirty days of the filing of a complete application, the County Administrator or the Administrator's designee shall do one of the following:

- 1) If the proposed use conforms with all of the applicable standards, approve the permit;
- 2) If the proposed use substantially conforms with all of the applicable standards and can be made to conform with all of the standards with minor modifications, approve the permit conditioned on such modifications;

3) If the proposed use does not substantially conform with all of the applicable standards, deny the permit, specifying in detail what aspects of the project do not conform with specific standards.

Any person aggrieved may appeal the action of the County Administrator to the Spartanburg County Board of Appeals. On appeal, the Board of Appeals may:

- Affirm the action of the Administrator;
- If it finds error in the action of the Administrator, reverse that action;
- Find that the action of the Administrator was correct based on the standards established in this section but approve the substitution of materials or other modification to the design of the project if it finds that the proposed substitution or other modification is substantially consistent with the purposes of this section. The Board may not through a review under this Section reduce required setbacks or buffers, increase the height of signs, or reduce the required landscaping.

4. Standards

The following design review standards shall apply to uses to which this ordinance is applicable:

- Exterior walls must be brick, stone, wood, stucco, or approved block;
- Flat roofs shall have a parapet wall (not showing above walls), and pitched roofs shall be made of wood or asphalt shingles, clay tiles or steel in approved colors;
- For any building height greater than 24 feet, the building must be set back from side and rear lot lines the distance required by Table 3b PLUS one foot for each foot of height of the building over 24 feet;
- Each front facade (facing the primary street to which the building is oriented) must include at least 10 percent of the wall area as windows or functional doors;

- Parking lots visible from public streets shall be screened from view with shrubs planted along the edge of the parking area. Such shrubs shall be evergreens (3 to 4 feet at maturity), and they shall be planted in a minimum of one row, 5 feet on center (maximum). With the approval of the Administrator, subject to review by the Board of Appeals, existing native trees and shrubs may be maintained in required buffer areas in lieu of new landscape plantings as otherwise required by Table 4 in the ULMO;
- Exterior lighting shall use full cutoff fixtures;
- Each site shall be limited to one monument sign, which shall not exceed 5 feet in height;
- If a site has more than 200 feet of frontage on one or more public roads, a second monument sign shall be permitted;
- Roof signs and wall signs extending above the top of the wall of the building are prohibited;
- Flashing and animated signs are prohibited; this prohibition applies to freestanding signs and to signs affixed to the building; and
- Mechanical equipment, trash dumpsters and similar support facilities shall be clearly shown on the site plan and shall be placed only as shown on the site plan; such facilities shall be screened from adjoining property and from the public street by opaque walls, fences or building extensions, in addition to required landscaping.”

SECTION 2. “Article 6, Definitions” in the Spartanburg County Unified Land Management Ordinance, Ordinance Number 0-99-015, as amended, hereby amends the following definitions:

“Industry, Light - An industrial use or building which, (1) does not utilize process water and which does not produce waste water, (2) contains all aspects of the industrial process within the building, (3) does not exceed a maximum height of two stories and a maximum floor area ratio of 50 percent, and (4) does not produce sound pressure (noise) level in excess of 45 decibels, measured at the nearest property line; (5) does not typically involve more than six trips per day of heavy trucks; and (6) does not involve regular

or frequent maintenance or on-site operation of refrigerator or other heavy trucks;

High Intensity Commercial - Uses in this category may have some or all of the following characteristics:

- Drive-through windows or service lanes;
- Large scale and size; High traffic generation rates (300 or more vehicle trips/1000 square feet gross floor area);
- Live entertainment, amplified music or other activities that regularly generate noise that can be heard outside the building or off the premises; ;
- A type of business typically open for operation after 9 p.m. or before 6 a.m.;
- Outdoor storage of equipment, materials, and trash; and Servicing of vehicles and equipment.”

SECTION 3. “Article 6, Definitions” in the Spartanburg County Unified Land Management Ordinance, Ordinance Number 0-99-015, as amended, is hereby amended by adding in alphabetical order the following definitions:

Commercial Use. Any use or establishment of which the primary activity is the offering of goods or services to the public for a fee or other compensation. Lawful home occupations shall not be considered commercial uses for purposes of this ordinance. Any use meeting the definition of industry as well as of commercial use shall be considered industry.

Industry. The processing or handling of goods other than in a retail setting. Processing includes the manufacture, fabrication, processing, reduction or destruction of any article, substance or commodity or any other treatment thereof in such a manner as to change the form, character or appearance thereof. Handling of goods includes storing and shipping goods and specifically includes storage elevators, truck storage yards, warehouses, wholesale storage and similar activities.”

SECTION 4. “Section 2.02-3.4 Landscaping Plan” in the Spartanburg County Unified Land Management Ordinance, Ordinance Number 0-99-015, is hereby amended to read as follows:

“A landscaping plan is required and the developer is responsible for meeting the landscaping requirements of this Ordinance.”

SECTION 5. This ordinance shall take effect upon third reading approval.

SPARTANBURG COUNTY COUNCIL

By: _____
JEFFREY A. HORTON
Chairman

ATTESTED:

D. GLENN BREED
County Administrator

First Reading: _____
Second Reading: _____
Public Hearing: _____
Third Reading: _____